

Chapter NR 425

**COMPLIANCE SCHEDULES, EXCEPTIONS, REGISTRATION  
AND DEFERRALS FOR ORGANIC COMPOUND EMISSION  
SOURCES IN CHS. NR 419 TO 424**

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**NR 425.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources governed by chs. NR 419 to 424 and to their owners and operators.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31 and 144.38, Stats., to establish time schedules for air contaminant sources governed by chs. NR 419 to 424 to meet the emission limits set for each specific organic compound emission source, to specify exceptions to the requirements of chs. NR 419 to 424, to establish an internal offset system, to establish criteria for granting compliance schedule delays and to create a registration requirement for the use of specified organic compounds.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) and (2), Register, February 1990, No. 410, eff. 3-1-90.

**NR 425.02 Definitions.** In addition to the definitions in this section, the definitions contained in chs. NR 400, 419, 420 and 421 apply to the terms used in this chapter.

(1) "Energy intensive control device" means an air pollution control device or system which consumes energy at a rate in excess of what would be required to heat the exhaust gas stream from 70°F to 800°F, taking into account energy recovered in the form of heat or organic compounds.

(2) "Hydrophobic substrate" means any substrate that is resistant to or avoids wetting. This may include but is not limited to polyethylene, polypropylene, cellophane, metalized polyester, nylon, and mylar.

History: Renum. from NR 154.01, Register, September, 1986, No. 369, eff. 10-1-86; am. (intro.), Register, February, 1990, No. 410, eff. 3-1-90.

**NR 425.03 Compliance schedules.** (1) **EFFECTIVE DATES.** Subsections (2) to (8) do not apply to a source which is in compliance with the emission limitations of chs. NR 419 to 424, provided the source has determined and certified compliance to the satisfaction of the department within 90 days after the date specified in the effective date table, nor do subs. (2) to (7) apply to a source on which construction or modification commenced on or after the specified date. Sources on which construction or modification commenced on or after the date specified in the effective date table shall meet the emission requirements of chs. NR 419 to 424 in accordance with the provisions of sub. (8).

## Effective Date Table

The effective date listed under the DATE column applies to the requirements outlined in all sections listed in the SECTION column to the right of the effective date in this TABLE.

DATE	SECTION
8-1-79	420.03 (5), 420.04 (1) (b), (c) and (f), (2) (b), (c) 1. and 2., (d), (e) and (h), (3) (b) 1 and 2, (c), (e), (f), (g) 1 and 2, (h) and (i), 420.05 (1) to (3), 422.05 to 422.08, 422.09 to 422.12 and 423.03
7-1-80	420.03 (4)
4-1-81	420.03 (6) and (7), 420.04 (1) (d) and (e), (2) (f) and (g), (3) (d) and (g) 3, (4) (b), 420.05 (4), 421.03 (1) to (3), 421.04, 422.13, 422.14, 422.15 and 423.04
10-1-81	420.04 (1) (g), (2) (c) 3 and (3) (b) 3
12-1-83	423.05
2-1-87	422.085

(2) **PROCESS AND EMISSION CONTROL EQUIPMENT INSTALLATIONS.** (a) Except as provided under sub. (5) and s. NR 425.04, the owner or operator of a VOC emission source proposing to install and operate VOC emission control equipment or replacement process equipment to comply with the emission limiting requirements of chs. NR 419 to 424 may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Award contracts for the emission control systems or process equipment or issue orders for purchase of component parts to accomplish emission control within 8 months.
3. Commence construction or installation of the emission control system or process equipment within 13 months.
4. Complete construction or installation of the emission control system or process equipment within 25 months.
5. Achieve final compliance within 26 months of the date specified in the effective date table for that source.

(b) Any owner or operator of a source subject to the compliance schedule of par. (a) shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(3) **LOW SOLVENT CONTENT COATING OR INK.** (a) Except as provided under pars. (b) to (e) and subs. (5) and (7m), the owner or operator of a VOC source proposing to employ low solvent content coating or ink application technology to comply with the requirements of chs. NR 419 to 424 may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.

source would have been required to meet under sub. (2), (3), (4) or (6) if it had been constructed or modified prior to the date specified in the effective date table.

(9) **LEATHER COATING.** Notwithstanding the requirements of subs. (2) to (4), the owner or operator of a leather coating facility which proposes to comply with the requirements of s. NR 422.085 by employing any methods contained in s. NR 422.04 may not exceed the deadlines specified in the following increments of progress, as measured from the date specified in the effective date table for that facility:

(a) Submit final plans for achieving compliance within 3 months. These final plans shall include deadlines for achieving the following increments of progress:

1. Award contracts for equipment modifications or issue orders for the purchase of component parts to accomplish equipment modifications;
2. Commence construction or installation of equipment modifications;
3. Complete construction or installation of equipment modifications.

(b) Achieve final compliance not later than December 31, 1987.

(10) **SOURCES OF VOCs WITH VAPOR PRESSURES LESS THAN OR EQUAL TO 0.1 MILLIMETERS OF MERCURY (0.0019 PSIA) AT STANDARD CONDITIONS.** (a) This subsection applies only to sources constructed or last modified before March 1, 1990 which fail to meet an applicable VOC emission limitation of chs. NR 419 to 424 as a result of the amendment to s. NR 400.02 (100) which became effective on March 1, 1990.

(b) The owner or operator of any source subject to this subsection shall:

1. Notify the department's bureau of air management in writing by 90 days after March 1, 1990. This notification shall identify the name and location of the affected facility and the specific coatings and inks used at that facility which are eligible for the compliance extension under this subsection.

2. Achieve final compliance no later than March 1, 1991.

(c) For sources which were subject to an emission limitation under chs. NR 419 to 424 before March 1, 1990, the compliance schedule in par. (b) shall only apply to those coatings or inks which contained organic compounds with a vapor pressure less than or equal to 0.1 millimeters of mercury (0.0019 psia) at standard conditions and which the source relied on to comply with the applicable emission limitation prior to March 1, 1990.

(d) The department may, by order issued under ss. 144.31 (2) (b) and 144.423, Stats., authorize a source not in compliance with an emission limitation prescribed in chs. NR 419 to 424 as a result of the amendment to s. NR 400.02 (100) which became effective on March 1, 1990 to achieve compliance as expeditiously as practicable but not later than March 1, 1993. The department shall hold a public hearing in accordance with its rules prior to authorizing any period of delayed compliance which exceeds 30 days in duration. No order under this subsection may be issued unless the requirements of s. NR 436.04 (2) (g) and (h) are satisfied.

(11) **BULK GASOLINE PLANTS AND GASOLINE DISPENSING FACILITIES IN DOOR AND KEWAUNEE COUNTIES.** (a) This subsection applies only to bulk gasoline plants and gasoline dispensing facilities located in Door or Kewaunee county on which construction or last modification commenced before November 15, 1992, and which are required to comply with the requirements of s. NR 420.04 (2) or (3).

(b) The owner or operator of any bulk gasoline plant subject to the requirements of s. NR 420.04 (2) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary tank, in gallons, located at the facility, the material stored in each stationary storage tank and the yearly throughput of gasoline at the facility for the calendar years 1990, 1991 and 1992; and

2. Achieve final compliance with s. NR 420.04 (2) no later than November 15, 1994.

(c) The owner or operator of any gasoline dispensing facility subject to the requirements of s. NR 420.04 (3) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary storage tank, in gallons, located at the facility, and the material stored in each stationary storage tank.

2. Achieve final compliance with the requirements of s. NR 420.04 (3) no later than November 15, 1994.

History: Renum. from NR 154.13 (12) (a) (intro.) and (b) to (h) and am. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) table, cr. (9), Register, January, 1987, No. 373, eff. 2-1-87; corrections in (7) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1989; am. (2) (a) (intro.), (3) (a) (intro.) and (e), (4) (a) (intro.), (6) (b) (intro.), (7) (c) and (d) and (8), am. (7m) as renum. from NR 425.04 (4), cr. (10), Register, February, 1990, No. 410, eff. 3-1-90; cr. (11), Register, January, 1993, No. 445, eff. 2-1-93.

**NR 425.035 Throughput reporting and compliance schedules for motor vehicle fueling.** (1) **APPLICABILITY.** This section applies only to owners or operators of gasoline dispensing facilities which are subject to s. NR 420.045.

(2) **THROUGHPUT REPORTING.** The owner or operator of a gasoline dispensing facility which is in operation prior to January 1, 1993, shall submit a report to the department by March 1, 1993, which contains all of the following:

(a) The facility owner and operator;

(b) The facility address, including county;

(c) The date on which the last construction or modification of the facility was completed;

(d) The quantity of gasoline, in gallons, dispensed at the facility for each month of the calendar years 1991 and 1992;

(e) Any period of time during the calendar years 1991 and 1992 when the gasoline dispensing facility was not operating; and

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(f) Certification that the owner of the gasoline dispensing facility is an independent small business marketer if the owner claims exemption from the requirements of s. NR 420.045 by use of s. NR 420.045 (1) (d).

(3) COMPLIANCE SCHEDULES. (a) The owner or operator of a gasoline dispensing facility on which construction or physical modification commenced on or after May 15, 1993, shall do all of the following:

1. Submit a compliance plan to the department at least 60 days prior to start of construction or modification of the vapor recovery system. The compliance plan shall contain, at a minimum, all of the following:

- a. Facility name.
- b. Facility owner and operator, if different from that previously reported under sub. (2).
- c. Facility employee designated to serve as a contact person regarding the vapor recovery system.
- d. Facility address including county.
- e. Number of dispensers and gasoline dispensing nozzles.
- f. Type of vapor recovery system which is proposed for installation at the facility, including California air resources board certification number.
- g. Date the vapor recovery system is expected to be installed.

2. Notify the department at least 5 working days before construction or modification of the vapor recovery system begins.

3. Achieve final compliance with s. NR 420.045 before start-up and initial operation of any new or modified vapor recovery system.

Note: Operation of a vapor recovery system for the sole purpose of confirming that the system is operating properly is allowed before the system must be in compliance with s. NR 420.045.

4. Submit a certification of compliance to the department within 45 days of initial operation of the vapor recovery system. The certification of compliance shall contain, at a minimum, all of the following:

- a. Facility name.
- b. Facility address.
- c. Type of vapor recovery system which has been installed, including California air resources board certification number.
- d. The date the vapor recovery system began operation.
- e. Results of testing required under s. NR 420.045 (7).
- f. Copies of the maintenance logs required under s. NR 420.045 (8) (b) for the first 4 weeks of system operation.

(b) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced on or after November 15, 1990, but before May 15, 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by March 1, 1993.

2. Achieve final compliance with s. NR 420.045 no later than May 15, 1993.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4., by July 1, 1993.

(c) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced before November 15, 1990, and which dispensed more than 100,000 gallons of gasoline per month, on average, for the 24 months immediately preceding January 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by May 1, 1993.

2. Achieve final compliance with s. NR 420.045 no later than November 15, 1993.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4. by January 1, 1994.

(d) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced before November 15, 1990, and which dispensed 100,000 gallons of gasoline or less per month, on average, for the 24 months immediately preceding January 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by May 1, 1994.

2. Achieve final compliance with s. NR 420.045 no later than November 15, 1994.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4., by January 1, 1995.

(e) The owner or operator of a gasoline dispensing facility which becomes subject to the requirements of s. NR 420.045 because of s. NR 420.045 (1) (e) shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. no later than the first day of the third month after the 24 month averaging period in which the facility exceeded the throughput levels established in s. NR 420.045 (1) (c) or (d);

2. Achieve final compliance with s. NR 420.045 no later than the first day of the ninth month after the 24 month averaging period in which the facility exceeded the throughput levels established in s. NR 420.045 (1) (c) or (d); and

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4. within 45 days of the final compliance date established in subd. 2.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93.  
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**NR 425.04 Exceptions, registrations and nonzone season allowances. (1) EXCEPTIONS.** (a) For sources on which construction or modification commenced before August 1, 1979, the provisions of ss. NR 419.05, 419.06 and 424.03 do not apply to the storage, transfer, use or application of saturated halogenated hydrocarbons, perchloroethylene or acetone.

(b) Except for the provisions of s. NR 419.03 (1) and (2) and sub. (2), the requirements of chs. NR 419 to 425 do not apply to the use or application of insecticides, pesticides or herbicides or to the use or emission of trichlorotrifluoroethane (CFC-113), ethane, methane, methylene chloride or methyl chloroform.

(2) **REGISTRATION OF CERTAIN SOLVENTS.** Any person operating a source which has total combined emissions of methylene chloride and methyl chloroform in excess of 0.50 tons in a calendar year shall register the solvent use with the department by February 1 of the year following such use.

(3) **SPECIALIZED COATINGS.** (a) This subsection applies only to sources subject to s. NR 422.15 which, prior to March 1, 1990, applied specialized coatings required by state or federal agencies on products made for their use.

(b) The owner or operator of any source subject to this subsection shall:

1. Notify the department's bureau of air management in writing by 90 days after March 1, 1990.

2. Achieve final compliance for specialized coatings required by state or federal agencies on products made for their use by March 1, 1991.

(c) The department may, by order issued under ss. 144.31 (2) (b) and 144.423, Stats., authorize a source not in compliance with an emission limitation in s. NR 422.15 for specialized coatings required by state or federal agencies on products made for their use to achieve compliance as expeditiously as practicable but not later than March 1, 1993. The department shall hold a public hearing in accordance with its rules prior to authorizing any period of delayed compliance which exceeds 30 days in duration. No order under this subsection may be issued unless the requirements of s. NR 436.04 (2) (g) and (h) are satisfied.

(d) Notwithstanding par. (b), the owner or operator of a source constructed or modified before March 1, 1990 which fails to meet a VOC emission limitation of s. NR 422.15 because of the amendment to s. NR 422.15 (1) (f), which became effective March 1, 1990, may request a variance from the emission limitation.

1. Any request made under this paragraph shall be made in writing and be received by the department on or before March 1, 1991.

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