

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
AM-24-07

NOTICE IS HEREBY GIVEN that pursuant to ss. 285.11(1), 285.13 and 285.17, Stats., interpreting ss. 285.11(1), 285.13 and 285.17, Stats., the Department of Natural Resources will hold a public hearing on revisions to chs. NR 406, 407 and 445, Wis. Adm. Code, relating to the timeline for implementation of air permit and hazardous air pollutant requirements for emissions associated with agricultural waste and minor technical corrections. The State Implementation Plan developed under s. 285.11(6), Stats., is also revised.

The proposed rule will extend the compliance deadline to July 31, 2011 for air permit and hazardous air pollutant requirements associated with agricultural waste under chs. NR 406, 407 and 445. The reason this rule is needed is that results of ongoing state and federal air monitoring studies of animal feeding operations will not be available in time to support implementation of current rules by the July 2007 and June 2008 compliance deadlines. Extension of the compliance deadline to July 31, 2011 will allow sufficient time for completion of these studies and development of compliance plans by affected sources. When the original rule language was adopted in 2004, it was anticipated that these study results would be available to support timely rule implementation.

The results of the state study will be available by mid-2008 and results of the federal study will be available by mid-2010. The study results will provide an emissions estimation methodology for calculating emissions associated with agricultural waste, which is necessary to determine rule applicability and compliance options.

In addition, this proposal includes minor technical corrections to ch. NR 445.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rules may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Sources of hazardous air emissions associated with agricultural waste. It is anticipated this rule will impact large livestock operations.
- b. Description of reporting and bookkeeping procedures required: None
- c. Description of professional skills required: None

The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

September 10, 2007 Room 511, GEF #2 Office Building, 101 South Webster Street, Madison
Monday at 1:30 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Bob Eckdale at (608)

266-2856 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and supporting documents, including the fiscal estimate may be viewed and downloaded and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. (Search this Web site using the Natural Resources Board Order No. AM-24-07. Written comments on the proposed rule may be submitted via U.S. mail to Ms. Eileen Pierce, South Central Regional Air and Waste Leader, 3911 Fish Hatchery Road, Madison, WI 53711 or by e-mail to Eileen.Pierce@wisconsin.gov. Comments may be submitted until September 14, 2007. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. If you do not have Internet access, a personal copy of the proposed rule and supporting documents, including the fiscal estimate may be obtained from Robert Eckdale, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 or by calling (608) 266-2856.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary