

Pepin, Pierce, Polk; St. Croix, Trempealeau, and Vernon in Wisconsin, and the counties of Blue Earth, Brown, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Martin, Mower, Nicollet, Olmsted, Rice, Sibley, Steele, Wabasha, Waseca, Watonwan, and Winona in Minnesota.

(c) The Metropolitan Dubuque Interstate Air Quality Control Region includes Grant county in Wisconsin and Clayton, Dubuque, and Jackson counties in Iowa.

(d) The Rockford (Illinois) - Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region includes Rock county in Wisconsin, and Boone, DeKalb, Ogle, Stephenson, and Winnebago counties in Illinois.

(2) INTRASTATE AIR QUALITY CONTROL REGIONS. (a) The Lake Michigan Intrastate Air Quality Control Region consists of the counties of Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago. For purposes of applying rules and regulations the Lake Michigan Air Region is divided into 2 subregions. Winnebago, Outagamie and Brown counties constitute subregion 1. Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Shawano, Sheboygan, Waupaca, and Waushara counties constitute subregion 2.

(b) The Southeastern Wisconsin Intrastate Air Quality Control Region consists of the counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

(c) The Southern Wisconsin Intrastate Air Quality Control Region consists of the counties of Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Richland and Sauk.

(d) The North Central Wisconsin Intrastate Air Quality Control Region consists of the counties of Adams, Forest, Florence, Juneau, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas and Wood.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. and recr. Register, July, 1985, No. 355, eff. 8-1-85; renum. from NR 404.02, Register, September, 1986, No. 369, eff. 10-1-86.

NR 404.04 Ambient air quality standards. (1) APPLICABILITY OF AIR STANDARDS. The air standards apply to the entire state without exception.

(2) SULFUR OXIDES (a) *Primary standards*. The primary standards for sulfur oxides, measured as sulfur dioxide, are:

1. 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.

2. 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour average concentration, not to be exceeded more than once per year.

(b) *Secondary standard*. The secondary standard for sulfur oxides, measured as sulfur dioxide, is: 1300 micrograms per cubic meter (0.5 ppm) - maximum 3-hour average concentration, not to be exceeded more than once per year.

(3) PARTICULATE MATTER: SECONDARY STANDARD. The secondary standard for particulate matter measured as total suspended particulates is

150 micrograms per cubic meter - maximum 24-hour average concentration, not to be exceeded more than once per year.

(4) **CARBON MONOXIDE: PRIMARY AND SECONDARY STANDARDS.** The primary and secondary standards for carbon monoxide are:

(a) 10 milligrams per cubic meter (9 ppm) - maximum 8-hour average concentration, not to be exceeded more than once per year.

(b) 40 milligrams per cubic meter (35 ppm) - maximum 1-hour concentration, not to be exceeded more than once per year.

(5) **OZONE: PRIMARY AND SECONDARY STANDARDS.** The primary and secondary standards for ozone are: 0.12 ppm (235 micrograms per cubic meter) - maximum 1-hour average concentration. The ozone standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above the designated level is equal to or less than one, as determined by the methodology of 40 CFR part 50, Appendix H, incorporated by reference in ch. NR 484.

(6) **NITROGEN DIOXIDE: PRIMARY AND SECONDARY STANDARDS.** The primary and secondary standards for nitrogen dioxide are: 100 micrograms per cubic meter (0.05 ppm) - annual arithmetic mean.

(7) **LEAD: PRIMARY AND SECONDARY STANDARDS.** The primary and secondary standards for lead and its compounds, measured as elemental lead, are: 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter, as a constituent of suspended particulate matter.

(8) **PM<sub>10</sub>: PRIMARY AND SECONDARY STANDARDS.** (a) The primary and secondary standards for PM<sub>10</sub> are:

1. 50 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) - annual arithmetic mean concentration.

2. 150 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) - maximum 24-hour average concentration.

(b) The PM<sub>10</sub> standards are attained when:

1. The expected annual arithmetic mean concentration is less than or equal to 50  $\mu\text{g}/\text{m}^3$ , the level designated in par. (a)1.; and

2. The expected number of days per calendar year with a 24-hour average concentration above 150  $\mu\text{g}/\text{m}^3$ , the level designated in par. (a)2., is equal to or less than one; and

3. The expected concentrations and number of days are determined by the methodology contained in 40 CFR part 50, Appendix K, incorporated by reference in ch. NR 484.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. (1) (b)1. and 2., renum. (1) (b) 3., to be 1., Register, June, 1975, No. 234, eff. 7-1-75; am. (4), Register, August, 1981, No. 308, eff. 9-1-81; reprinted to correct error in (3), Register, November, 1981, No. 311; cr. (7), Register, April, 1983, No. 328, eff. 5-1-83; r. (5), Register, November, 1983, No. 335, eff. 12-1-83; am. Register, July, 1985, No. 355, eff. 8-1-85; renum. from NR 404.03, Register, September, 1986, No. 369, eff. 10-1-86; r. (3) (a), renum. (3) (b) to be (3) and am., cr. (8), Register, September, 1989, No. 405, eff. 10-1-89; am. (5) and (8) (b) 3, Register, May, 1992, No. 437, eff. 6-1-92.

**NR 404.05 Ambient air increments.** (1) **SCOPE.** The ambient air increments apply to all attainment areas of the state.

Register, April, 1995, No. 472

(2) CLASS I INCREMENTS. In any area of this state classified under the federal clean air act as a class I area, the ambient air increments of particulate matter measured as  $PM_{10}$ , sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a)  $PM_{10}$ .

1. Annual arithmetic mean ..... 4 micrograms per cubic meter
2. Twenty-four hour maximum ..... 8 micrograms per cubic meter

(b) *Sulfur dioxide*.

1. Annual arithmetic mean ..... 2 micrograms per cubic meter
2. Twenty-four hour maximum ..... 5 micrograms per cubic meter
3. Three hour maximum ..... 25 micrograms per cubic meter

(c) *Nitrogen dioxide*.

1. Annual arithmetic mean ..... 2.5 micrograms per cubic meter

(3) CLASS II INCREMENTS. In any area of this state classified under the federal clean air act as a class II area, the ambient air increments of particulate matter measured as  $PM_{10}$ , sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a)  $PM_{10}$ .

1. Annual arithmetic mean ..... 17 micrograms per cubic meter
2. Twenty-four hour maximum ..... 30 micrograms per cubic meter

(b) *Sulfur dioxide*.

1. Annual arithmetic mean ..... 20 micrograms per cubic meter
2. Twenty-four maximum ..... 91 micrograms per cubic meter
3. Three hour maximum ..... 512 micrograms per cubic meter

(c) *Nitrogen dioxide*.

1. Annual arithmetic mean ..... 25 micrograms per cubic meter

(4) CLASS III INCREMENTS. In any area of this state classified under the federal clean air act as a class III area, the ambient air increments of particulate matter measured as  $PM_{10}$ , sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a)  $PM_{10}$ .

1. Annual arithmetic mean ..... 34 micrograms per cubic meter
2. Twenty-four hour maximum ..... 60 micrograms per cubic meter

(b) *Sulfur dioxide*.

1. Annual arithmetic mean ..... 40 micrograms per cubic meter
2. Twenty-four hour maximum ..... 182 micrograms per cubic meter
3. Three hour maximum ..... 700 micrograms per cubic meter

(c) *Nitrogen dioxide.*

1. Annual arithmetic mean ..... 50 micrograms per cubic meter

(5) **EXCEPTION FOR NON-ANNUAL CONCENTRATIONS.** Notwithstanding subs. (2) (intro.), (3) (intro.) and (4) (intro.), the ambient air increment of an air contaminant based on concentrations for any period other than an annual period may be exceeded during one such period per year.

(6) **MAXIMUM CONCENTRATION.** The maximum allowable concentration of any air contaminant in any attainment area may not exceed a concentration for such contaminant for each period of exposure equal to the maximum concentrations permitted under the primary or secondary air standards in s. NR 404.04.

History: Cr. Register, April, 1983, No. 238, eff. 5-1-83; renum. from NR 155.035, Register, July, 1985, No. 355, eff. 8-1-85; renum. from NR 404.04, Register, September, 1986, No. 369, eff. 10-1-86; am. (2) (intro.), (3) (intro.) and (4) (intro.), cr. (2) (c), (3) (c) and (4) (c), Register, May, 1992, No. 437, eff. 6-1-92; am. (2) (intro.), (a), (3) (intro.), (a), (4) (intro.), (a), Register, April, 1995, No. 472, eff. 5-1-95.

**NR 404.06 Measurement of ambient air quality. (1) APPLICABILITY.** (a) The department and any person conducting ambient air quality monitoring on its behalf shall use only reference or equivalent methods as specified in sub. (2) or (3) for all ambient air quality monitoring for any air contaminant identified in s. NR 404.04. The ambient monitoring shall conform with the department's handbooks, plans and procedures for air monitoring quality assurance.

(b) Any person required by the department to conduct ambient air quality monitoring shall use only reference or equivalent methods for sampling and analysis as specified in sub. (2) or (3) and shall comply with quality assurance and quality control procedures and the data reporting format which are specified and approved by the department for the collection, analysis, processing and reporting of ambient air quality monitoring data.

(c) Any person who voluntarily conducts ambient air quality monitoring in Wisconsin may request the department to determine that the data being collected are comparable to the air quality data collected under par. (a) or (b). The department may determine that the data are comparable if the voluntary ambient air quality monitoring and the data meet the requirements specified in par. (b).

(d) The department may determine that air quality data submitted to the department for purposes of demonstrating compliance with existing regulations under chs. NR 400 to 499 or in support of a permit or permit application are unacceptable if such monitoring was not conducted in compliance with pars. (a) to (c).

(2) **REFERENCE METHODS.** Ambient air quality monitoring which utilizes a reference monitoring method shall use monitoring methods which conform to the federal reference methods which are specified in 40 CFR part 50, Appendices A to K, incorporated by reference in ch. NR 484, or which have been so designated by the department.

(3) **EQUIVALENT METHODS.** (a) Ambient air quality monitoring which utilizes an equivalent monitoring method shall use monitoring methods which have been published by the department under sub. (4) (a).

Register, April, 1995, No. 472

(b) The department may list a monitoring method as an equivalent method if the department determines that the method satisfies the same requirements for a federal equivalent method as specified in 40 CFR part 53, incorporated by reference in ch. NR 484.

(c) The department shall maintain a list of equivalent methods and shall send a copy of the list to any person upon request. A current copy of the list shall be available for inspection or copying at the department's headquarters office.

Note: The department's headquarters office is located at 101 South Webster Street, Madison, Wisconsin. Mail requests should be addressed to the Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison, WI 53707.

(4) **AIR QUALITY PUBLICATIONS.** The department shall publish documents relating to air quality or to air monitoring, including the following:

(a) The department shall publish or revise a list of equivalent monitoring methods as specified in sub. (3).

(b) The department shall publish, revise and maintain quality assurance plans and handbooks which describe the activities and procedures of the quality assurance and quality control systems.

(c) The department shall publish reports on air quality and related information and data.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85; renum. from NR 404.05, Register, September, 1986, No. 369, eff. 10-1-86; am. (2) and (3) (b), Register, May, 1992, No. 437, eff. 6-1-92.

**NR 404.07 Interpretation of air quality data with respect to air standards.** The department shall, for implementation purposes, take into account levels and variations in natural background levels of contaminants, the quality of air entering a region, abnormal local short-term activities and the numbers and types of persons and property affected.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; renum. from NR 155.05, Register, July, 1985, No. 355, eff. 8-1-85; renum. from NR 404.06, Register, September, 1986, No. 369, eff. 10-1-86.

**NR 404.08 Guidelines for application of air standards.** (1) **LIMITATIONS ON LOCAL PROGRAMS.** No local programs may grant variances or construction or operating permits in conflict with the implementation plan for that region.

(2) **MORE RESTRICTIVE LIMITS.** Any person may be required to reduce emissions below limits established in an implementation plan or by air pollution control rules where emissions cause or substantially contribute to exceeding an air standard in a localized area. In this case, appropriate special orders, which are not general in application, may be issued.

(3) **FUELS AND RAW MATERIALS.** The department may prescribe characteristics of fuels and raw materials for existing and planned facilities in order to assure attainment or maintenance of an air standard, to prevent the degradation of air quality or to prevent air pollution.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. (4), Register, April, 1983, No. 328, eff. 5-1-83; renum. from NR 155.06 and am. (3), Register, July, 1985, No. 355, eff. 8-1-85; correction in (2) made under s. 13.93 (2m) (b) 5, Stats., Register, July, 1985, No. 355; renum. from NR 404.07, Register, September, 1986, No. 369, eff. 10-1-86.