

Report to
Legislative Council Rules Clearinghouse
NR 433, Wis. Adm. Code
Natural Resources Board Order No. AM-04-06

Wisconsin Statutory Authority

ss. 227.11(2)(a), 227.14(1m) and 285.11(1) and (6), Stats., interpreting s. 285.11(6), Stats.

Federal Authority

Federal regional haze rule – 70 FR 39104

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The Department is proposing a rule to address BART related State Implementation Plan (SIP) revisions which are required by the federal regional haze rule. The Federal regulations require all states, including Wisconsin, to develop State Implementation Plans to address visibility impairment in mandatory Class I Federal Areas (Class I Areas) by December 2007. One of the provisions of the federal regulations is the application of BART requirements to major stationary sources that meet certain criteria relating to amount and type of emissions, installation date and source category. The proposed rule requires that the affected facilities perform an engineering analysis for the BART determination which shall be based on an analysis of the best systems of continuous emission control technology available and associated emission reductions achievable for each source subject to BART. This analysis is to be performed on a source-by-source basis taking into account the criteria provided by the federal regulation. The net effect of the proposed rule would be to examine potential emission control technologies for SO₂, NO_x and particulate matter from approximately 10 power plants and 4 pulp and paper mills that meet the criteria in the federal regulations and to determine BART for those emission sources.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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