

Clearinghouse Rule 07-040

Report to
Legislative Council Rules Clearinghouse
NR 400, 406, 407, 410 and 439 Wis. Adm. Code
Natural Resources Board Order No. AM-12-07

Wisconsin Statutory Authority

ss. 227.11(2)(a), 285.11(1), (6) and (16), 285.60(6), 285.67 and 285.69, Stats., interpreting ss. 227.11(2)(a) and 285.11(1) and (6), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is also being revised

Federal Authority

The Clean Air Act in 40 CFR

Court Decisions Directly Relevant

None

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

Some changes in chs. NR 400 and 407 are updating definitions and other revisions to the federal standards regarding fugitive emissions and permitting standards. Additional changes in chs. NR 406 and 407 clarify when a construction permit is needed for sources covered under general operation permits. Portable source relocation limitations found in ch. NR 406 will be amended by changing the numerical emission limitations to language limiting the relocation limitations to less than major source thresholds.

Section NR 410.03 will be amended so construction permits can be issued concurrently with operation permits, streamlining the process for minor revisions to those permits. The revision is being made so that the collection of permit fees and the issuance of an operation permit are independent of each other. If fees are not paid, the Department has the ability to revoke a permit or to refer the source to the Department of Justice to collect the fees.

Chapters NR 439 and 462 have different and conflicting stack test requirements for boilers that are subject to national emission standards for hazardous air pollutants, maximum achievable control technology (MACT). The proposed amendment to ch. NR 439 allows boilers subject to that MACT standard to use the testing schedule in ch. NR 462 rather than the current requirements in ch. NR 439.

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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