

Clearinghouse Rule 06-079

Report to
Legislative Council Rules Clearinghouse
NR 406 and 410, Wis. Adm. Code
Natural Resources Board Order No. AM-08-06

Wisconsin Statutory Authority

ss. 227.11(2)(a) and 285.11(1) and (6), Stats., interpreting ss. 285.11(6), 285.60(5m) and 285.69(1d), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

Section 285.60(5m), Stats., as created by 2003 Wisconsin Act 118) requires the Department, by rule, to allow sources who file an air pollution control construction permit application to request a construction permit waiver under certain circumstances. Construction permit waivers would allow a facility to start on-site preparation, including, but not limited to, site clearing, grading, dredging or landfilling prior to receiving a construction permit when necessary to avoid undue hardship. The Department must act on the waiver request within 15 days of receipt of the request. There is a \$300 non-refundable fee associated with filing a waiver request.

Section NR 406.03(2) contains criteria for allowing a facility to obtain a commence construction waiver. The facility must first submit a complete construction permit application and a waiver request. Section NR 410.03(1)(bm) establishes the fee.

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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