

Report to  
Legislative Council Rules Clearinghouse  
NR 440, Wis. Adm. Code  
Natural Resources Board Order No. AM-05-06

Wisconsin Statutory Authority

ss. 227.11(2)(a), 285.11(1) and 285.27(1)(a), Stats., interpreting s. 285.11(1), Stats.

Federal Authority

40 CFR Part 60

Court Decisions Directly Relevant

None

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

Under section 111 of the Clean Air Act, the U.S. Environmental Protection Agency is required to promulgate regulations establishing standards of performance of new stationary sources (NSPS). These standards are contained in 40 CFR Part 60. The Department is required, under s. 285.27(1)(a), Stats., to incorporate these standards into rule, and does so in ch. NR 440. Periodically it is necessary to amend ch. NR 440 to address changes the EPA makes to existing NSPS and to incorporate standards promulgated by EPA for new source categories. These proposed revisions address changes made by the EPA between July 1994 and April 2005 to general requirements which apply to all source categories, and to the specific standards for 60 individual source categories. Requirements relating to mercury emission from certain electric steam generating units which EPA promulgated on May 18, 2005 and subsequently amended are not proposed here. Those requirements will be address separately in Natural Resources Board Order No. AM-32-05. Standards for 5 source categories not currently included in ch. NR 440 are also being proposed.

The proposed revisions are not expected to be controversial since they are substantively identical to the federal standards already in effect.

Agency Procedures for Promulgation

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

Description of any Forms (attach copies if available)

None

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