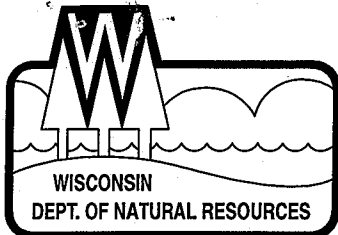


# Clearinghouse Rule 97-041

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor  
George E. Meyer, Secretary

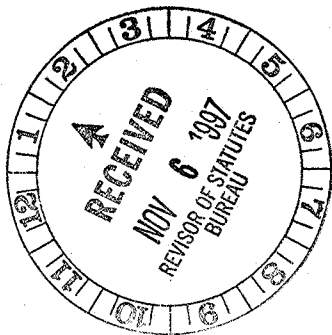
Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
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TDD 608-267-6897

STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. Am-14-97 was duly approved and adopted by this Department on August 27, 1997. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 4th day of November, 1997.



*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

97-041

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
REPEALING, RENUMBERING, RENUMBERING AND AMENDING,  
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order to repeal NR 406.04(2)(g); to renumber NR 400.02(43b), 406.02(1) and (2), 407.14(1)(a), (f), (g) and (i); to renumber and amend NR 407.03(1)(t)4. and 407.14(1)(b), (c), (d) and (h); to amend NR 406.04(1)(c) and (7), 407.01(2), 407.02(4)(b)(intro.), 407.025(1)(a)(intro.), 3., (b)1., 2. and (c) and (2)(a) and (b), 407.03(1)(s), (sm)(intro.) and (t)(intro.), 1. and (4), 407.05(2) and (4)(h)2.c., 3.c. and 4., 407.06(2), 407.08(2), 407.09(1)(f)1. and (4)(a)1. and (b)(intro.), 407.14(1)(title) and (intro.) and 439.03(1)(b) and (c), (2) and (8)(intro.); and to create NR 400.02(43b), 406.02(1) and (2), 406.04(1)(ce), (cm), (i)1.c., (zc) and (zg) and (2)(i) Note, 407.03(1)(ce) and (cm), (t)4. and 5., (3) and (4)(a) to (f), (9) and (10), 407.10(9) and 407.14(1m)(title) and (intro.), relating to the air permit program.

AM-14-97

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a), 285.11(1) and (5), 285.60(4) and (6), 285.62(1), (7) and (8), 285.65 and 285.67, Stats.

Statutes interpreted: ss. 285.11(6), 285.60(1)(b)1. and (4), 285.62(1), (7) and (8), 285.64, and 285.66(3)(c), Stats. The State Implementation Plan developed under those provisions is revised.

Title V of the federal Clean Air Act mandates that states establish air quality permitting programs. U.S. EPA has promulgated regulations for establishment of state operation permit programs under 40 CFR part 70. These regulations set forth the requirements for federal approval of state operation permit programs.

The Department first established its Title V permit program by promulgation of ch. NR 407, Wis. Adm. Code, in December, 1995. Pursuant to the Clean Air Act, EPA reviewed Wisconsin's permit program and found several areas where the program needed to be amended to conform with the federal rules in 40 CFR part 70. EPA granted interim approval of Wisconsin's operation permit program for 2 years. The Department committed to correcting the deficiencies in the program within that 2-year period so that it could obtain full approval of the program from EPA. The necessary statutory changes were made in 1995 Wisconsin Act 27. The changes to ch. NR 407, Operation Permits, in the attached order, implement those statutory changes and make other changes to the permit program to address the deficiencies found by EPA.

The revisions to chs. NR 406 and 407 accomplish several things. The permit flexibility provisions are amended so that they apply to new as well as existing sources. Some of the permit exemptions are revised to ensure that no major sources are exempt from the requirement to obtain a permit. The permit application section is amended to include application requirements for new sources that will not be in compliance with air pollution laws at the time of permit issuance. The permit application section is also being amended to clarify that permit applicants have the duty to submit supplemental or corrected information to the Department and also have the duty to submit truthful information. Several sections are amended to reflect statutory changes that extend the "application shield" to new sources, instead of just existing sources. The permit content section of the rule is amended to state that permit renewal applications may be denied if the source is operating in violation of its permit. In addition, the section dealing with permit revisions by the Department is changed to conform with federal requirements that certain revisions be mandatory and not within the Department's discretionary authority.

Other revisions to chs. NR 406 and 407, Construction Permits and Operation Permits, create additional permit exemptions for equipment installed at a variety of different facilities. A goal of these rule revisions is to keep exemptions between the construction and operation permit programs consistent. New recordkeeping requirements will make exemptions enforceable.

An obsolete provision s. NR 406.04(2)(g), is repealed. The provision that is being repealed is a redundant provision. A general exemption from a construction permit requires all general exemption criteria to be met. The redundant provision requires the maximum theoretical emissions of any pollutant not covered in the other general exemption conditions to be less than 6 lbs/hour in order for someone to qualify for the general exemption. Since all criteria pollutants, state hazardous air contaminants and sources subject to federal hazardous air pollutant requirements are covered under current exemptions, this provision is no longer needed.

Revisions to ch. NR 439 clarify the need for all documents required by the operation permit program to be submitted to the Department and certified by the responsible official.

New requirements for the ch. NR 407 (Title V) operation permit program in this proposed rule are equivalent and no more stringent than the federal provisions. Other new requirements for the state operation permit program in ch. NR 407 and the construction permit program in ch. NR 406 provide permit exemptions, but do not exempt sources required to obtain permits under federal law. Provisions in ch. NR 439 are equivalent and no more stringent than the federal provisions.

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SECTION 1. NR 400.02(43b) is renumbered 400.02(43a).

SECTION 2. NR 400.02(43b) is created to read:

NR 400.02(43b) "Grinding mill" means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator or air classifier, where such systems are used.

SECTION 3. NR 406.02(1) and (2) are renumbered 406.02(3) and (4).

SECTION 4. NR 406.02(1) and (2) are created to read:

NR 406.02(1) "Initial crusher" means, at a nonmetallic mineral processing plant, any crusher into which nonmetallic minerals can be fed without prior crushing in that plant.

(2) "Initial grinding mill" means, at a nonmetallic mineral processing plant, any grinding mill into which nonmetallic minerals can be fed without prior crushing in that plant.

SECTION 5. NR 406.04(1)(c) is amended to read:

NR 406.04(1)(c) Equipment which is designed to dry grain at a rate of not more than 1,500 bushels per hour at 5% moisture extraction and which is not subject to ~~ch. NR 440~~ s. NR 440.47.

SECTION 6. NR 406.04(1)(ce), (cm), (i)1.c., (zc) and (zg) are created to read:

NR 406.04(1)(ce) Grain storage facilities with an average tonnage of grain received of less than 5500 tons per month and which are not subject to s. NR 440.47. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility sells, acting as a broker, which is never actually received at the grain storage facility.

(cm) Grain processing facilities with an average tonnage of grain received of less than 4500 tons per month and which are not subject to s. NR 440.47. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility receives that is packaged when received and remains packaged.

(i)1.c. The equipment will be in operation for less than 12 months.

(zc) The addition or replacement of the following equipment at a nonmetallic mineral processing facility which has an operation permit or which has filed a complete application for an operation permit pursuant to ch. NR 407:

1. Any crusher other than an initial crusher.

2. Any grinding mill other than an initial grinding mill.
3. Any screening operation.
4. Any bucket elevator.
5. Any belt conveyor.
6. Any bagging operation.
7. Any storage bin.
8. Any grizzly.
9. Any pan feeder.
10. Any other nonmetallic mineral processing equipment subject to s. NR 440.688 other than an initial crusher or initial grinding mill.

(zg) Equipment that temporarily increases steam generation capability at a source provided that all of the following conditions are met:

1. The equipment will be installed and operated only when at least one of the permanent steam generating units at the source is out of service for maintenance, repair or an emergency.
2. The equipment will not be operated for more than 3,200 hours and will be shut down and removed within 9 calendar months after installation.
3. Only natural gas will be used as fuel in the equipment.
4. The equipment will meet all applicable emission limits.
5. All applicable monitoring requirements will be met during the equipment's period of use.
6. Use of the equipment will not cause or exacerbate an exceedance of any ambient air quality standard or ambient air increment in s. NR 404.04 or 404.05.
7. A complete application for exemption is submitted to the department for approval. The application shall contain all of the following:
  - a. A description of the equipment.

b. The reason for the need to use the equipment.

c. A description of how the conditions in subs. 1. to 6. will be met.

8. The department approves the application for exemption submitted under subd. 7. The department shall approve or deny the exemption in writing within 10 business days after receipt of a complete application.

SECTION 7. NR 406.04(2)(g) is repealed.

SECTION 7A. NR 406.04(2)(i) Note is created to read:

NR 406.04(2)(i) Note: Sections 285.60(1)(b)1. and 285.62(8), Stats., and s. NR 407.04(1)(b)3. require that a complete operation permit application or revision to an application be submitted to the department prior to commencing construction or modification of the equipment exempted under this section. A source which already has an operation permit must apply for a revision of that permit under s. NR 407.11, 407.12 or 407.13.

SECTION 8. NR 406.04(7) is amended to read:

NR 406.04(7) CONDITIONS FOR SPECIFIC EXEMPTIONS. In order to be eligible for a specific exemption under sub. (1)(~~ce~~), (~~cm~~), (d), (g), (h), (j), (m), (o), (y) or (z), the owner or operator of a direct stationary source shall keep and maintain records of materials used, emissions or production rates, that are adequate to demonstrate that the source qualifies for the exemption. The owner or operator of a direct stationary source shall begin keeping these records no later than January 1, 1996 in order to qualify for exemption under sub. (1)(d), (g), (h), (j), (m), (o), (y) or (z), the effective date of this subsection .... [revisor inserts date] in order to qualify for exemption under sub. (1)(ce) or (cm), or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. ~~After January 1, 1996, any~~ Any direct stationary source that ever

exceeds any level listed in sub. (1)(~~ce~~), (~~cm~~), (d), (g), (h), (j), (m), (o), (y) or (z) is not thereafter eligible for the exemption under that subsection.

SECTION 9. NR 407.01(2) is amended to read:

NR 407.01(2) PURPOSE This chapter is adopted under ss. 285.11(1), (5), (6) and (16), 285.17, 285.60, 285.62, 285.65(13) and 285.67, Stats., to establish a schedule of dates for the submission of operation permit applications and a schedule of dates for requiring operation permits for various categories of ~~existing~~ direct stationary sources and to specify the content of operation permit applications and operation permits. This chapter also sets forth procedures for revising, suspending and revoking operation permits.

SECTION 10. NR 407.02(4)(b)(intro.) is amended to read:

NR 407.02(4)(b)(intro.) A stationary source that directly emits, or has the potential to emit, 100 tpy or more of any air contaminant other than particulate matter emissions. For particulate matter emissions, a stationary source is a major source if it has, or has the potential to emit, 100 tpy of PM<sub>10</sub> emissions. The fugitive emissions of a stationary source may not be considered in determining whether it is a major source for the purposes of this definition, unless the source belongs to one of the following categories of stationary sources:

SECTION 11. NR 407.025(1)(a)(intro.), 3., (b)1., 2. and (c) and (2)(a) and (b) are amended to read:

NR 407.025(1)(a)(intro.) The owner or operator of ~~an existing~~ a stationary source that has an operation permit, or for which a timely and complete application has been submitted, may make a change to the stationary source that contravenes an express term of an operation permit without first obtaining a permit revision if all the following apply:

3. The change does not cause the ~~existing~~ stationary source to exceed the emissions allowable under the permit, whether expressed in the permit as an emissions rate or in terms of total emissions.

(b)1. For each change allowed under par. (a), the owner or operator of the ~~existing~~ stationary source shall provide the department and, for part 70 sources, the administrator, with written notification of the proposed change a minimum of 21 days in advance of the date on which the proposed change is to occur. The written notification shall include a brief description of the change within the stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

2. The owner or operator of the ~~existing~~ stationary source may not make the proposed change if the department informs the person before the end of the 21-day period provided in subd. 1. that the proposed change is not one authorized under this subsection.

(c) The owner or operator of the ~~existing~~ stationary source, the department and the EPA, if applicable, shall attach each notification of a change made under this subsection to their copy of the relevant operation permit.

(2)(a) The department shall, if a an owner or operator of ~~an existing~~ a stationary source requests it, issue an operation permit that contains terms and conditions, including all terms required under s. NR 407.09(1), (2) and (4), allowing for the trading of emissions increases and decreases at the ~~existing~~ stationary source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the operation permit independent of otherwise applicable requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department may not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. Any



operation permit issued pursuant to this subsection shall require compliance with all applicable requirements.

(b) For any trade allowed in an operation permit pursuant to par. (a), the owner or operator of the ~~existing~~ stationary source shall provide the department and, for part 70 sources, the administrator, with written notification a minimum of 7 days in advance of the date on which the proposed trade is to occur. The written notification shall state when the change is proposed to occur and shall describe the changes in emissions that will result and how these changes in emissions will comply with the terms and conditions of the permit.

SECTION 12. NR 407.03(1)(ce) and (cm) are created to read:

NR 407.03(1)(ce) Grain storage facilities with an average tonnage of grain received of less than 5500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility sells, acting as a broker, which is never actually received at the grain storage facility.

(cm) Grain processing facilities with an average tonnage of grain received of less than 4500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility receives that is packaged when received and remains packaged.

SECTION 13. NR 407.03(1)(s), (sm)(intro.) and (t)(intro.) and 1. are amended to read:

NR 407.03(1)(s) Bulk gasoline plants which distribute gasoline or other petroleum products and which have an average daily gasoline throughput of less than 15,000 liters (4000 gallons), based on a 30-day rolling average.

(sm)(intro.) The following procedures for the remediation or disposal of soil or water contaminated with organic compounds, provided the potential to emit, considering emission control devices, for any hazardous air contaminant listed in Table 1 to Table 5 of s. NR 445.04 is not greater than the emission rate listed in Table 1 to Table 5 of s. NR 445.04 for the air contaminant at the respective stack height, the procedure is not a major source and the procedure is not subject to any standard or regulation under section 111 or 112 of the act (42 USC 7411 or 7412):

(t)(intro.) A combination of emission units which consists of not more than one each of the following specific categories of sources, unless the combination of units is a major source:

1. Fuel burning equipment otherwise exempt under par. (a) or (u).

SECTION 14. NR 407.03(1)(t)4., is renumbered to NR 407.03(1)(t)6. and as renumbered is amended to read:

NR 407.03(1)(t) 6. Only one of the other specific category exemptions listed in pars. (c), (d) ~~and~~ (g) to (s) and (v) to (z).

SECTION 15. NR 407.03(1)(t)4. and 5., are created to read:

NR 407.03(1)(t)4. Grain storage facilities otherwise exempt under par. (ce).

5. Grain processing facilities otherwise exempt under par. (cm).

SECTION 16. NR 407.03(3) is created to read:

NR 407.03(3) EXEMPT EQUIPMENT. Equipment installed under s. NR 406.04(1)(i) or (zg) is exempt from needing an operation permit under this chapter.

SECTION 17. NR 407.03(4) is amended to read:

NR 407.03(4) CONDITIONS FOR SPECIFIC EXEMPTIONS. In order to be eligible for a specific exemption under sub. (1)(ce), (cm), (d), (g), (h), (o), (s), ~~(sm)~~, (w) or (x), the owner or operator of a direct stationary source shall keep and maintain the records of materials used, emissions or production rates, whichever is appropriate, that are adequate to demonstrate that the source qualifies for the exemption required under pars. (a) to (f), as applicable. The records shall be kept in a manner that allows the source to accurately calculate the required information on a monthly basis. The owner or operator of a direct stationary source shall begin keeping ~~these~~ the records required under pars. (b) to (f) no later than January 1, 1994, and the records required under par. (a) no later than the effective date of this subsection .... [revisor inserts date], or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. (1)(d), (g), (h), (o), (s), (sm), (w) or (x) is not eligible for the exemption under that subsection. After the effective date of this subsection .... [revisor inserts date], any direct stationary source that ever exceeds any level listed in sub. (1)(ce) or (cm) is not eligible for the exemption under that subsection. The records required are as follows:

SECTION 18. NR 407.03(4)(a) to (f) are created to read:

NR 407.03(4)(a) To be exempt under sub. (1)(ce) or (cm), records of the tons of grain received at the grain storage or processing facility per month.

(b) To be exempt under sub. (1)(d), records of the cubic yards of concrete produced by the Portland concrete batch plant per month.

(c) To be exempt under sub. (1)(g) or (h), records of the amounts used and VOC content of all VOC containing materials used at the facility per month.

(d) To be exempt under sub. (1)(o), records of the number of hours that the laboratory operates, the amounts, VOC content and hazardous air contaminant content of all materials used and the amount, type and sulfur content of all fuels used per month.

(e) To be exempt under sub. (1)(s), records of the daily gasoline throughput for the bulk plant.

(f) To be exempt under sub. (1)(w) or (x), records of the tons of material produced at a ledge rock quarry or sand mine per month, or for ledge rock quarries exempt for operating less than 365 days in a 5-year period, records indicating each day that the quarry operates.

Note: Between January 1, 1994 and the effective date of this subsection ... [revisor inserts date], s. NR 407.03(4) contained recordkeeping requirements which were less specific than those set forth in pars. (b) to (f) above. Compliance with the recordkeeping requirements in this subsection will be assessed based on the administrative rule in effect at the time.

SECTION 19. NR 407.05(2) and (4)(h)2.c., 3.c. and 4. are amended to read:

NR 407.05(2) Application materials may be submitted on paper or in an electronic format. The applicant shall file ~~3~~ 2 copies of all forms and other materials required by the application which are submitted on paper. The applicant shall file one copy of all forms and other materials which are submitted in an electronic format. These materials shall be submitted to the Wisconsin ~~department of natural resources, bureau of air management, permits section,~~ Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921, Attention: Operation permits.

(4)(h)2.c. For requirements for which ~~an existing~~ a stationary source is not proposed to be in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with the requirements.

3.c. ~~For existing sources, a~~ A compliance schedule for sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a series of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judgment, judicial consent decree or stipulation or administrative order to which the source is subject.

4. A schedule for submission of progress reports, certified pursuant to par. (j), no less frequently than every 6 months for ~~existing~~ stationary sources which are not in compliance with all applicable requirements on the date of permit issuance.

SECTION 20. NR 407.05(9) and (10) are created to read:

NR 407.05(9) An applicant who has failed to submit relevant facts or has submitted incorrect information in a permit application shall, after becoming aware of this fact, promptly submit the supplemental or corrected information. In addition, an applicant shall provide any additional information as necessary to address any requirements that become applicable after the date he or she filed a complete application, but prior to publication of a public notice under s. 285.62(3)(c), Stats.

(10) All material statements, representations and certifications in a permit application shall be truthful.

SECTION 21. NR 407.06(2) is amended to read:

NR 407.06(2) After an application for an operation permit has been initially deemed complete, the department may require additional information, including other information than that requested on the application forms, as needed to process the application. The department shall

specify, in writing, a reasonable time period, of not less than 30 days, for the applicant to submit the requested information. The applicant may request and the department may grant a reasonable extension of the time period to submit the requested information. If the applicant does not supply the information requested by the date specified, the authorization for ~~an existing~~ a stationary source to operate under s. 285.62(8), Stats., shall no longer apply to the source.

SECTION 22. NR 407.08(2) is amended to read:

NR 407.08(2) NEW OR MODIFIED SOURCES. Except as provided in ~~s.~~ ss. 285.60(1)(a)2. and 285.62(8), Stats., no new or modified source which is required to obtain an operation permit under s. 285.60(1)(b), Stats., and this chapter may operate without an operation permit issued by the department.

SECTION 23. NR 407.09(1)(f)1. is amended to read:

NR 407.09(1)(f)1. The permittee has the duty to comply with all conditions of the permit. Any noncompliance with the operation permit constitutes a violation of the statutes and is grounds for enforcement action; for permit suspension, revocation or revision; or, ~~if allowed under s. 285.62(7), Stats.,~~ for denial of a permit renewal application.

SECTION 24. NR 407.09(4)(a)1. and (b)(intro.) are amended to read:

NR 407.09(4)(a)1. Compliance testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document required under an operation permit and submitted to the department, including reports, shall contain a certification by a responsible ~~corporate~~ official that meets the requirements of s. NR 407.05(4)(j).

(b)(intro.) All operation permits for ~~existing~~ stationary sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance shall contain a compliance schedule as described in s. 285.64(1)(a)1., Stats., and a schedule for submission of progress reports, consistent with the applicable compliance schedule, ~~to~~. The progress reports shall be submitted at least semiannually, or more frequently if specified in the applicable requirement or by the department. Progress reports shall contain the following:

SECTION 25. NR 407.10(9) is created to read:

NR 407.10(9) Notwithstanding the permit shield provision in section 504(f) of the act (42 USC 7661c(f)), a source which the department has determined may be covered by a general permit may be prosecuted for operation without an operation permit if the source is later determined not to qualify for the conditions and terms of the general permit.

SECTION 26. NR 407.14(1)(title) and (intro.) are amended to read:

NR 407.14(1)(title) MANDATORY REVISIONS. (intro.) The department ~~may, on its own motion,~~ shall revise an operation permit for any of the following reasons:

SECTION 27. NR 407.14(1)(a) is renumbered 407.14(1m)(a).

SECTION 28. NR 407.14(1)(b), (c), (d) and (h) are renumbered 407.14(1)(a), (b), (c) and (d) and 407.14(1)(b) and (c), as renumbered, are amended to read:

NR 407.14(1)(b) There is a change in any applicable requirement, a new applicable requirement, or an additional applicable requirement, and there are 3 or more years remaining in the permit term.

(c) There is a change in any applicable emission limitation, ambient air quality standard or ambient air quality increment that requires either a temporary or permanent reduction or elimination of the permitted emission, and there are 3 or more years remaining in the permit term.

SECTION 29. NR 407.14(1)(f), (g) and (i) are renumbered 407.14(1m)(b), (c) and (d).

SECTION 30. NR 407.14(1m)(title) and (intro.) are created to read:

NR 407.14(1m)(title) DISCRETIONARY REVISIONS. (intro.) The department may revise an operation permit for any of the reasons listed in sub. (1), regardless of the years remaining in the permit term, or for any of the following reasons:

SECTION 31. NR 439.03(1)(b) and (c), (2) and (8)(intro.) are amended to read:

NR 439.03(1)(b) ~~An owner or operator of~~ The responsible official for a source which has been issued an operation permit under s. 285.62, Stats., or an order under s. 285.13(2), Stats., shall submit the results of monitoring required by the permit or order no less often than every 6 months, or more frequently if required by the department. In lieu of submission of all monitoring results, a summary of the monitoring results may be submitted to the department. The summary shall include sufficient data for the department to determine whether the source is in compliance with the applicable requirements to which the monitoring relates. The semiannual monitoring report may be consolidated with the quarterly excess emission report required under s. NR 439.09 when submission of both these reports is required. The department may reduce the frequency of submission of this semiannual monitoring report for non-part 70 sources. In addition to the reporting requirements under subs. (4) to (6), all deviations from and violations of applicable requirements shall be clearly identified in the monitoring reports.



(c) After an operation permit has been issued to a source by the department, the ~~owner or operator of~~ responsible official for the source shall annually, or more frequently if specified in an applicable requirement or in the permit, certify the source's compliance status with the operation permit in accordance with subs. (8) and (10). The methods used to determine compliance status under this paragraph shall be the same methods which are required under s. NR 407.09(1)(c)1.

(2) ~~The owner or operator of a source~~ A person requested to submit information under sub. (1) may subsequently be required to submit annually, or at such other intervals as specified by the department, reports detailing any changes in the nature of the source since the previous report and the total quantities of the air contaminants emitted.

(8)(intro.) The ~~owner or operator of a source~~ responsible official required to certify the source's compliance status under sub. (1)(c) shall include in each certification the following information:

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The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 27, 1997.

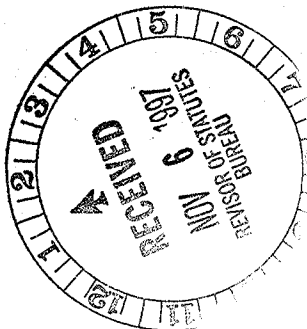
The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

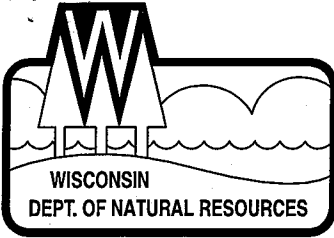
Dated at Madison, Wisconsin November 4, 1997.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)





**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

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November 4, 1997

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

*Gary*  
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-14-97. These rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

*George*  
George E. Meyer  
Secretary

Enc.

