

Notice of Hearing

The Department of Natural Resources (DNR) announces that it will hold a public hearing on a permanent rule to revise chapters NR 404, 407, 408, 428 and 484, relating to incorporation of the 2015 national ambient air quality standards for ozone. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on Board Order AM-10-19 at the time and virtual location shown below.

The public hearing concerns the proposed revision of Wisconsin's State Implementation Plan (SIP) developed under s. 285.11(6), Stats. Final rules affecting ch. NR 404, 407, 408, 428 and 484, Wis. Adm. Code, promulgated under this rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval and incorporation into Wisconsin's SIP.

This public hearing notice and request for comments satisfies requirements in ch. 227, Stats., for rulemaking and 40 CFR Part 51.102 for submittal of the final rules to EPA as a revision to Wisconsin's SIP.

Hearing Information

Date: April 8, 2021

Time: 1:30 p.m.

Virtual Location Link:

Online via Zoom: <https://us02web.zoom.us/j/85203901433>

Call in: 1-312-626-6799, Meeting ID #852 0390 1433

Rule Information:

The department is proposing to revise chs. NR 404 and 484, Wis. Adm. Code, to adopt the 2015 ozone National Ambient Air Quality Standards (NAAQS) and incorporate by reference the federal air pollution monitoring requirements related to the NAAQS. Additionally, the department is proposing to clarify or update sections of chs. NR 407, 408 and 428, Wis. Adm. Code, to ensure implementation of the ozone NAAQS, consistent with federal law. Proposed changes to sections of chs. NR 407 and 408, Wis. Adm. Code, clarify which major source or major modification thresholds apply in areas subject to more than one ozone nonattainment classification due to the implementation of multiple ozone NAAQS. Proposed changes to sections of ch. NR 428, Wis. Adm. Code, update requirements related to Reasonably Available Control Technologies (RACT) for emissions of nitrogen oxides (NO_x). The proposed rule language would revise the applicability emissions thresholds for NO_x RACT so that they include all the major source thresholds associated with current (and former) ozone nonattainment classifications of the area (i.e., 100 tpy in areas classified as "moderate," 50 tpy in areas classified as "serious," 25 tpy in areas classified as "severe," and 10 tpy in areas classified as "extreme" nonattainment). This change is required to meet federal Clean Air Act requirements for NO_x RACT programs. This proposed change ensures that the correct NO_x RACT major source threshold is being implemented regardless of future changes to an area's nonattainment classification(s) and removes the need for the department to potentially undertake a rulemaking project every time an area's nonattainment classification changes.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place by completing a Hearing Appearance form, which is available at <https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to OliviaE.Salmon@wisconsin.gov.

Comments on the proposed rule must be received on or before April 15, 2021. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Department of Natural Resources

Attn: Olivia Salmon – AM/7

Department of Natural Resources

101 S. Webster Street

Madison, WI 53703

OliviaE.Salmon@wisconsin.gov or DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis:

The department does not anticipate small businesses will be impacted by the proposed rule language.

Agency Small Business Regulatory Coordinator:

Emma Esch (608) 266-1959

Emma.Esch@wisconsin.gov