

Clearinghouse Rule 06-047

Report to
Legislative Council Rules Clearinghouse
NR 406, 407 and 410, Wis. Adm. Code
Natural Resources Board Order No. AM-09-06

Wisconsin Statutory Authority

ss. 285.11(1) and (6) and 285.60(6), Stats., interpreting s. 285.60(6), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

In 2003, s. 285.60(6)(b), Stats., was created as part of 2003 Wisconsin Act 118. This law requires the Department to exempt minor sources from the requirement to obtain air permits if emissions from the source do not present a significant hazards to public health, safety, welfare or to the environment. The Department has examined current permit exemptions in light of this and believes that an expansion of those exemptions is required under the statutes. The proposed rule changes contain the following three elements:

1. Exemption from operation and construction permitting requirements for facilities which have actual emissions of each criteria pollutant (other than lead) of less than 10 tons/year, and which are not subject to additional control requirements such as federal hazardous air pollutant standards.
2. Exemption from construction permitting requirements of any construction/modification type of project at a facility where the project will have actual emissions of criteria pollutants (other than lead) of less than 10 tons/year, and which is not subject to additional control requirements such as federal hazardous air pollutant standards.
3. Add an \$800 exemption review fee for all projects which claim exemption under #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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Submitted on May 9, 2006