

Clearinghouse Rule 07-082

Report to
Legislative Council Rules Clearinghouse
NR 404 and 484, Wis. Adm. Code
Natural Resources Board Order No. AM-23-07

Wisconsin Statutory Authority

ss. 285.11(1) and (6) and 285.21(1)(a), Stats., interpreting s. 285.21(1)(a), Stats.

Federal Authority

40 CFR Part 50

Court Decisions Directly Relevant

None

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

The U.S. Environmental Protection Agency (EPA) has revoked National Ambient Air Quality Standards (NAAQS) for total suspended particulate matter (TSP) and annually-averaged particulate matter less than 10 micrometers in diameter (PM₁₀) and promulgated new NAAQS for particulate matter less than 2.5 micrometers in diameter (PM_{2.5}). Related to these NAAQS changes, EPA revised the monitoring requirements. The proposed rule revisions would update the ambient air standards for particulate matter in ch. NR 404 and the monitoring requirements in ch. NR 484 to reflect the NAAQS changes. This would assure that the Wisconsin Administrative Code is consistent with the NAAQS for particulate matter, as required under s. 285.21(1)(a), Stats., and reflect the science of particle pollution effects on human health.

If any areas in the state are designated as nonattainment for the new air quality standards, the Department is required to develop an air quality state implementation plan to ensure that the ambient air quality standards are attained and maintained in those areas.

If the TSP air standard is repealed, the air permitting process may be shortened since the modeling and analysis for particulate matter impacts would focus solely on PM₁₀ emissions. The fugitive dust provisions in s. NR 415.04 would not be directly affected by the repeal of the TSP air standard, since these provisions are not expressly related to having a TSP ambient air standard, but rather are focused on "fugitive dust" as defined in s NR 415.02(2).

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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