

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
RENUMBERING, RENUMBERING AND AMENDING,  
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order to **renumber** NR 439.07(8)(b), (d), (e), (f), (g), (h), (j), (k), (m) and (o); to **renumber and amend** NR 439.07(8)(c), (i) and (n); to **amend** NR 400.02(40), (70), (79) and (135), 409.02(34), 410.04(2)(b)2. and (4), 415.02(9), 419.07(3)(intro.), (e) and Note, 420.02(31) and (41), 420.03(1)(a), 422.02(67m), 422.04(2)(intro.) and (a), 423.05 (title), (1)(intro.), (2) and (3), 431.05(1), 439.055(6), 439.06(1), 439.07(2)(intro.), (8)(a) and (9)(intro.), 439.08(1)(a), (b), (c) and (d) and (2)(b) and (c), 439.085(2)(a)1., (b)1. and (c)1. and (3)(a)1., 439.09(intro.), 439.095(1)(intro.) and (a) and (5)(a)(title) and (intro.), 1., 2.(intro.) and b., 3. And 4., 439.10, 447.02(18) Note, 447.13(1)(a)4., 448.01(2) Note, 449.01(2) Note, 484.03(3), 484.04(22) and (4), 484.10(1), (2), (4), (6) to (8), (12), (13), (21), (25), (25m), (27) to (34), (40), (41m), (44), (45), (49) to (51), (53), (54) and (55g); and to **create** NR 419.07(3)(f), 424.03(1)(c)5., 439.07(8)(b)(title) and (intro.), (c)(title) and 3., (d)(title) and 2., (e) and (f), 439.075(4)(a)4. and 5., 439.085(2)(intro.) and (3)(intro.), 439.095(1)(g) and (5)(g) and 447.08(1)(am), relating to clarification of compliance language for air management regulations.

AM-11-03

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a) and 285.11(1), Stats.

Statutes interpreted: s. 285.11(6), Stats. The State Implementation Plan developed under that provision is revised.

The Air Management program is proposing changes to clarify compliance related rule provisions in Chapters NR 400, 409, 410, 415, 419, 420, 422, 423, 424, 431, 439, 447, 448, 449 and 484, Wisconsin Administrative Code. The changes are necessitated by changes in federal reference test methods, updates of provisions incorporated by reference, errors in current chapters, and compliance clarification language, where the Department has found through experience and application in the field, that portions of the existing codes were not clear.

The proposed revisions are clarifying in nature and do not make the rules more restrictive.

The consent of the Attorney General and the Revisor of Statutes will be requested for the incorporation by reference of updated test methods in ch. NR 484.

SECTION 1. NR 400.02(40), (70), (79) and (135) are amended to read:

NR 400.02(40) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous or lignite by ASTM designation ~~D388-98~~ D388-99e, incorporated by reference in s. NR 484.10(7).

(70) "Fuel oil" means any petroleum-based fuel, including diesel fuel or petroleum derivatives such as oil tar, as defined in ASTM ~~D396-98~~ D396-02, incorporated by reference in s. NR 484.10(8), and any recycled or blended petroleum products or petroleum by-products used as a fuel whether in a liquid, solid or gaseous state.

(79) "Heat input" means the total gross calorific value per unit of time of all fuels being burned, where gross calorific value of a fuel is measured by ASTM Method ~~D240-92~~ D240-02, D1826-94 or ~~D2015-96~~ D5865-02, incorporated by reference in s. NR 484.10(4), (26) and ~~(31)~~ (55g). Where the test method gives a higher and a lower heating value, heat input is calculated in Btu per hour using the higher heating value of the fuel.

(135) "Residual fuel oil" means an industrial fuel oil of grade No. 4, 5 or 6, as determined by the specifications

in ASTM ~~D396-98~~ D396-02, incorporated by reference in s. NR 484.10(8).

SECTION 2. NR 409.02(34) is amended to read:

NR 409.02(34) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined in ASTM ~~D975-98a~~ D975-02, incorporated by reference in s. NR 484.10(13).

SECTION 3. NR 410.04(2)(b)2. and (4) are amended to read:

NR 410.04(2)(b)2. Except as provided under sub. (4), emissions in excess of ~~4,000~~ 5,000 tons per year of any air contaminant from any one facility.

(4) UTILITIES WITH ACID RAIN PHASE I AFFECTED UNITS. Notwithstanding sub. (2)(b)2., the department shall charge fees on emission in excess of ~~4,000~~ 5,000 tons per year of any air contaminant from any facility operated by a utility that owns or operates any acid rain phase I affected unit to the extent necessary to recover the fees that would have been charged to that utility if the exemption under sub. (2)(b)1. did not exist.

SECTION 4. NR 415.02(9) is amended to read:

NR 415.02 (9) "Silt content" means that portion by weight of a particulate material which will pass through a no. 200 (75 µm) wire sieve as determined by the dry method in ASTM ~~C136-96a~~ C136-01, incorporated by reference in s. NR 484.10(1), or other method approved by the department.

SECTION 5. NR 419.07(3)(intro.), (e) and Note are amended to read:

NR 419.07(3) EXEMPTIONS. (intro.) Any ~~person using one of the procedures~~ procedure or activity listed in this subsection is exempt from the requirement ~~to submit for submittal of~~ a remediation notification form under sub. (2) and is exempt from the emission limits specified in sub. (4) except those contained in ch. NR 445:

(e) ~~Wastewater Discharge to a wastewater treatment plants~~ plant that is operated in accordance with ch. 283, Stats.

Note: Wastewater treatment plants are not exempt from air permit requirements.

SECTION 6. NR 419.07(3)(f) is created to read:

NR 419.07(3)(f) A project exempt from notification under s. NR 706.07.

SECTION 7. NR 420.02(31) and (41) are amended to read:

NR 420.02 (31) "Reid vapor pressure" means the absolute vapor pressure of volatile crude petroleum and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by ASTM ~~D323-94~~ D323-99a, incorporated by reference in s. NR 484.10(6).

(41) "Waxy, heavy pour crude petroleum" means a crude petroleum with a pour point of 10 °C (50 °F) or higher as determined by ASTM ~~D97-96a~~ D97-02, incorporated by reference in s. NR 484.10(2).

SECTION 8. NR 420.03(1)(a) is amended to read:

NR 420.03(1)(a) Storage vessels being used for number 2 through number 6 fuel oils as specified in ASTM ~~D396-98~~ D396-02, gas turbine fuel oils numbers 2-GT through 4-GT as specified in ASTM ~~D2880-98~~ D2880-00, or diesel fuel oils numbers 2-D and 4-D as specified in ASTM ~~D975-98a~~ D975-02. These ASTM standards are incorporated by reference in s. NR 484.10(8), (40) and (13).

SECTION 9. NR 422.02(67m) is amended to read:

NR 422.02(67m) "Pretreatment wash primer" means a primer that is applied directly to metal substrates and which contains at least 0.50% acid by weight, as measured according to ASTM ~~D1613-96~~ D1613-02, incorporated by reference in s. NR 484.10(25m), and is used to provide surface etching, corrosion resistance and enhanced adhesion of subsequent coatings.

SECTION 10. NR 422.04(2)(intro.) and (a) are amended to read:

NR 422.04(2)(intro.) The surface coating or printing emission limitations shall be achieved by one of the following:

(a) The application of low solvent content coating or ink technology.

SECTION 11. NR 423.05 (title), (1)(intro.), (2) and (3) are amended to read:

**NR 423.05 (title) ~~Petroleum liquid~~ Liquid VOC solvent dry cleaning.** (1)(intro.) **APPLICABILITY.** This section applies, ~~subject to the provisions of s. NR 425.03, to petroleum liquid VOC solvent washers, dryers, solvent filters, settling tanks, vacuum stills, piping, ductwork, pumps, storage tanks, and other containers and conveyors of petroleum liquid VOC solvent that are used in a petroleum liquid VOC solvent dry cleaning facility which has maximum theoretical emissions of VOCs from the facility greater than or equal to one of the following:~~

(2) **REQUIREMENTS.** (a) The owner or operator of a ~~petroleum liquid VOC solvent dry cleaning facility~~ shall limit VOC emissions from each ~~petroleum liquid VOC solvent dry cleaning dryer~~ to an average of 3.5 kilograms per 100 kilograms, dry weight, of articles cleaned, or install and operate a solvent recovery dryer in a manner such that the dryer remains closed and the recovery phase continues until the flow rate of recovered solvent no longer exceeds 50 milliliters per minute.

(b) The owner or operator of a ~~petroleum liquid VOC solvent dry cleaning facility~~ shall reduce the VOC content of all filtration wastes to not more than 1.0 kilogram per 100 kilograms, dry weight, of articles cleaned before disposing of such wastes or exposing them to the atmosphere, or install and operate a cartridge filtration system, and drain the filter cartridges in their sealed housings for at least 8 hours before removing them.

(c) The owner or operator of a ~~petroleum liquid VOC solvent dry cleaning facility~~ shall repair all solvent vapor and liquid leaks within 3 working days of their discovery. If necessary repair parts are not on hand, the owner or operator shall order them within 3 working days following discovery of solvent vapor or liquid leaks and repair the leaks within 3 working days following receipt of the parts.

(3) **COMPLIANCE SCHEDULES.** ~~(a) This subsection applies only to~~ The requirements of this section are applicable on startup except that a petroleum liquid dry cleaning facility in existence on January 1, 1994 and which meets one of the following criteria:

~~1. The facility is located in the county of Door, Kewaunee, Manitowoc, Sheboygan or Walworth.~~  
~~2. The facility is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha and~~  
was not subject to this section prior to January 1, 1994.

~~(b) The owner or operator of any source identified under par. (a) shall:~~

~~1. Notify the department's bureau of air management in writing by April 1, 1994. This notification shall provide the name and location of the affected facility and include VOC emission data if necessary to support eligibility under this subsection.~~

~~2. Achieve achieve final compliance with the requirements of this section no later than May 31, 1995.~~

SECTION 12. NR 424.03(1)(c)5. is created to read:

NR 424.03(1)(c)5. This section does not apply to any individual cold cleaning, batch vapor degreasing, or conveyORIZED degreasing operation that is subject to ch. NR 469.

SECTION 13. NR 431.05(1) is amended to read:

NR 431.05(1) When combustion equipment is being cleaned or a new fire started, emissions may exceed number 1 of the Ringlemann chart or 20% opacity but may not exceed number 4 of the Ringlemann chart or 80% opacity for ~~5~~ 6 minutes in any one hour. Combustion equipment may not be cleaned nor a fire started more than 3 times per day.

SECTION 14. NR 439.055(6) is amended to read:

NR 439.055(6) For any air pollution control equipment or monitoring instrumentation not specifically identified in ~~sub.~~ subs. (1) and (2), the department may require, in an operation permit or order, and after consultation with the owner or operator of the facility, monitoring of air pollution control equipment operational variables and may specify the frequency of the monitoring and the type of monitoring instrumentation.

SECTION 15. NR 439.06(1) is amended to read:

NR 439.06(1) NONFUGITIVE PARTICULATE EMISSIONS. The owner or operator of a source shall use Method 5, 5A, 5B, 5D, 5E, 5F, 5G, 5H, 5I or 17 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), ~~or and when required,~~ Method 202 in 40 CFR part 51, Appendix M, incorporated by reference in s. NR 484.04(9), to determine compliance with a nonfugitive particulate emission limitation.

SECTION 16. NR 439.07(2)(intro.) is amended to read:

NR 439.07(2)(intro.) EMISSION TEST NOTIFICATION AND TEST PLAN SUBMITTAL. The department shall be notified in writing at least 20 business days in advance of a compliance emission test, including initial certification tests and relative accuracy tests performed under s. NR 439.09, to provide the department an opportunity to have a representative present to witness the testing procedures. The notice shall provide a test plan which includes, but need not be limited to, the following:

SECTION 17. NR 439.07(8)(a) is amended to read:

NR 439.07(8)(a)(title) General provisions. Except as provided for in par. (c), ~~(j), (k), or (m)~~ (d), (f) or (g), an emission test shall consist of a minimum of 3 representative repetitions, as determined by the department, of the

applicable test method with a minimum sampling time of one hour per repetition. Shorter sampling times as referenced in par. (g) may be used with the written approval of the department. The arithmetic mean of the results of all repetitions shall be used to determine compliance with an emission limitation. In addition, the following requirements apply:

SECTION 18. NR 439.07(8)(b) is renumbered NR 439.07(8)(b)1.

SECTION 19. NR 439.07(8)(b)(title) and (intro.) are created to read:

NR 439.07(8)(b) (title) *Particulate matter*. (intro.) When compliance with a particulate emission limitation is determined using Method 5, 5A, 5B, 5D, 5E, 5F, 5G, 5H, 5I or 17 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), the test shall consist of 3 representative repetitions. In addition, the following provisions apply:

SECTION 20. NR 439.07(8)(c) is renumbered NR 439.07(8)(g) and NR 439.08(8)(g)(intro.), as renumbered, is amended to read:

NR 439.07(8)(g)(title) *Exceptions*. (intro.) With department approval, compliance with pars. (a) to (e) may be determined as the arithmetic mean of 2 representative repetitions if 3 repetitions cannot be used to determine compliance because of any of the following circumstances:

SECTION 21. NR 439.07(8)(c)(title) and 3. are created to read:

NR 439.07(8)(c)(title) *Sulfur dioxide emissions*.

3. When compliance with a sulfur dioxide emission limitation is determined using Method 6C in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), the test shall consist of 3 representative repetitions.

SECTION 22. NR 439.07(8)(d), (e), (f), (g) and (h) are renumbered NR 439.07(8)(b)2., 3., 4., 5. and 6.

SECTION 23. NR 439.07(8)(d)(title) and 2. are created to read:

NR 439.07(8)(d)(title) *Nitrogen oxide emissions*.

2. When compliance with a nitrogen oxide emission limitation is determined using Method 7C, 7D or 7E in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), the test shall consist of 3 representative repetitions.

SECTION 24. NR 439.07(8)(e) and (f) are created to read:

NR 439.07(8)(e) *Organic compound emissions*. When compliance with an organic compound emission limitation is determined using Methods 18, 25, 25A or 25B in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), the test shall consist of a minimum of 3 representative repetitions.

(f) *Visible emissions*. When compliance with a visible emission limitation is determined using Method 9 in 40 CFR part 60, Appendix A-4, incorporated by reference in s. NR 484.04(13), the test shall be performed based on the either of the following time criteria, unless otherwise specified in any applicable regulation, permit or compliance order:

1. For a new construction permit, operation permit or a renewal of an operation permit, the minimum total time of observations shall be 60 minutes, consisting of 10 6-minute averages.

2. For any other circumstances, the minimum total time of observations shall be 18 minutes, consisting of 3 6-minute averages.

SECTION 25. NR 439.07(8)(i) is renumbered NR 439.07(8)(a)1., and amended to read:

NR 439.07(8)(a)1. The gas flow rate, in dry standard cubic feet per minute, shall be determined during each repetition of an emission test using Method 1, 1A, 2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3, 3A, 3B and 4 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), as applicable.

SECTION 26. NR 439.07(8)(j) is renumbered NR 439.07(8)(c)1.

SECTION 27. NR 439.07(8)(k) is renumbered NR 439.07(8)(c)2.

SECTION 28. NR 439.07(8)(m) is renumbered NR 439.07(8)(d)1.

SECTION 29. NR 439.07(8)(n) is renumbered NR 439.07(8)(b)7. and amended to read:

NR 439.07(8)(b)7. The department may require the owner or operator of a source, with the exception of sources ~~affected by~~ subject to the requirements of ch. NR 440, capable of emitting condensible particulate matter to include an analysis of the back half of the ~~stack sampling train catch in the total particulate catch for any emission test using Method 5, 5A, 5B, 5D, 5E, 5F, 5G, 5H, 5I or 17, in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13), stack sampling train in the total particulate catch.~~ This procedure and analysis shall be performed by methods and procedures approved, in writing, by the department using Method 202 in 40 CFR part 51, Appendix M, incorporated by reference in s. NR 484.04(9).

SECTION 30. NR 439.07(8)(o) is renumbered NR 439.07(8)(a)2.

SECTION 31. NR 439.07(9)(intro.) is amended to read:

NR 439.07(9) EMISSION TEST REPORTING REQUIREMENTS. (intro.) The owner or operator of the source tested, including initial certification tests and relative accuracy tests performed under s. NR 439.09, shall submit 2 copies of the emission test report to the department within 60 days after completion of a compliance emission test if no samples were collected by the department witness. If samples were collected by the department, the test report shall be submitted within 30 days after the results from the test samples have been reported to the source owner or operator by the department. If requested, the department may grant an extension of up to 30 days for test report submittal. The failure to include the following information in an emission test report may result in rejection of the test. The emission test report shall include, but need not be limited to, the following information:

SECTION 32. NR 439.075(4)(a)4. and 5. are created to read:

NR 439.075(4)(a)4. The department may grant an extension of up to 180 days for compliance emission testing if the owner or operator of a direct stationary source requests an extension, in writing, and can demonstrate that a

representative emissions test cannot be performed within the time frames specified in sub. (3)(b).

5. No periodic compliance emission testing for sulfur dioxide emissions is required under this section for any affected emission point which performs periodic fuel sampling and analysis under s. NR 439.085, according to s. NR 439.08.

SECTION 33. NR 439.08(1)(a), (b), (c) and (d) and (2)(b) and (c) are amended to read:

NR 439.08(1)(a) *Coal sampling.* Coal sampling shall be performed according to ASTM ~~D2234-00~~ D2234-02, Standard Practice for Collection of a Gross Sample of Coal, incorporated by reference in s. NR 484.10(33).

(b) *Preparing coal for analysis.* Preparation of a coal sample for analysis shall be performed according to ASTM ~~D2013-00ae1~~ D2013-01, Standard Method of Preparing Coal Samples for Analysis, incorporated by reference in s. NR 484.10(30).

(c) *Sulfur content in coal.* The sulfur content of a coal sample shall be determined according to ASTM D3177-89, Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke, or ASTM ~~D4239-00~~ D4239-02, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, both incorporated by reference in s. NR 484.10(45) and (53).

(d) *Heat content in coal.* The heat content of a coal sample shall be determined according to ASTM ~~D5865-99a~~ D5865-02, Standard Test Method for Gross Calorific Value of Coal and Coke, incorporated by reference in s. NR 484.10(55g).

(2)(b) *Sulfur content in liquid fossil fuel.* The sulfur content of a liquid fossil fuel sample shall be determined according to ASTM D129-00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), ASTM ~~D1552-00~~ D1552-01, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), or ASTM ~~D4294-98~~ D4294-02, Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectroscopy, incorporated by reference in s. NR 484.10(3), (25) and (54).

(c) *Heat content in liquid fossil fuel.* The heat content of a liquid fossil fuel sample shall be determined according to ASTM ~~D240-92~~ D240-02, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by a Bomb Calorimeter, incorporated by reference in s. NR 484.10(4).

SECTION 34. NR 439.085(2)(intro.) is created to read:

NR 439.085(2) REQUIREMENTS FOR COAL BURNING INSTALLATIONS.(intro.) The coal burning rate for an installation shall be based on the maximum permitted capacity. If the permit does not limit the capacity, the total heat input capacity shall be used:

SECTION 35. NR 439.085(2)(a)1., (b)1. and (c)1. are amended to read:

NR 439.085(2)(a)1. Perform coal sampling, using the procedures in ASTM ~~D2234-00~~ D2234-02, incorporated by reference in s. NR 484.10(33), which result in data at least as reliable as classification I-B-1, defined in ASTM ~~D2234-00~~ D2234-02 as automatic sampling — full stream cut — systematic spacing, and analyze these samples for ash content, sulfur content and heat content according to the applicable methods and procedures in s. NR 439.08(1).

(b)1. Perform coal sampling using the procedures in ASTM ~~D2234-00~~ D2234-02, which result in data at least as reliable as classification I-C-2, defined in ASTM ~~D2234-00~~ D2234-02 as automatic sampling — part stream cut — random spacing, and analyze these samples for ash content, sulfur content and heat content according to the applicable

methods and procedures in s. NR 439.08(1).

(c)1. Perform coal sampling using the procedures in ASTM ~~D2234-00~~ D2234-02, which result in data at least as reliable as classification II-D-2, defined in ASTM ~~D2234-00~~ D2234-02 as manual sampling — stationary coal sampling — random spacing, and analyze these samples for ash content, sulfur content and heat content according to the applicable methods and procedures in s. NR 439.08(1).

SECTION 36. NR 439.085(3)(intro.) is created to read:

NR 439.085(3) REQUIREMENTS FOR RESIDUAL FUEL BURNING INSTALLATIONS.(intro.) The residual fuel burning rate for an installation shall be based on the maximum permitted capacity. If the permit does not limit the capacity, the total heat input capacity shall be used:

SECTION 37. NR 439.085(3)(a)1. is amended to read:

NR 439.085(3)(a)1. Perform liquid fossil fuel sampling for each storage tank of residual fuel oil and analyze these samples for sulfur content and heat content according to the applicable methods and procedures for sampling and analysis in s. NR 439.08(2). Sampling shall be performed for each tank volume turnover or on a monthly basis, whichever is more frequent.

SECTION 38. NR 439.09(intro.) is amended to read:

NR 439.09(intro.) The owner or operator of a source ~~required to conduct~~ conducting continuous emission monitoring under s. NR 439.095 shall use the methods and procedures listed in this section to install, calibrate, maintain and operate a continuous emissions monitoring system, or other methods and procedures approved, in writing, by the department:

SECTION 39. NR 439.095(1)(intro.) and (a) are amended to read:

NR 439.095(1) APPLICABILITY AND GENERAL REQUIREMENTS. (intro.) Except as provided in sub. (2), the owner or operator of a direct stationary source listed in this subsection shall install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in this subsection for the applicable source. The type of monitoring equipment used and the manner and location of its installation are subject to prior department approval. The sources and their respective monitoring requirements are as follows:

(a) Fossil fuel fired steam ~~generators~~ generating units identified in sub. (5) shall be monitored for opacity, nitrogen oxide emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

SECTION 40. NR 439.095(1)(g) is created to read:

NR 439.095(1)(g) Direct stationary sources, required under an enforcement agreement or which have elected to use continuous emission monitoring to determine compliance with applicable rules, shall monitor for the parameters and pollutants for which they have installed the monitoring device. Those parameters may include stack flowrate, opacity, or emissions of nitrogen oxides, sulfur dioxide, total reduced sulfur, carbon dioxide, VOCs and hazardous air contaminants.

SECTION 41. NR 439.095(5)(a)(title) and (intro.), 1., 2.(intro.) and b., 3. and 4. are amended to read:



NR 439.095(5)(a) (title) *Fossil fuel fired steam generating facilities units*. (intro.) Except as provided for under par. (f) or (g), the owner or operator of a fossil fuel fired steam generating facilities unit subject to sub. (1) shall comply with the monitoring requirements of this paragraph:

1. Opacity. The owner or operator of any steam generating facility unit which has a total heat input capacity equal to or greater than 250 million Btu per hour shall install, calibrate, maintain and operate a continuous monitoring system which meets the performance specifications of sub. (6) for the measurement of opacity from each stack serving a coal fired boiler or boilers with a maximum combined coal burning rate ~~of equal to or greater than~~ 25,000 tons ~~or more~~ per year, unless the source utilizes an alternative method of compliance determination approved, in writing, by the department.

2. Sulfur dioxide.(intro.) The owner or operator of any steam generating facility unit shall install, calibrate, maintain and operate a continuous monitoring system which meets the performance specifications of sub. (6) for the measurement of sulfur dioxide ~~which meets the performance specifications of sub. (6)~~ if one of the following applies:

b. The maximum coal burning rate of all boilers at the facility which emit to a stack without a sulfur dioxide control system is equal to or greater than 100,000 tons of coal per year, unless the source utilizes an alternative method of compliance determination approved, in writing, by the department which meets the requirements of s. NR 439.085.

3. Nitrogen oxides. The owner or operator of a fossil fuel fired steam ~~generator~~ generating unit with a capacity greater than 1000 million Btu per hour heat input which is located in a nonattainment area for nitrogen oxides shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of the source's nitrogen oxides emissions which meets the performance specifications of sub. (6), unless the ~~source~~ source's owner or operator demonstrates by a compliance emission test that the source emits nitrogen oxides at levels 30% or more below the applicable emission limit.

4. Oxygen or carbon dioxide. The owner or operator of a fossil fuel fired steam ~~generator~~ generating unit where measurement of oxygen or carbon dioxide in the flue gas is required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the applicable emission limitation shall install, calibrate, operate and maintain a continuous monitoring system for the measurement of percent oxygen or carbon dioxide which meets the performance specifications of sub. (6).

SECTION 42. NR 439.095(5)(g) is created to read:

NR 439.095(5)(g) *Other steam generating units sharing a common stack*. The owner or operator of a combination of steam generating units not regulated under par. (f) that share a common stack or duct may, with department approval, install, calibrate, maintain and operate a single continuous monitoring system for the measurement of stack flow rate, opacity, sulfur dioxide, nitrogen oxides, total reduced sulfur, carbon dioxide, VOCs and hazardous air contaminants that meets the performance specifications in sub. (6).

SECTION 43. NR 439.10 is amended to read:

**NR 439.10 Circumvention.** No ~~persons~~ person may cause, allow or permit the installation or use of any article, machine, equipment, process or method, which conceals an emission which would otherwise constitute a violation of an applicable rule ~~unless written approval has been obtained from the department~~. ~~Such concealment~~ Concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size.

SECTION 44. NR 447.02(18) Note is amended to read:

NR 447.02(18) Note: Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in OSHA’s final rule on occupational exposure to asbestos in 29 CFR ~~1926.58, Appendix G, incorporated by reference in s. NR 484.04~~ 1926.1101(g)(5)(ii) as in effect on July 1, 2002, incorporated by reference in s. NR 484.03(4).

SECTION 45. NR 447.08(1)(am) is created to read:

NR 447.08(1)(am) Removal of category I roofing shall meet the specifications in the Interpretive Rule Governing Roof Removal Operations, 40 CFR part 61, Appendix A, incorporated by reference in s. NR 484.04(22).

SECTION 46. NR 447.13(1)(a)4. is amended to read:

NR 447.13(1)(a)4. Label the containers or wrapped materials specified in subd.3. using warning labels specified by occupational safety and health standards of the U.S. department of labor, occupational safety and health administration under 29 CFR ~~1910.1001(j)(2)~~ 1910.1001(j)(4)(ii) or ~~1926.58(k)(2)(iii)~~ 1926.1101(k)(8)(iii), incorporated by reference in s. NR 484.03(3) and (4). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

SECTION 47. NR 448.01(2)Note is amended to read:

NR 448.01(2) Note: This chapter is based on the federal regulations contained in 40 CFR part 61, Subparts C and D, as last revised on October 17, 2000.

SECTION 48. NR 449.01(2)Note is amended to read:

NR 449.01(2) Note: This chapter is based on the federal regulations contained in 40 CFR part 61, Subpart F, as last revised on October 17, 2000.

SECTION 49. NR 484.03(3) and (4) are amended to read:

NR 484.03	(3)	29 CFR <del>1910.1001(j)(2)</del> <u>1910.1001(j)(4)(ii)</u>	NR 447.13(1)(a)4.
	(4)	29 CFR <del>1926.58(k)(2)(iii)</del> <u>1926.1101(k)(8)(iii)</u>	NR 447.13(1)(a)4.

SECTION 50. NR 484.04(22) is amended to read:

NR 484.04	(22)	40 CFR Part 61 Appendix A	<u>NR 447.08(1)(am)</u> NR 447.16(2)
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SECTION 51. NR 484.10(1), (2), (4), (6) to (8), (12), (13), (21), (25), (25m), (27) to (34), (40), (41m), (44), (45), (49) to (51), (53), (54) and (55g) are amended to read:

Standard Number	Standard Title	Incorporated by Reference For
NR 484.10 (1) ASTM <del>C136-96a</del> <u>C136-01</u>	Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates	NR 415.02(9)
(2) ASTM <del>D97-96a</del> <u>D97-02</u>	Standard Test Methods for Pour Point of Petroleum Products	NR 420.02(41)
(4) ASTM <del>D240-92(1997)</del> <u>D240-02</u>	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A, D, E and F NR 400.02(79) NR 439.08(2)(c)
(6) ASTM <del>D323-94</del> <u>D323-99a</u>	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)	NR 420.02(31)
(7) ASTM <del>D388-98</del> <u>D388-99e1</u>	Standard Classification of Coals by Rank	40 CFR part 75 Appendix F NR 400.02(40)
(8) ASTM <del>D396-98</del> <u>D396-02</u>	Standard Specification for Fuel Oils	NR 400.02(70) NR 400.02(135) NR 420.03(1)(a)
(12) ASTM <del>D968-93</del> <u>(2001)</u>	Standard Test Methods for Abrasion Resistance of Organic Coatings by Falling Abrasive	ANSI/AHA A135.5-1988
(13) ASTM <del>D975-98a</del> <u>D975-02</u>	Standard Specification for Diesel Fuel Oils	NR 409.02(34) NR 420.03(1)(a)
(21) ASTM <del>D1308-87(1998)</del> <u>D1308-02</u>	Standard Test Method for Effect of Household Chemicals on Clear and Pigmented Organic Finishes	ANSI/AHA A135.5-1988
(25) ASTM <del>D1552-00</del> <u>D1552-01</u>	Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)	40 CFR part 75 Appendices A and D NR 439.08(2)(b)
(25m) ASTM <del>D1613-96(1999)</del> <u>D1613-02</u>	Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products	NR 422.02( <del>67</del> ) <u>(67m)</u>
(27) ASTM <del>D1945-96</del> <u>(2001)</u>	Standard Test Method for Analysis of Natural Gas by Gas Chromatography	40 CFR part 75 Appendices F and G
(28) ASTM <del>D1946-90(1994)</del> <u>(2000)</u>	Standard Practice for Analysis of Reformed Gas by Gas Chromatography	40 CFR part 75 Appendices F and G NR 460.10(2)(f) <u>1.a.</u>

(30)	ASTM <del>D2013-00ae1</del> <u>D2013-01</u>	Standard Method of Preparing Coal Samples for Analysis	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix F NR 439.08(1)(b)
(31)	ASTM D2015-96	Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A, D, E and F <del>NR 400.02(79)</del>
(32)	ASTM D2197-98(2002)	Standard Test Method for Adhesion of Organic Coatings by Scrape Adhesion	ANSI/AHA A135.5-1988
(33)	ASTM <del>D2234-00</del> <u>D2234-02</u>	Standard Practice for Collection of a Gross Sample of Coal	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix F NR 439.08(1)(a) NR 439.085(2)(a)1. NR 439.085(2)(b)1. NR 439.085(2)(c)1.
(34)	ASTM <del>D2369-98</del> <u>D2369-01e1</u>	Standard Test Method for Volatile Content of Coatings	40 CFR part 60 Appendix A, Method 24, par. 2.2
(40)	ASTM <del>D2880-98</del> <u>D2880-00</u>	Standard Specification for Gas Turbine Fuel Oils	NR 420.03(1)(a)
(41m)	ASTM D3172-89 ( <del>1997</del> ) (2002)	Standard Practice for Proximate Analysis of Coal and Coke	NR 439.098(1)(b)
(44)	ASTM D3176-89 ( <del>1997</del> ) (2002)	Standard Practice for Ultimate Analysis of Coal and Coke	40 CFR part 75 Appendices A and F NR 439.08(1)(g) NR 439.098(1)(a)
(45)	ASTM D3177-89 ( <del>1997</del> ) (2002)	Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix A NR 439.08(1)(c)
(49)	ASTM <del>D4017-96a</del> <u>D4017-02</u>	Standard Test Method for Water in Paints and Paint Materials by Karl Fischer Method	40 CFR part 60 Appendix A, Method 24, par. 2.4
(50)	ASTM D4052-96 (2002)	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter	40 CFR part 75 Appendix D
(53)	ASTM <del>D4239-00</del> <u>D4239-02</u>	Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix A NR 439.08(1)(c)

(54) ASTM  
~~D4294-98~~ D4294-02

Standard Test Method for Sulfur in  
Petroleum and Petroleum Products by  
Energy-Dispersive X-Ray Fluorescence  
Spectrometry

40 CFR part 75 Appendices A  
and D  
NR 439.08(2)(b)

(55g) ASTM  
~~D5865-00~~ D5865-02

Standard Test Method for Gross Calorific  
Value of Coal and Coke

NR 400.02(79)  
NR 439.08(1)(d)

SECTION 52. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 53. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 28, 2003.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)