

Chapter NR 407

OPERATION PERMITS

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|------------|--|------------|---|
| NR 407.01 | Applicability; purpose. | NR 407.10 | General operation permits. |
| NR 407.02 | Definitions. | NR 407.105 | Registration operation permits. |
| NR 407.025 | Permit flexibility. | NR 407.107 | Petitions for issuance of general operation permits and registration operation permits. |
| NR 407.03 | Exemptions from operation permit requirements. | NR 407.11 | Administrative permit revisions. |
| NR 407.04 | Permit application requirements. | NR 407.12 | Minor revisions. |
| NR 407.05 | Applications and forms. | NR 407.13 | Significant revisions. |
| NR 407.06 | Complete applications. | NR 407.14 | Permit revision by the department. |
| NR 407.07 | Action on applications. | NR 407.15 | Permit suspension, revocation and withdrawal from coverage. |
| NR 407.075 | Greenhouse gases. | NR 407.16 | Revision procedures for non-part 70 source permits and state-only requirements for part 70 sources. |
| NR 407.08 | Dates by which permits are required. | | |
| NR 407.09 | Permit content. | | |

Note: Corrections to ch. NR 407 made under s. 13.93 c2md cbd 7., Stats., [Register, December, 1996, No. 492](#).

NR 407.01 Applicability; purpose. c1d APPLICABILITY. This chapter applies to all direct stationary sources which are required under s. [285.60](#), Stats., to obtain an operation permit. In accordance with s. [285.60 c6d](#), Stats., sources of certain sizes and types are exempt under s. [NR 407.03](#) from the requirement to obtain an operation permit.

c2d PURPOSE. This chapter is adopted under ss. [285.11 c1d](#), [c5d](#), [c6d](#) and [c16d](#), [285.17](#), [285.60](#), [285.62](#), [285.65 c13d](#) and [285.67](#), Stats., to establish a schedule of dates for the submission of operation permit applications and a schedule of dates for requiring operation permits for various categories of direct stationary sources and to specify the content of operation permit applications and operation permits. This chapter also sets forth procedures for revising, suspending and revoking operation permits.

History: Cr. [Register, December, 1984, No. 348](#), eff. 1-1-85; am. c1d, [Register, May, 1992, No. 437](#), eff. 6-1-92; am. [Register, December, 1993, No. 456](#), eff. 1-1-94; am. c1d, [Register, June, 1995, No. 474](#), eff. 7-1-95; am. c2d, [Register, December, 1997, No. 504](#), eff. 1-1-98.

NR 407.02 Definitions. The definitions contained in chs. [NR 400](#) and [406](#) apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

c1d XAffected stateY means either of the following:

cad Any state that is within 50 miles of the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

cbd Michigan, Illinois, Iowa or Minnesota if that state[s] air quality may be affected by the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

c2d XEmissions allowable under the permitY means an enforceable permit term or condition required by an applicable requirement that establishes an emission limit, including a work practice standard, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

c3d XFacilityY means all stationary sources emitting air contaminants which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. Emissions resulting from loading, unloading or stockpiling materials to or from vessels or vehicles while at a facility shall be considered as part of the facility[s] emissions. Air contaminant sources, other than transportation related activities, shall be con-

sidered as part of the same industrial grouping if they are classified under the same 2-digit major group as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. [NR 484.05 c1d](#).

c3ed XFugitive emissionsY means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

c3md XIndividual operation permitY means an operation permit which is not a general operation permit issued under s. [NR 407.10](#) or a registration operation permit issued under s. [NR 407.105](#).

c4d XMajor sourceY means any stationary source, or any group of stationary sources, that is located on one or more contiguous or adjacent properties, is under common control of the same person or persons under common control, belongs to a single major industrial grouping and that is described in par. [cad](#), [cbd](#) or [ccd](#). For the purposes of defining Xmajor sourceY, a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at the source or group of sources have the same 2-digit code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. [NR 484.05](#).

cad A stationary source that, for pollutants other than radionuclides, emits or has the potential to emit, in the aggregate, 10 tons per year ctpyd or more of any single hazardous air pollutant listed under section 112 cbd of the Act [c42 USC 7412 cbdd](#), 25 tpy or more of any combination of those hazardous air pollutants, or a lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station may not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources.

cbd A stationary source that directly emits, or has the potential to emit, 100 tpy or more of any air contaminant subject to regulation under the Act other than particulate matter. For particulate matter, a stationary source is a major source if it emits, or has the potential to emit, 100 tpy of PM₁₀. The fugitive emissions of a stationary source may not be considered in determining whether it is a major source for the purposes of this definition, unless the source belongs to one of the following categories of stationary sources:

1. Coal cleaning plants with thermal dryers.
2. Kraft pulp mills.

3. Portland cement plants.
4. Primary zinc smelters.
5. Iron and steel mills.
6. Primary aluminum ore reduction plants.
7. Primary copper smelters.
8. Municipal incinerators capable of charging more than 250 tons of refuse per day.
9. Hydrofluoric, sulfuric or nitric acid plants.
10. Petroleum refineries.
11. Lime plants.
12. Phosphate rock processing plants.
13. Coke oven batteries.
14. Sulfur recovery plants.
15. Carbon black plants, furnace process.
16. Primary lead smelters.
17. Fuel conversion plants.
18. Sintering plants.
19. Secondary metal production plants.
20. Chemical process plants. The chemical processing plants category does not include ethanol production facilities that produce ethanol by natural fermentation, as described by the 6-digit code of 312140 or 325193 in the North American Industry Classification System United States, 2007, incorporated by reference in s. NR 484.05 c17d.
21. Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input.
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
23. Taconite ore processing plants.
24. Glass fiber processing plants.
25. Charcoal production plants.
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
27. Any other stationary source category not included in this paragraph which as of August 7, 1980 is being regulated under section 111 or 112 of the Act c42 USC 7411 or 7412d.

ccd A major stationary source as defined in part D of title I of the Act c42 USC 7501 to 7515d, which is defined as:

1. For ozone nonattainment areas:
 - a. Sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as Xrural transport, Y X marginal, Y or X moderate, Y 50 tpy or more in areas classified as X serious, Y 25 tpy or more in areas classified as X severe, Y and 10 tpy or more in areas classified as X extreme, Y; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the administrator has made a finding, under section 182 cfd c1d or c2d of the Act c42 USC 7511a cfd c1d or c2dd, that requirements under section 182 cfd of the Act c42 USC 7511a cffd do not apply.
 - b. The classification with the lowest emission threshold under subd. 1. a. determines the major source threshold in an area classified as nonattainment for more than one ozone national ambient air quality standard, until the area is redesignated to attainment for a current standard or a redesignation substitute for a revoked standard has been approved by the EPA for the standard with the lowest emission threshold.

Note: The department maintains materials accessible to the public that show current Wisconsin nonattainment areas and summarizes the applicable permitting requirements for major sources of emissions within these areas.

2. For ozone transport regions established pursuant to section 184 of the Act c42 USC 7511cd, sources with the potential to emit 50 tpy or more of volatile organic compounds.

3. For carbon monoxide nonattainment areas that are classified as X serious, Y, and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

4. For particulate matter cPM₁₀d nonattainment areas classified as X serious, Y, sources with the potential to emit 70 tpy or more of PM₁₀.

c4md X Natural minor source Y means a source that meets all of the following criteria:

cad Is not a major stationary source under ch. NR 405, and is not a major source under this chapter or under ch. NR 408.

cbd Is not a synthetic minor source under this chapter and does not have a permit containing conditions that allow the source to avoid being either a major stationary source under the definition in s. NR 405.02 c22d or a major source under the definition in s. NR 408.02 c21d.

ccd Is not a part 70 source.

c5d X Non-part 70 source Y means any stationary source required to obtain an operation permit that is not a part 70 source.

c6d cad X Part 70 source Y means any of the following stationary sources, except as provided in par. cbd:

1. Any major source.
2. Any source subject to a standard, limitation or other requirement under section 111 of the Act c42 USC 7411d.
3. Any source subject to a standard or other requirement under section 112 of the Act c42 USC 7412d, except for a source subject solely to regulations or requirements under section 112cddc5d or crd of the Act c42 USC 7412 cddc5dor crdd.
4. Any affected source.

cbd Notwithstanding par. cad, all sources listed in par. cad 2. or 3. are not part 70 sources unless they are one of the following:

1. Major sources.
2. Affected sources.
3. Solid waste incineration units required to obtain permits pursuant to section 129 ced of the Act c42 USC 7429 cedd.

c6md X Regulated asbestos-containing material Y has the meaning given in s. NR 447.02 c33d.

c7d X Renewal Y means the process by which an operation permit is reissued at the end of its term.

c8d X State-only requirement Y means a requirement designated under s. NR 407.09 c3d cbd as not being federally enforceable.

c8md X Subject to regulation under the Act Y has the meaning given in s. NR 405.02 c28md.

c9d X Synthetic minor source Y means any stationary source that has its potential to emit limited by permit conditions that are federally enforceable so that it is not a major source.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. c1d to be cintro.d, cr. c1d. Register, September, 1986, No. 369, eff. 10-1-86; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94; am. c17d cintro.d, Register, February, 1995, No. 470, eff. 3-1-95; renum. c1d, c2d, c4d to be NR 400.02 c1d, c1cd, c1vd, and c5d to c12d, c14d, c15d, c18d, c19d, c21d, c23d to c30d, c33d, c34d to be NR 409.02 c10d, c11d, c15d, c19d, c22d, c26d, c28d, c29d, c37d, c38d, c47d, c48d, c50d, c55d, c56d, c64d, c66d, c69d to c72d, c78d, c79d and am. c72d, c78d, c79d, Register, April, 1995, No. 472, eff. 5-1-95; am. c22d cbd, Register, June, 1995, No. 474, eff. 7-1-95; renum. c3d, c13d, c16d, c17d, c20d, c22d, c31d, c32d, c35d to be c1d to c9d and am. c4d ccd 1. and c6d cbd cintro.d, Register, December, 1996, No. 492, eff. 1-1-97; cr. c6d cbd 5. and 6., Register, March, 1997, No. 495, eff. 4-1-97; cr. c6d cbd 7., Register, September, 1997, No. 501, eff. 10-1-97; am. c4d cbd cintro.d, Register, December, 1997, No. 504, eff. 1-1-98; am. c4d cad, Register, October, 1999, No. 526, eff. 11-1-99; CR 04-107: r. and recr. c3d, cr. c3md Register August 2005 No. 596, eff. 9-1-05; CR 07-040: cr. c3ed, am. c4d cbd 27., r. c6d cbd 4.

to 7. Register April 2008 No. 628, eff. 5-1-08; CR 07-104: am. c4d cbd 20. Register July 2008 No. 631, eff. 8-1-08; CR 09-020: am. c4d cad, cbd 27., ccd cintro.d, 1., 2. and c6d cad 2., 3., and cbd 3., cr. c6md Register January 2010 No. 649, eff. 2-1-10; EmR1046: emerg. am. c4d cbd cintro.d, cr. c8md, eff. 12-15-10; CR 10-144: am. c4d cbd cintro.d, cr. c8md Register August 2011 No. 668, eff. 9-1-11; CR 15-005: am. c4d cbd 27., cr. c4md Register November 2015 No. 719, eff. 12-1-15; CR 19-015: am. c9d Register September 2020 No. 777, eff. 10-1-20; CR 21-022: renum. c4d cad 1. to c4d cad 1. cintro.d and a. and am., cr. c4d cad 1. b. Register February 2022 No. 794, eff. 3-1-22; correction in c4d cad 1. b. made under s. 35.17, Stats., Register February 2022 No. 794.

NR 407.025 Permit flexibility. c1d cad The owner or operator of a stationary source that has an operation permit, or for which a timely and complete application has been submitted, may make a change to the stationary source that contravenes an express term of an operation permit without first obtaining a permit revision if all the following apply:

1. The change does not violate applicable requirements or contravene permit terms and conditions that are monitoring, including use of specified test methods, recordkeeping, reporting or compliance certification requirements.
2. The change is not a modification as defined in s. 285.01 c26d, Stats., and rules promulgated thereunder.
3. The change does not cause the stationary source to exceed the emissions allowable under the permit, whether expressed in the permit as an emissions rate or in terms of total emissions.
4. Notice is given and the department does not inform the owner or operator of the stationary source that the change is not authorized, as provided in par. cbd.

cbd 1. For each change allowed under par. cad, the owner or operator of the stationary source shall provide the department and, for part 70 sources, the administrator, with written notification of the proposed change a minimum of 21 days in advance of the date on which the proposed change is to occur. The written notification shall include a brief description of the change within the stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

2. The owner or operator of the stationary source may not make the proposed change if the department informs the person before the end of the 21-day period provided in subd. 1. that the proposed change is not one authorized under this subsection.

ccd The owner or operator of the stationary source, the department and the EPA, if applicable, shall attach each notification of a change made under this subsection to their copy of the relevant operation permit.

cdd The permit shield described in s. 285.62 c10d cbd, Stats., may not apply to any change made pursuant to this subsection.

c2d cad The department shall, if an owner or operator of a stationary source requests it, issue an operation permit that contains terms and conditions, including all terms required under s. NR 407.09 c1d, c2d and c4d, allowing for the trading of emissions increases and decreases at the stationary source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the operation permit independent of otherwise applicable requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department may not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. Any operation permit issued pursuant to this subsection shall require compliance with all applicable requirements.

cbd For any trade allowed in an operation permit pursuant to par. cad, the owner or operator of the stationary source shall provide the department and, for part 70 sources, the administrator,

with written notification a minimum of 7 days in advance of the date on which the proposed trade is to occur. The written notification shall state when the change is proposed to occur and shall describe the changes in emissions that will result and how these changes in emissions will comply with the terms and conditions of the permit.

ccd The permit shield described in s. 285.62 c10d cbd, Stats., may extend to terms and conditions that allow the increases and decreases in emissions allowed under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c1d cad cintro.d, 3., cbd 1., 2., ccd, c2d cad and cbd, Register, December, 1997, No. 504, eff. 1-1-98; corrections in c1d cdd and c2d ccd made under s. 13.93 c2md cbd 7., Stats., Register, October, 1999, No. 526.

NR 407.03 Exemptions from operation permit requirements. c1d SPECIFIC CATEGORIES OF EXEMPT SOURCES. Any direct stationary source that is not an affected source and is not required to obtain a permit under 40 CFR part 70 and that consists solely of one of the following categories of stationary sources or consists of a combination of the categories of stationary sources listed under sub. c1d ctd is exempt from the requirement to obtain an operation permit provided the requirements under sub. c4d are met:

cad External combustion furnaces which do not burn any hazardous waste identified under ch. NR 661, or which have been issued a license under ch. NR 670, and which are designed at combined total capacity to burn the following fuels at the maximum rates indicated:

1. Coal, coke or other solid fuels, except wood, at a heat input rate of not more than 1.0 million Btu per hour.
2. Wood alone or wood in combination with gaseous or liquid fuels at a heat input rate of not more than 5.0 million Btu per hour.
3. Residual or crude oil at a heat input rate of not more than 5.0 million Btu per hour.
4. Distillate oil at a heat input rate of not more than 10 million Btu per hour.
- 4m. Distillate oil with a maximum sulfur content of 15 ppm at a heat input rate of not more than 25 million Btu per hour.
5. Gaseous fuel at a heat input rate of not more than 25 million Btu per hour.

cbd Equipment designed to incinerate solid wastes, which are not pathological wastes, infectious wastes, municipal wastes or hazardous wastes under ch. NR 661, at a rate of not more than 500 pounds per hour.

cbmd Equipment owned or operated by a government agency, such as police or sheriff[s] department, that is used to incinerate only drugs confiscated by federal, state, or local law enforcement agencies, provided the equipment meets all of the following design requirements:

1. The equipment shall be a dual-chamber incinerator that complies with all of the following:
 - a. The equipment is designed to incinerate not more than 500 pounds of material per hour.
 - b. The equipment has a secondary chamber that operates at all times with a minimum temperature of 1,400 degrees Fahrenheit and a minimum gas retention time of 0.5 seconds.
 - c. The secondary chamber has a continuous temperature monitor.
2. Stacks shall comply with all of the following:
 - a. Each stack shall have a height at least 1.5 times higher than the peak of the highest structure within 150 feet.
 - b. Each stack shall be located at least 500 feet from nearest property line.

c. Each stack shall have unobstructed vertical discharge when the incinerator is operated. Properly installed and maintained spark arresters are not considered obstructions.

3. The incinerator shall be operated with the following limits:

a. The unit shall reach a minimum operating temperature of 1,400 degrees Fahrenheit prior to introducing the materials to be incinerated.

b. The quantity of material incinerated, including packaging, is limited to no more than 25 pounds in any 24-hour period, with the exception of marijuana. Marijuana may be incinerated in quantities up to the design capacity of the incinerator.

c. Fuel for the incinerator shall be limited to natural gas, liquid petroleum gas, distillate fuel oil with less than 0.0015% sulfur by weight, or the equipment shall use electric power.

d. The manufacturer[s recommended operating instructions shall be posted at the incinerator and the unit shall be operated in accordance with these instructions. The incinerator shall be operated in accordance with the manufacturer[s specifications and maintained in good working order.

4. The owner or operator shall install, calibrate, maintain, and operate a monitoring device that continuously measures and records the temperature of the secondary chamber of the incinerator.

5. The owner or operator shall maintain records sufficient to demonstrate that each of the requirements listed in this paragraph are met. The records shall be retained for a minimum of 5 years, and shall include all of the following:

- a. The time and date materials are charged.
- b. The amount of material charged or burned in each 24-hour period.
- c. The type and amount of fuel usage, including sulfur content for fuel oil.
- d. The monitoring results.
- e. The hours of operation.
- f. Routine maintenance of abatement systems.

cced Grain storage facilities, including facilities with column dryers or rack dryers, with an average tonnage of grain received of less than 5500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility sells, acting as a broker, which is never actually received or dried at the grain storage facility.

ccmd Grain processing facilities, including facilities with column dryers or rack dryers, with an average tonnage of grain received of less than 4500 tons per month, which are not subject to s. NR 440.47, and which are not part 70 sources. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility receives that is packaged when received and remains packaged.

cdd Portland concrete batch plants which produce less than 20,000 cubic yards of concrete per month averaged over any 12 consecutive month period.

ced Storage tanks containing organic compounds with a true vapor pressure in pounds per square inch absolute at 70vF of less than 1.52 with a combined total tankage capacity of not more than 40,000 gallons.

cfb VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of volatile organic compounds.

cgd Painting or coating operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 cbd of the Act c42 USC 7412 cbdd equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 cbd of the Act equal or exceed 25 tons per year.

cgmd Automobile refinishing operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112cbd of the Act c42 USC 7412cbdd equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112cbd of the Act equal or exceed 25 tons per year.

chd Graphic arts operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 cbd of the Act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 cbd of the Act equal or exceed 25 tons per year.

cid Cold cleaning equipment which meets both of the following requirements:

1. The equipment has a total air to solvent interface of 1.0 square meters or less during operation.
2. The equipment does not use any halogenated HAP solvent as a cleaning or drying agent.

cjd Open top vapor degreasing equipment which meets both of the following requirements:

1. The equipment has a total air to vapor interface of 1.0 square meters or less during operation.
2. The equipment does not use any halogenated HAP solvent as a cleaning or drying agent.

ckd Coin-operated dry cleaning machines.

ckmd Chromium electroplating and chromium anodizing operations which are not major sources or located at major sources and which are any of the following:

1. Any decorative chromium electroplating operation or chromium anodizing operation that uses fume suppressants as an emission reduction technology.
2. Any decorative chromium electroplating operation that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient.

cLd Private alcohol fuel production systems as defined in s. 289.44 c1d ccd, Stats.

cmd Crematories.

cnd Indirect malt dryers which are designed to burn fuels specified in par. cad at a heat input rate less than the rates specified in par. cad.

cod A laboratory which emits volatile organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides or particulate matter or a combination thereof at a rate of less than 5.7 pounds per hour unless the emissions of any single hazardous air pollutant listed under section 112 cbd of the Act c42 USC 7412 cbdd

equal or exceed 10 tons per year or the cumulative emissions of all such hazardous air pollutants listed under section 112 cbd of the Act equal or exceed 25 tons per year. Hourly emissions shall be determined, based on the quantitative estimate of air contaminants before they enter any emission control devices, by dividing the total uncontrolled emissions which would have occurred during a calendar month by the total hours of operation of the laboratory during that calendar month. A laboratory is in operation if laboratory apparatus or equipment is in use.

cpd Equipment the primary purpose of which is to transport or sort paper.

cqd Facilities for chlorination of municipal drinking water, the intake of once through industrial process or cooling water, or water for swimming pools, spas or other recreational establishments.

crd Gasoline dispensing facilities which dispense gasoline or other petroleum products.

csd Bulk gasoline plants which distribute gasoline or other petroleum products and which have an average daily gasoline throughput of less than 15,000 liters c4,000 gallonsd, based on a 30-day rolling average.

csmd The following procedures for the remediation or disposal of soil or water contaminated with organic compounds, provided the potential to emit, considering emission control devices, for any hazardous air contaminant listed in Table A to Table C of s. NR 445.07 is not greater than the emission rate listed in Table A to Table C of s. NR 445.07 for the air contaminant at the respective stack height, the procedure is not a major source and the procedure is not subject to any standard or regulation under section 111 or 112 of the Act c42 USC 7411 or 7412d:

1. Landspreading of contaminated soil, including the agricultural landspreading of soil contaminated with pesticide or fertilizer.

2. Negative pressure venting of contaminated soil or bioremediation, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

3. Pilot testing of a negative pressure venting system provided the testing is limited to a total withdrawal of not more than 150,000 standard cubic feet cscfd of air.

Note: The total withdrawal may be determined by the equation: Total withdrawal cscfd = hours of operation of pilot test chrd \times average flow rate in cubic feet per minute at standard conditions cscfmd \div 60 min/hr. An example is: 10 hours of operation \div 250 scfm \div 60 min/hr = 150,000 scf. When testing at multiple flow rates, determine the withdrawal for each flow rate and sum the withdrawals for a total withdrawal.

4. Landfilling of contaminated soil.

5. Installation and use of devices which remove organic compounds from a private or municipal potable water supply.

6. Installation and use of crop irrigation systems or dewatering wells to remediate contaminated water.

7. Installation and use of air strippers for treatment of contaminated water, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

8. Installation and use of any devices or techniques not listed in this paragraph which are used to remediate soil or water contaminated with organic compounds, if the device or technique is not portable and is not a thermal evaporation unit, and the remediation is completed within 18 months.

9. Installation and use of any technique or device to remediate soil or water contaminated with organic compounds as part of actions taken by EPA under the authority of the comprehensive

environmental response compensation and liability act of 1980 c42 USC 9601 to 9675d, by the department under the authority of s. 292.11 or 292.31, Stats., or by a responsible party in compliance with the requirements of an administrative order, consent decree or contract issued pursuant to the comprehensive environmental response compensation and liability act of 1980 or s. 292.11 or 292.31, Stats.

csqd Renovation or demolition operations involving regulated asbestos-containing material.

ctd A combination of emission units which consists of not more than one each of the following specific categories of sources unless the combination of units is a major source:

1. Fuel burning equipment otherwise exempt under par. cad or cud.

2. Equipment designed to incinerate solid wastes otherwise exempt under par. cbd.

3. Storage tanks of organic compounds with a combined total tankage capacity of not more than 40,000 gallons if not more than 10,000 gallons of the storage tanks[capacity is used for storage of volatile organic compounds.

4. Grain storage facilities otherwise exempt under par. cced.

5. Grain processing facilities otherwise exempt under par. ccmd.

6. Only one of the other specific category exemptions listed in pars. cdd, cgd to csd and cvd to czd.

cud Restricted use reciprocating internal combustion engines which are fueled by gaseous fuels, gasoline, or a clean fuel as defined in s. NR 406.02 c1d and which have a combined total electrical output of less than 3,000 kilowatts, or the equivalent in brake horsepower. An owner or operator claiming exemption under this paragraph shall maintain records of all of the following:

1. The electrical output in kilowatts, or the equivalent in brake horsepower, of each engine.

2. The total hours each engine is operated during a year.

cvd Any quarry, mine or other facility where nonmetallic minerals are extracted that is not a ledge rock quarry or industrial sand mine.

cwd Ledge rock quarries with actual production of less than 25,000 tons per month on a rolling 12 month average, or with actual operation of less than 365 days per 5 year period.

cxd Industrial sand mines with actual production of less than 2,000 tons per month on a rolling 12 month average.

cyd Fixed sand and gravel plants and fixed crushed stone plants with capacities of 25 tons per hour or less.

czd Portable sand and gravel plants and portable crushed stone plants with capacities of 150 tons per hour or less.

c1md FACILITIES EXEMPT BASED ON ACTUAL EMISSIONS.

cad Any facility that is required to submit an annual emission inventory report under s. NR 438.03 is exempt from the requirement to obtain an operation permit following notification under par. ccd, where all of the following criteria and requirements are met:

1. The actual emissions of each air contaminant from the facility do not exceed any of the following levels:

- a. 10 tons in any calendar year for each of the following air contaminants: particulate matter, nitrogen oxide, sulfur dioxide, PM₁₀, carbon monoxide and volatile organic compounds.

- b. 0.5 tons in any calendar year for lead.

- c. Any stack-appropriate thresholds for emissions points in columns ccd, cdd, ced and cfd of Table A, B or C of ch. NR 445. If the facility is a source of incidental emissions under s. NR 445.11, this subdivision only applies to emissions of air contami-

nants which are listed as substances of concern in Table E of ch. NR 445.

2. The facility is not subject to an emission limitation or emission standard under section 111 or 112 of the Act c42 USC 7411 or 7412d except for a source subject solely to regulations or requirements under section 112 cdd c5d or crd of the Act c42 USC 7412 cdd c5d or crdd or engine certified to meet the emission standards in 40 CFR part 60, subpart IIII or JJJJ for each fuel used.

3. The owner or operator conducts monitoring and maintains records sufficient to demonstrate compliance with the requirements of this paragraph, including the calculation of annual facility-wide emissions. These records shall be maintained on site for at least 5 years, unless a longer period is required by statute or rule.

4. If a control device is used to limit actual emissions, the owner or operator uses a compliance monitoring method which is identified in s. NR 439.055.

cbd Any facility that is not required to submit an annual emission inventory report under s. NR 438.03 is exempt from the requirement to obtain an operation permit where all of the criteria and requirements in par. cad 1. to 4. are met.

ccd 1. The owner or operator of a facility required to submit an air emission inventory report under s. NR 438.03 shall notify the department of their intent to operate the facility under the exemption criteria in par. cad.

2. Any existing permit shall remain in effect until the permit is revoked or coverage under a general or registration permit is withdrawn. A notification under subd. 1. shall serve as a request for revocation of an individual permit or withdrawal from coverage under a general or registration permit.

3. A notification under subd. 1. shall serve as a request for withdrawal of any pending permit application.

Note: An owner or operator exempt under this subsection is responsible for complying with all other applicable requirements in chs. NR 400 to 499.

c1sd NATURAL MINOR SOURCE EXEMPTION. cad *Eligibility.* A facility that is a natural minor source is exempt from the requirement to obtain an operation permit.

cbd *Recordkeeping.* 1. An owner or operator claiming to be exempt under this subsection shall maintain records adequate to show it meets all criteria under the definition of a natural minor source. Emission calculations adequate to determine eligibility with this exemption shall be maintained and made available to a department representative if requested.

2. In addition to monitoring and recordkeeping requirements contained in any construction permit issued to the source under ch. NR 406, the owner or operator shall maintain records sufficient to demonstrate compliance with all other applicable requirements in chs. NR 400 to 499.

ccd *Notification to the department.* 1. An owner or operator claiming exemption under this subsection and who has an existing permit or who has submitted a permit application under this chapter or under ch. NR 406, shall notify the department of an intent to operate under this exemption.

2. Any existing permit issued under this chapter shall remain in effect until the permit is revoked or coverage under a general or registration permit is withdrawn at the request of the owner or operator.

3. A notification under subd. 1. shall serve as a request for revocation of any permits issued under this chapter and for withdrawal of any pending operation permit application submitted under this chapter.

cdd *Schedule.* The owner or operator shall apply for an operation permit in accordance with the requirements of this chapter

if any of the following affects the source[s] ability to remain a natural minor source:

1. Any existing requirements change.
2. Any new requirements become applicable to the source.
3. Changes occur at the source.
4. Other emission information indicating that the source is not a natural minor source becomes available.

Note: An owner or operator exempt under this subsection is responsible for complying with all applicable requirements in chs. NR 400 to 499, including construction permit requirements identified in ch. NR 406 and all conditions contained in a permit issued under ch. NR 406.

Note: The exemption in this subsection does not preclude the owner or operator of a natural minor source from requesting, and the Department from issuing, an operation permit as allowed under s. 285.60 c2d cbd, Stats.

Note: The Small Business Environmental Assistance Program at dnr.wi.gov may be contacted for more information on applicability and compliance determinations related to the requirements in chs. NR 400 to 499.

c2d GENERAL CATEGORY OF EXEMPT SOURCES. In addition to the specific categories of exempt sources identified in sub. c1d, no operation permit is required for a direct source if the source is not a part 70 source or an affected source and all of the following requirements are met:

cad The maximum theoretical emissions from the source for sulfur dioxide or carbon monoxide do not exceed 9.0 pounds per hour for each air contaminant.

cbd The maximum theoretical emissions from the source for particulate matter, nitrogen oxides or volatile organic compounds do not exceed 5.7 pounds per hour for each air contaminant.

cbad The maximum theoretical emissions from the source for PM₁₀ do not exceed 3.4 pounds per hour.

cbcd The maximum theoretical emissions from the source for PM_{2.5} do not exceed 2.2 pounds per hour.

cbmd The maximum theoretical emissions from the source for lead do not exceed 0.13 pounds per hour.

ccd The source will not emit any of the air contaminants listed in s. NR 405.02 c27d cad at a rate greater than the applicable emission rate listed in s. NR 405.02 c27d cad.

cdd The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a source is not required to consider emissions of hazardous air contaminants associated with agricultural waste.

Note: Par. cdd is shown as affected by 2011 Wis. Act 122. On May 24, 2011, the Joint Committee for the Review of Administrative Rules cJCRARd adopted a motion under s. 227.26 c2d cdd, Stats., that suspended s. NR 407.03 c2d cdd in part as shown below. Pursuant to s. 227.26 c2d cfd, Stats., JCRAR introduced 2011 Assembly Bill 195 and 2011 Senate Bill 138, in support of the JCRAR suspension. 2011 Senate Bill 138 was enacted, effective March 22, 2012, resulting in the repeal of the rules as suspended by the May 24, 2011 JCRAR motion, as provided in s. 227.26 c2d cid, Stats., and creating s. 285.28, Stats., as set forth below.

NR 407.03 c2d cdd The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a source is not required to consider emissions of hazardous air contaminants associated with agricultural waste prior to July 31, 2011.

285.28 Agricultural waste; hazardous air contaminants. The department may not regulate the emission of hazardous air contaminants associated with agricultural waste except to the extent required by federal law.

Note: Owners and operators of facilities emitting less than 3 tons of volatile organic compounds and 5 tons of particulate matter on an annual basis, or who engage in limited or no manufacturing activities, should refer to s. NR 445.11 prior to determining applicable requirements under this section.

ced The source will not have maximum theoretical emissions of any single hazardous air pollutant listed under section 112 cbd of the Act c42 USC 7412 cbdd that equal or exceed 10 tons per year or cumulative maximum theoretical emissions of all the hazardous air pollutants listed under section 112 cbd of the Act c42 USC 7412 cbdd that equal or exceed 25 tons per year.

cf_d The source is not subject to an emission limitation or emission standard under section 111 of the Act [c42 USC 7411d](#) excluding engines certified to meet the emission standards in [40 CFR part 60](#), subpart III or JJJJ for each fuel used.

cg_d The source is not subject to an emission limitation or emission standard under section 112 of the Act [c42 USC 7412d](#), excluding section 112 cdd c5d or crd [c42 USC 7412 cdd c5d](#) or crdd.

c3d EXEMPT EQUIPMENT. Equipment installed under s. [NR 406.04 c1d cid](#) or [czgd](#) is exempt from needing an operation permit under this chapter.

c4d CONDITIONS FOR SPECIFIC EXEMPTIONS. In order to be eligible for a specific exemption under sub. [c1d cced](#), [ccmd](#), [cdd](#), [cgd](#), [cgmd](#), [chd](#), [cod](#), [csd](#), [cwg](#) or [cxd](#), the owner or operator of a direct stationary source shall keep and maintain the records required under pars. [cad](#) to [cfd](#), as applicable. The records shall be kept in a manner that allows the source to accurately calculate the required information on a monthly basis. The owner or operator of a direct stationary source shall begin keeping the records required under pars. [cbd](#) to [cfd](#) no later than January 1, 1994, and the records required under par. [cad](#) no later than January 1, 1998, or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. [c1d cdd](#), [cgd](#), [chd](#), [cod](#), [csd](#), [csmd](#), [cwg](#) or [cxd](#) is not eligible for the exemption under that subsection. After January 1, 1998, any direct stationary source that ever exceeds any level listed in sub. [c1d cced](#) or [ccmd](#) is not eligible for the exemption under that subsection. After February 1, 2001, any direct stationary source that ever exceeds any level listed in sub. [c1d cgmd](#) is not eligible for the exemption under that subsection. The records required are as follows:

cad To be exempt under sub. [c1d cced](#) or [ccmd](#), records of the tons of grain received at the grain storage or processing facility per month.

cbd To be exempt under sub. [c1d cdd](#), records of the cubic yards of concrete produced by the Portland concrete batch plant per month.

ccd To be exempt under sub. [c1d cgd](#), [cgmd](#) or [chd](#), records of the amounts used and VOC content of all VOC containing materials used at the facility per month.

cdd To be exempt under sub. [c1d cod](#), records of the number of hours that the laboratory operates, the amounts, VOC content and hazardous air contaminant content of all materials used and the amount, type and sulfur content of all fuels used per month.

ced To be exempt under sub. [c1d csd](#), records of the daily gasoline throughput for the bulk plant.

cf_d To be exempt under sub. [c1d cwg](#) or [cxd](#), records of the tons of material produced at a ledge rock quarry or sand mine per month, or for ledge rock quarries exempt for operating less than 365 days in a 5-year period, records indicating each day that the quarry operates.

Note: Between January 1, 1994 and January 1, 1998, s. [NR 407.03 c4d](#) contained recordkeeping requirements which were less specific than those set forth in pars. [cbd](#) to [cfd](#). Compliance with the recordkeeping requirements in this subsection will be assessed based on the administrative rule in effect at the time.

History: Cr. [Register, December, 1984, No. 348, eff. 1-1-85](#); cr. [c2d cbmd, r. and recr. c2d cdd, am. c2d ced, Register, September, 1988, No. 393, eff. 10-1-88](#); am. [c1d cad cintro.d, 1. to 3., cbd, cgd, chd, cod, c2d cad, cbd, cbmd, ccd 1. and 5., cdd and ced, Register, May, 1992, No. 437, eff. 6-1-92](#); am. [c1d cintro.d, cad cintro.d and 5., cbd to ced, c2d cintro.d, cad to ccd, cr. c1d csmd, csqd and cud, c2d cfd, cgd, c3d to c5d, r. c2d ccd 1. to 5., r. and recr. c2d ced, Register, December, 1993, No. 456, eff. 1-1-94](#); cr. [c1d cvd to czd, Register, June, 1994, No. 462, eff. 7-1-94](#); am. [c1d csmd cintro.d, 1. to 3., r. 5., renum. 6. to 10. to be 5. to 9. and am. 7. and 9., Register, September, 1994, No. 465, eff. 10-1-94](#); am. [c2d cdd, Register, December, 1994, No. 468, eff. 1-1-95](#); am. [c1d cintro.d, c2d cintro.d, Register, April, 1995, No. 472, eff. 5-1-95](#); am. [c1d cad 5., r. and recr. c1d ckd, r. c3d and c5d, Register, June, 1995, No. 474, eff. 7-1-95](#); am. [c1d csmd cintro.d, Register, August, 1995, No. 476, eff. 9-1-](#)

[95](#); am. [c1d cgd, chd, cod, c2d cbd and c4d, Register, December, 1995, No. 480, eff. 1-1-96](#); am. [c1d cgd, csmd 9., Register, December, 1996, No. 492, eff. 1-1-97](#); am. [c1d cid and cid, Register, March, 1997, No. 495, eff. 4-1-97](#); cr. [c1d ckmd, Register, September, 1997, No. 501, eff. 10-1-97](#); cr. [c1d cced, ccmd, ctd 4., 5., c3d, c4d cad to cfd; am. c1d csd, csmd cintro.d, ctd cintro.d, 1. and c4d, renum. c1d ctd 4. to be c1d ctd 6. and am., Register, December, 1997, No. 504, eff. 1-1-98](#); am. [c1d cgd, chd, cod, c2d cintro.d, ced and cgd, Register, October, 1999, No. 526, eff. 11-1-99](#); cr. [c1d cgmd, am. c4d cintro.d and ccd, Register, January, 2001, No. 541, eff. 2-1-01](#); [CR 02-097: am c1d csmd cintro.d and c2d cdd Register June 2004 No. 582, eff. 7-1-04](#); [CR 04-107: r. c1d ccd, am. c1d cced and ccmd Register August 2005 No. 596, eff. 9-1-05](#); correction in [c1d ctd 6. made under s. 13.93 c2md cbd 7., Stats., Register August 2005 No. 596](#); [CR 06-047: cr. c1md Register May 2007 No. 617, eff. 6-1-07](#); corrections in [c1d cad and cbd made under s. 13.93 c2md cbd 7., Stats., Register May 2007 No. 617](#); [CR 07-076: am. c2d cdd Register July 2008 No. 631, eff. 8-1-08](#); [CR 09-020: am. c1d cgd, cgmd, chd, cod, csmd cintro.d, csqd, c1md cad 2., c2d ced, cfd, cgd, and c4d cintro.d Register January 2010 No. 649, eff. 2-1-10](#); [CR 10-050: cr. c2d cbcd Register November 2010 No. 659, eff. 12-1-10](#); [2011 Wis. Act 122: r. in part c2d cdd eff. 3-22-12](#); s. 35.17, Stats., correction in [c1md cad 2., Register February 2014 No. 698](#); [CR 15-005: renum. c1d cud to c1d cud cintro.d and am., cr. c1d cud 1., 2., c1sd Register November 2015 No. 719, eff. 12-1-15](#); [CR 19-015: am. c1d cintro.d, cr. c1d cad 4m., cbmd, am. c1md cad 2., ccd 1., cr. c2d cbad, am. c2d cfd, cgd Register September 2020 No. 777, eff. 10-1-20.](#)

NR 407.04 Permit application requirements. The owner or operator of an air contaminant source which is not exempt under s. [285.60 c5d](#), Stats., or s. [NR 407.03](#) shall submit an operation permit application or renewal application, in accordance with s. [NR 407.05](#), by the dates specified in this section:

c1d INITIAL FILING DATES. Except as provided under subs. [c3d](#) to [c7d](#), the initial operation permit application shall be submitted by one of the following dates:

Note: Application forms may be obtained from the Department Regional Headquarter or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921, Attention: operation permits.

cad *Existing sources, initial application.* For initial applications for all existing sources, the date in the appropriate column of Table 1 for part 70 and non-part 70 sources corresponding to the county in which the source is located. Where the location of a source is in 2 or more counties, the date an application is due shall be the latest date listed for any of the counties in which the source is located. Any existing air contaminant source for which an application is submitted requesting that it be made a synthetic minor source is a part 70 source until a permit making that source a synthetic minor source is issued and, except as allowed in sub. [c3d](#), is subject to the filing dates listed for part 70 sources. If a source submits an application on or before the date specified in Table 1 and the department determines that the application is incomplete, the source shall have 30 days from the date that the department notifies the source of the incompleteness determination to complete the application.

cbd *New and modified sources.* 1. In accordance with s. [285.62 c11d cbd 2.](#), Stats., for new or modified sources for which a construction permit is required and which apply for a construction permit after November 15, 1992, the date that the application for the construction permit is filed.

2. For new or modified sources for which a construction permit is required and which applied for a construction permit before November 15, 1992, a date at least 120 days prior to the expiration date of the construction permit.

3. For new or modified sources for which no construction permit is required, a date before the source commences construction or modification. For purposes of determining the date of commencement of construction or modification, the exclusions provided in s. [NR 406.03 c1ed](#) shall apply.

c2d PERMIT RENEWAL. Pursuant to s. [285.66 c3d](#), Stats., a permittee shall apply for renewal of an operation permit at least 6 months before the permit expires. No permittee may continue operation of a source after the operation permit expires, unless the permittee submits a timely and complete application for renewal of the permit.

Note: Under [40 CFR 70.5cadc1dceiid](#), the renewal application must be submitted at least 6 months, but not more than 18 months before the permit expires.

c3d EXTENSIONS AND DEFERRALS. *cad Extensions for cause.* An existing source may request and the department may grant an extension of not more than 60 days beyond the applicable date specified in sub. **c1d cad** if all of the following conditions are met:

1. a. The extension is requested in writing at least 30 but no more than 90 days before the application is due.
- b. The department may waive the 30 day requirement in subd. **1. a.** if an emergency occurs that makes it impossible for the source to meet that deadline.
2. The applicant demonstrates that the reason that they cannot meet the date specified in sub. **c1d cad** is beyond their reasonable control.
3. The extension does not extend the date that a complete application is due for a part 70 source beyond November 15, 1995.

cbd Deferral for sources proposing to become synthetic minor sources. 1. If an existing source proposes to be permitted as a synthetic minor source in order to avoid being classified as a part 70 source, the owner or operator shall:

- a. Submit a complete application for an operation permit for a non-part 70 source in accordance with s. **NR 407.05 c4d** and **c8d** by the date that a part 70 source permit application would be due for that source under the schedule in Table 1.
- b. Submit information to show that the actual emissions of each air contaminant emitted by the source for the 2 most recent years prior to the submittal of the application for an operation permit were less than the corresponding thresholds for being classified a major source under s. **NR 407.02 c4d**. If available, actual emissions, as reported to the department pursuant to ch. **NR 438**, shall be submitted.
- c. Submit information to show that the source is a part 70 source solely due to its classification as a major source.

2. The department shall review the application and determine whether the source may be permitted as a non-part 70 source and whether the source has demonstrated that the requirements of subd. **1.** have been met. If the department determines that the source may be permitted as a non-part 70 source and the requirements of subd. **1.** have been met, it shall process the application in accordance with s. **285.62**, Stats., and ss. **NR 407.07** and **407.09**. If the department determines that the source may not be permitted as a non-part 70 source, the department shall notify the source of that determination. The owner or operator of the source

shall then submit to the department a complete application for a part 70 source in accordance with s. **NR 407.05 c4d** by October 30, 1995.

c4d PERCHLOROETHYLENE DRY CLEANING FACILITIES. Notwithstanding sub. **c1d**, the owner or operator of any perchloroethylene dry cleaning facility that is not a major source or located at a major source as defined in s. **NR 468.20 c2d cLd**, is not required to obtain a construction permit under ch. **NR 406** and on which construction commenced prior to July 1, 1995, shall submit an operation permit application, on application forms available from the department, by July 1, 1996.

c5d HALOGENATED SOLVENT CLEANING. Notwithstanding sub. **c1d** and except as provided in sub. **c4d**, the owner or operator of any batch vapor or in-line cleaning machine as defined in s. **NR 469.02 c3d, c26d** and **c44d** that uses any halogenated HAP solvent as a cleaning or drying agent and that is not a major source or located at a major source and on which construction commenced prior to April 1, 1997, shall submit an operation permit application for a part 70 source, on application forms available from the department, by the date that an operation permit application for a non-part 70 source would be due for that source under the schedule in Table 1.

c6d CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING OPERATIONS. Notwithstanding sub. **c1d**, the owner or operator of any facility which does hard or decorative chromium electroplating as defined in s. **NR 463.02 c18d** and **c10d** or chromium anodizing as defined in s. **NR 463.02 c7d** that is not a major source or located at a major source, is not required to obtain a construction permit under ch. **NR 406**, and on which construction commenced prior to October 1, 1997, shall submit an operation permit application for a part 70 source, on application forms available from the department, by the date that an operation permit application for a non-part 70 source would be due for that source under the schedule in Table 1.

c7d SECONDARY ALUMINUM PROCESSING UNITS. Notwithstanding sub. **c1d**, the owner or operator of any facility which has a secondary aluminum processing unit as defined in s. **NR 463.12 c35d** that is not a major source and is not required to obtain a construction permit under ch. **NR 406**, shall submit an operation permit application for a non-part 70 source on application forms available from the department no later than one year after January 1, 2009.

Table 1
Application Filing Dates For Air Pollution Operation Permits For Existing Sources

| County of Location | Application Filing Date for Part 70 Sources | Application Filing Date for Non-part 70 Sources |
|--------------------------------------|--|--|
| Adams | June 1, 1994 | August 1, 1997 |
| Ashland | June 1, 1994 | August 1, 1997 |
| Barron | March 1, 1995 | May 1, 1998 |
| Bayfield | June 1, 1995 | August 1, 1998 |
| Brown | May 1, 1995 | July 1, 1998 |
| Buffalo | October 1, 1994 | December 1, 1997 |
| Burnett | December 1, 1994 | February 1, 1998 |
| Calumet | May 1, 1994 | July 1, 1997 |
| Chippewa | June 1, 1995 | August 1, 1998 |
| Clark | March 1, 1995 | May 1, 1998 |
| Columbia | May 1, 1994 | July 1, 1997 |
| Crawford | May 1, 1994 | July 1, 1997 |
| Dane | September 1, 1995 | November 1, 1998 |
| Dodge | May 1, 1995 | July 1, 1998 |
| Door | September 1, 1994 | November 1, 1997 |
| Douglas | May 1, 1994 | August 1, 1998 |
| Dunn | August 1, 1994 | October 1, 1997 |
| Eau Claire | December 1, 1994 | February 1, 1998 |
| Florence | August 1, 1994 | October 1, 1997 |
| Fond du Lac | September 1, 1994 | November 1, 1997 |
| Forest | June 1, 1994 | August 1, 1997 |
| Grant | August 1, 1994 | October 1, 1997 |
| Green Lake | May 1, 1995 | July 1, 1998 |
| Green | February 1, 1995 | April 1, 1998 |
| Iowa | January 1, 1995 | March 1, 1998 |
| Iron | December 1, 1994 | February 1, 1998 |
| Jackson | March 1, 1995 | May 1, 1998 |
| Jefferson | November 1, 1994 | January 1, 1998 |
| Juneau | June 1, 1994 | August 1, 1997 |
| Kenosha | January 1, 1995 | March 1, 1998 |
| Kewaunee | September 1, 1994 | November 1, 1997 |
| La Crosse | September 1, 1995 | November 1, 1998 |
| Lafayette | January 1, 1995 | March 1, 1998 |
| Langlade | June 1, 1994 | August 1, 1997 |
| Lincoln | August 1, 1994 | October 1, 1997 |
| Manitowoc | February 1, 1995 | April 1, 1998 |
| Marathon | May 1, 1995 | July 1, 1998 |
| Marinette | August 1, 1994 | October 1, 1997 |
| Marquette | May 1, 1995 | July 1, 1998 |
| Menominee | July 1, 1994 | September 1, 1997 |
| Milwaukee, south of Wisconsin Avenue | July 1, 1995 | June 1, 1998 |
| Milwaukee, north of Wisconsin Avenue | April 1, 1995 | September 1, 1998 |
| Monroe | March 1, 1995 | May 1, 1998 |
| Oconto | July 1, 1994 | September 1, 1997 |
| Oneida | May 1, 1994 | July 1, 1997 |
| Outagamie | November 1, 1994 | January 1, 1998 |
| Ozaukee | July 1, 1994 | September 1, 1997 |
| Pepin | December 1, 1994 | February 1, 1998 |
| Pierce | June 1, 1994 | August 1, 1997 |
| Polk | March 1, 1995 | May 1, 1998 |
| Portage | November 1, 1994 | January 1, 1998 |
| Price | June 1, 1995 | July 1, 1997 |
| Racine | January 1, 1995 | March 1, 1998 |
| Richland | August 1, 1994 | October 1, 1997 |
| Rock | February 1, 1995 | April 1, 1998 |
| Rusk | December 1, 1994 | February 1, 1998 |
| Sauk | June 1, 1994 | August 1, 1997 |
| Sawyer | December 1, 1994 | February 1, 1998 |
| Shawano | June 1, 1994 | August 1, 1997 |
| Sheboygan | October 1, 1994 | December 1, 1997 |
| St Croix | August 1, 1994 | October 1, 1997 |
| Taylor | December 1, 1994 | February 1, 1998 |

Table 1
Application Filing Dates For Air Pollution Operation Permits For Existing Sources

| County of Location | Application Filing Date for Part 70 Sources | Application Filing Date for Non-part 70 Sources |
|--|--|--|
| Trempealeau | October 1, 1994 | December 1, 1997 |
| Vernon | December 1, 1994 | February 1, 1998 |
| Vilas | May 1, 1994 | July 1, 1997 |
| Walworth | May 1, 1994 | July 1, 1997 |
| Washburn | December 1, 1994 | February 1, 1998 |
| Washington | June 1, 1994 | August 1, 1997 |
| Waukesha | October 1, 1995 | December 1, 1998 |
| Waupaca | September 1, 1994 | November 1, 1997 |
| Waushara | September 1, 1994 | November 1, 1997 |
| Winnebago | August 1, 1995 | October 1, 1998 |
| Wood | February 1, 1995 | April 1, 1998 |
| Portable sources located anywhere in Wisconsin | October 1, 1995 | December 1, 1998 |

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. c1d to be c1d cad, cr. c1d cbd, Register, September, 1988, No. 393, eff. 10-1-88; am. c1d cad, renum. Table, Register, May, 1992, No. 437, eff. 6-1-92; am. c1d cad, Register, June, 1993, No. 450, eff. 7-1-93; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94; am. c1d cintro.d, cr. c4d, Register, June, 1995, No. 474, eff. 7-1-95; am. c3d cbd 1. b., Register, December, 1996, No. 492, eff. 1-1-97; am. c1d cintro.d and c4d and cr. c5d, Register, March, 1997, No. 495, eff. 4-1-97; am. c1d cintro.d and cr. c6d, Register, September, 1997, No. 501, eff. 10-1-97; cr. cintro.d and am. c1d cintro.d and cbd 3., Register, October, 1999, No. 526, eff. 11-1-99; CR 04-023; cr. c7d Register December 2008 No. 636, eff. 1-1-09; CR 09-020; am. c2d Register January 2010 No. 649, eff. 2-1-10; CR 15-005; am. c1d cintro.d, cbd 3. Register November 2015 No. 719, eff. 12-1-15; correction in c1d cbd 3. made under s. 35.17, Stats., Register November 2015 No. 719.

NR 407.05 Applications and forms. c1d Applications for operation permits and renewals of operation permits shall be made on forms supplied by the department for these purposes and supplemented with other materials as indicated on the forms. The forms may be supplied by the department in an electronic format, such as on a computer disk, or on line, if so requested by the applicant.

Note: Application forms may be obtained from the Department Regional Headquarters or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921. Attention: operation permits. The internet web address is: <http://dnr.wi.gov/topic/AirPermits/Forms.html>.

c2d Application materials may be submitted on paper or in an electronic format. The applicant shall submit all forms and other required materials, as indicated on the forms. When electing to submit materials on paper, the applicant shall submit the materials to the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921, Attention: Operation permits.

c3d The application forms shall be signed by a responsible official of the stationary source designated by the source for this purpose. In the case of an electronic format application, a form supplied with the electronic format shall be signed in accordance with this subsection and returned to the department with the electronic format application.

c4d The application shall contain all of the information required for the issuance of an operation permit. Except as provided in subs. c5d and c8d, it shall include the following elements:

cad Identifying information, including company name and address, and plant name and address if different from the company name or address, owner[s] name and agent, and operator if different from the owner, and names and telephone numbers of the plant manager and contact person.

cbd A description of the source[s] processes and products, by standard industrial classification code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05, including any processes and products associated with each alternate operating scenario identified by the source.

ccd The following emissions-related information:

1. The maximum theoretical emissions of all air contaminants from all emissions units, operations, and activities except for those exempted under subd. 9. or 10. Fugitive emissions from

emissions units, operations, and activities shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. Maximum theoretical fugitive emissions shall be calculated using average operating conditions and average weather conditions. Only sources that manufacture or treat pesticides, rodenticides, insecticides, herbicides, fungicides, or pharmaceuticals shall include emissions of air contaminants identified as falling within the categories in Table 3 in permit applications. When preparing an application, the owner or operator of a facility may rely on information in an approved material safety data sheet. Trace contaminants need not be reported if they constitute less than 1% c10,000 parts per million of the material, or 0.1% c1,000 parts per million of the material if the air contaminant is listed with a control requirement in column cid of Table A, B or C of s. NR 445.07, unless a hazardous air contaminant is formed in processing the material.

2. Identification and description of all emissions points in sufficient detail to determine the applicable requirements to be included in an operation permit.

3. Emission rates in tons per year and in terms necessary to demonstrate compliance with emission limitations consistent with the applicable reference test method.

4. The following information to the extent that it is needed to determine or regulate emissions: types and amounts of fuels used, types and amounts of raw materials used, production rates and operating schedules.

5. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

6. Limitations on source operations and any applicable work practice standards which affect emissions of any air contaminants.

7. Other information necessary to determine any applicable requirement.

8. The calculations on which the information contained in subsd. 1. to 7. is based.

9. The emissions units, operations and activities in subd. 9. a. to o. shall be listed in the application but are exempt from being further included in any application required under this chapter:

a. Any emissions unit, operation, or activity that has, for each air contaminant, maximum theoretical emissions that are less than the level specified in Table 3. Multiple emissions units, op-

erations, and activities that perform identical or similar functions shall be combined in determining the applicability of the exemption under this subd. 9. a.

b. If the maximum theoretical emissions of any air contaminants listed in Table 3 from all emission units, operations, or activities at a facility are less than 5 times the level specified in Table 3 for those air contaminants, any emissions unit, operation, or activity that emits only those air contaminants.

c. Maintenance of grounds, equipment and buildings, including lawn care, pest control, grinding, cutting, welding, painting, woodworking, general repairs and cleaning, but not including use of organic compounds as clean-up solvents.

d. Boiler, turbine, generator, heating and air conditioning maintenance.

e. Pollution control equipment maintenance.

f. Internal combustion engines used for warehousing and material transport, forklifts and courier vehicles, front end loaders, graders and trucks, carts and maintenance trucks.

g. Fire control equipment.

h. Janitorial activities.

i. Office activities.

j. Convenience water heating.

k. Convenience space heating units with heat input capacity of less than 5 million Btu per hour that burn gaseous fuels, liquid fuels or wood.

L. Fuel oil storage tanks with a capacity of 10,000 gallons or less.

m. Stockpiled contaminated soils.

n. Demineralization and oxygen scavenging of water for boilers.

o. Purging of natural gas lines.

10. For any emissions unit, operation, or activity that is included in the application, the applicant does not need to include information on any air contaminant if the maximum theoretical emissions of the air contaminant are less than the level for that air contaminant listed in Table 3 or if the maximum theoretical emissions of any air contaminant listed in Table 3 from all emission units, operations, or activities at a facility are less than 5 times the level specified in Table 3 for that air contaminant. Multiple emissions units, operations, and activities that perform identical or similar functions shall be combined in determining the applicability of this exemption.

cdd The following air pollution control requirements:

1. Citation and description of all applicable requirements.

2. Description of or reference to any applicable test method for determining compliance with each applicable requirement.

ced Other specific information that may be necessary to implement and enforce other requirements of the Act or to determine the applicability of the requirements.

cfg An explanation of any proposed exemptions from otherwise applicable requirements.

cgd Additional information necessary to define alternate operating scenarios pursuant to s. NR 407.09 c2d cbd, or to define permit terms and conditions implementing the permit flexibility provisions of s. NR 407.025 or internal offset provisions of s. NR 425.05.

chd A compliance plan that contains all of the following:

1. A description of the compliance status of the source with respect to all applicable requirements.

2. A description as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

c. For requirements for which a stationary source is not proposed to be in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with the requirements.

3. A compliance schedule as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement.

c. A compliance schedule for sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a series of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judgment, judicial consent decree or stipulation or administrative order to which the source is subject.

4. A schedule for submission of progress reports, certified pursuant to par. cjd, no less frequently than every 6 months for stationary sources which are not in compliance with all applicable requirements on the date of permit issuance.

5. For affected sources, the acid rain program compliance plan elements required under section 408 of the Act c42 USC 7651gd and s. NR 409.09.

cid Requirements for compliance certification, including the following:

1. A certification of the source[s] compliance status with all applicable requirements by a responsible official consistent with par. cjd.

2. A description of the methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements and test methods.

3. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department.

4. A statement indicating the source[s] compliance status with any applicable enhanced monitoring and compliance certification requirements under section 114 cad c3d of the Act c42 USC 7414 cad c3dd.

cjd Any application form, report or compliance certification submitted pursuant to this section shall require certification by a responsible official of the truth, accuracy and completeness of the submission. This certification and any other certification required under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

c5d The applicant shall use nationally-standardized forms for the portions of permit applications and compliance plans related to acid rain program requirements, as required by regulations promulgated under the acid rain program.

Note: These forms may be obtained from the Department Regional Headquarter or Service Center offices or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921, Attention: operation permits, or U.S. EPA, Region 5, 77 W Jackson Blvd, Chicago IL 60604.

c6d The applicant shall specifically identify all information in the permit application for which confidential status is sought and shall follow procedures in s. 285.70, Stats., and s. NR 2.19 to request confidential status for that information. In addition to the submission of the complete application required under sub. c2d, an applicant requesting confidentiality shall also supply to the department the application with all confidential material redacted from forms and other materials that are submitted on paper. The applicant shall file one copy of all forms and other materials with all confidential material redacted if submitted in electronic format.

c7d Applications for general and registration operation permits shall be submitted on forms supplied by the department and shall include all information necessary to determine qualification

for and ability to meet the applicable emission limitations and requirements of the general or registration operation permit.

c8d Notwithstanding sub. c4d cintr.o.d, the initial applications for existing, non-part 70 sources submitted pursuant to s. NR 407.04 c1d and initial applications for new or modified sources for which no construction permit is required do not need to include the information in sub. c4d cdd, cfd, chd and cid.

c9d An applicant who has failed to submit relevant facts or has submitted incorrect information in a permit application shall, after becoming aware of this fact, promptly submit the supplemental or corrected information. In addition, an applicant shall provide any additional information as necessary to address any requirements that become applicable after the date he or she filed a complete application, but prior to publication of a public notice under s. 285.62 c3d ccd, Stats.

c10d All material statements, representations and certifications in a permit application shall be truthful.

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Below | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|--|---|---|--|
| Acetaldehyde | 2, 3 | 75-07-0 | 80.8 |
| Acetamide | 2 | 60-35-5 | 2,000 |
| Acetic acid | 3 | 64-19-7 | 1,155 |
| Acetic anhydride | 3 | 108-24-7 | 982 |
| Acetonitrile | 2, 3 | 75-05-8 | 2,000 |
| Acetophenone | 2 | 98-86-2 | 2,000 |
| 2-Acetylaminofluorene | 2 | 53-96-3 | 2,000 |
| Acrolein | 2, 3 | 107-02-8 | 15 |
| Acrylamide | 2, 3 | 79-06-1 | 0.137 |
| Acrylic acid | 2, 3 | 79-10-7 | 17.8 |
| Acrylonitrile | 2, 3 | 107-13-1 | 2.61 |
| Adipic Acid | 3 | 124-04-9 | 235 |
| Adiponitrile | 3 | 111-69-3 | 416 |
| Adriamycin | 3 | 23214-92-8 | 0.243 |
| Aflatoxins | 3 | 1402-68-2 | 0.243 |
| Aldrin | 3, 6 | 309-00-2 | 11.8 |
| Allyl alcohol | 3 | 107-18-6 | 55.9 |
| Allyl chloride | 2, 3 | 107-05-1 | 147 |
| Allyl glycidyl ether | 3 | 106-92-3 | 220 |
| Aluminum alkyls and soluble salts, as Al | 3 | 7429-90-5* | 94.1 |
| Aluminum pyro powders, as Al | 3 | 7429-90-5* | 235 |
| o-Aminoazotoluene c2-Aminoazotoluened | 3 | 97-56-3 | 0.162 |
| 4-Aminobiphenyl | 2, 3 | 92-67-1 | 0.0296 |
| Amitrole | 3, 6 | 61-82-5 | 0.658 |
| Ammonia | 3 | 7664-41-7 | 819 |
| Ammonium perfluorooctanoate | 3 | 3825-26-1 | 0.471 |
| Aniline | 2, 3 | 62-53-3 | 358 |
| o-Anisidine and o-anisidine hydrochloride cmixtures and isomersd | 2, 3 | 29191-52-4* | 4.44 |
| Antimony & compounds, as Sb | 2, 3 | 7440-36-0* | 23.5 |
| Antimony trioxide | 3 | 1309-64-4 | 3.55 |
| ANTU | 3, 6 | 86-88-4 | 14.1 |
| Arsenic, elemental and inorganic compounds, as As | 2, 3 | 7440-38-2* | 0.0413 |
| Arsine | 2, 3 | 7784-42-1 | 0.888 |
| Asbestos, all forms | 2, 3 | 1332-21-4* | 0.243 |
| Atrazine | 3, 6 | 1912-24-9 | 235 |
| Azathioprine | 3 | 446-86-6 | 0.348 |
| Azinphos-methyl | 3, 6 | 86-50-0 | 9.41 |
| Barium, soluble compounds, as Ba | 3 | 7440-39-3* | 23.5 |
| Benomyl | 3, 6 | 17804-35-2 | 471 |
| Benzcadanthracene | 3 | 56-55-3 | 1.62 |

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Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|---|--|---|---|
| Benzene | 2, 3 | 71-43-2 | 22.8 |
| Benzidine | 2, 3 | 92-87-5 | 0.00265 |
| Benzocbdf fluoranthene | 2, 3 | 205-99-2 | 0.243 |
| Benzocjd fluoranthene | 3 | 205-82-3 | 0.243 |
| Benzockdf fluoranthene | 3 | 207-08-9 | 0.243 |
| Benzocadpyrene | 3 | 50-32-8 | 0.162 |
| Benzotrichloride | 2, 3 | 98-07-7 | 0.243 |
| Benzoyl chloride | 3 | 98-88-4 | 188 |
| Benzoyl peroxide | 3 | 94-36-0 | 235 |
| Benzyl acetate | 3 | 140-11-4 | 2,000 |
| Benzyl chloride | 2, 3 | 100-44-7 | 244 |
| Beryllium and beryllium compounds, as Be | 2, 3 | 7440-41-7* | 0.074 |
| Biphenyl | 2, 3 | 92-52-4 | 59.4 |
| Bischloroethyl nitrosoarea | 3 | 154-93-8 | 0.243 |
| N,N-Bis c2-chloroethyl d-2-naphthylamine | 3 | 494-03-1 | 0.243 |
| cChlornaphazined | | | |
| Bis cchloromethyl d ether cBCMEd and technical grade | 2, 3 | 542-88-1 | 0.243 |
| Bis c2-dimethylaminoethyl d ether cDMAEEEd | 3 | 3033-62-3 | 15.4 |
| Bismuth telluride, as Bi2Te3: Se-Doped | 3 | 1304-82-1 | 235 |
| Borates, tetra, sodium salts, decahydrate | 3 | 1303-96-4* | 235 |
| Borates, tetra, sodium salts, pentahydrate | 3 | 1303-96-4* | 47.1 |
| Boron tribromide | 3 | 10294-33-4 | 670 |
| Boron trifluoride | 3 | 7637-07-2 | 181 |
| Bromacil | 3, 6 | 314-40-9 | 471 |
| Bromine | 3 | 7726-95-6 | 30.8 |
| Bromine pentafluoride | 3 | 7789-30-2 | 33.7 |
| Bromodichloromethane | 3 | 75-27-4 | 4.8 |
| Bromoform | 2, 3 | 75-25-2 | 243 |
| 1,3-Butadiene | 2, 3 | 106-99-0 | 0.635 |
| 2-Butoxyethanol cEthylene glycol monobutyl ether; EGBE; butyl cellosolved | 3 | 111-76-2 | 2,000 |
| n-butyl alcohol cn-Butanold | 3 | 71-36-3 | 2,000 |
| n-Butyl acrylate | 3 | 141-32-2 | 493 |
| n-Butylamine | 3 | 109-73-9 | 978 |
| Butylated hydroxyanisole cBHAd | 3 | 25013-16-5 | 2,000 |
| tert-Butyl chromate, as Cr | 2, 3 | 1189-85-1 | 0.0148 |
| n-Butyl glycidyl ether cBGEd | 3 | 2426-08-6 | 2,000 |
| n-Butyl lactate | 3 | 138-22-7 | 1,407 |
| o-sec-Butylphenol | 3 | 89-72-5 | 1,446 |
| p-tert-Butyltoluene | 3 | 98-51-1 | 285 |
| C. I. Basic Red 9 monohydrochloride | 3 | 569-61-9 | 2.5 |
| Cadmium and cadmium compounds, as Cd | 2, 3 | 7440-43-9* | 0.0987 |
| Calcium cyanamide | 2, 3 | 156-62-7 | 23.5 |
| Calcium hydroxide | 3 | 1305-62-0 | 235 |
| Calcium oxide | 3 | 1305-78-8 | 94.1 |
| Camphor csyntheticd | 3 | 76-22-2 | 586 |
| Caprolactam caerosol and vapord | 3 | 105-60-2 | 1,089 |
| Captafol | 3, 6 | 2425-06-1 | 4.71 |
| Captan | 2, 3, 6 | 133-06-2 | 235 |
| Carbaryl | 2, 3, 6 | 63-25-2 | 235 |
| Carbofuran | 3, 6 | 1563-66-2 | 4.71 |
| Carbon monoxide | 1 | 630-08-0 | 2,000 |
| Carbon black | 3 | 1333-86-4 | 165 |
| Carbon disulfide | 2, 3 | 75-15-0 | 1,465 |
| Carbon tetrabromide | 3 | 558-13-4 | 63.8 |
| Carbon tetrachloride | 2, 3, 5 | 56-23-5 | 11.8 |
| Carbonyl fluoride | 3 | 353-50-4 | 254 |
| Carbonyl sulfide | 2 | 463-58-1 | 2,000 |
| Catechol cPyrocatechold | 2, 3 | 120-80-9 | 1,060 |
| Refractory Ceramic Fibers crespirable sized | 3 | * | 0.243 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|---|--|---|--|
| Cesium hydroxide | 3 | 21351-79-1 | 94.1 |
| Chloramben | 2 | 133-90-4 | 2,000 |
| Chlorambucil | 3 | 305-03-3 | 0.00137 |
| Chlordane | 2, 3, 6 | 57-74-9 | 23.5 |
| Chlorendic acid | 3 | 115-28-6 | 6.83 |
| Chlorinated camphene cToxaphened | 2, 3, 6 | 8001-35-2 | 0.555 |
| Chlorinated diphenyl oxide | 3 | 55720-99-5 | 23.5 |
| Chlorinated paraffins cC12; 60% chlorined | 3 | 108171-26-2* | 7.11 |
| Chlorine | 2, 3 | 7782-50-5 | 68.2 |
| Chlorine dioxide | 3 | 10049-04-4 | 13 |
| Chlorine trifluoride | 3 | 7790-91-2 | 24.7 |
| Chloroacetic acid | 2 | 79-11-8 | 2,000 |
| 2-Chloroacetophenone | 2, 3 | 532-27-4 | 14.9 |
| Chlorobenzene cMonochlorobenzened | 2, 3 | 108-90-7 | 2,000 |
| Chlorobenzilate | 2 | 510-15-6 | 2,000 |
| o- Chlorobenzylidene malonitrile | 3 | 2698-41-1 | 25.2 |
| 1-Chloro-1,1-difluoroethane cHydrochlorofluorocarbon-142b; HCFC-142b; R-142bd | 3, 5 | 75-68-3 | 2,000 |
| Chlorodifluoromethane cHydrochlorofluorocarbon-22; HCFC-22; R-22d | 3, 5 | 75-45-6 | 2,000 |
| 1- c2-Chloroethyl -3-cyclohexyl-1-nitrosoarea cCCNUd | 3 | 13010-47-4 | 0.243 |
| Chlorofluorocarbon-11 cCFC-11, R-11, Trichlorofluoromethaned | 5 | 75-69-4 | 2,000 |
| Chlorofluorocarbon-111 cCFC-111d | 5 | 954-56-3 | 2,000 |
| Chlorofluorocarbon-112 cCFC-112d | 5 | 76-12-0 | 2,000 |
| Chlorofluorocarbon-113 cCFC-113, R-113, Trichlorotrifluoroethaned | 5 | 76-13-1 | 2,000 |
| Chlorofluorocarbon-114 cCFC-114, R-114, Dichlorotetrafluoroethaned | 5 | 76-14-2 | 2,000 |
| Chlorofluorocarbon-115 cCFC-115, R-115, Monochloropentafluoroethaned | 5 | 76-15-3 | 2,000 |
| Chlorofluorocarbon-12 cCFC-12, R-12, Dichlorodifluoromethaned | 5 | 75-71-8 | 2,000 |
| Chlorofluorocarbon-13 cCFC-13, R-13, Chlorotrifluoromethaned | 5 | 75-72-9 | 2,000 |
| Chlorofluorocarbon-211 cCFC-211, R-211d | 5 | 422-78-6 | 2,000 |
| Chlorofluorocarbon-212 cCFC-212, R-212d | 5 | 3182-26-1 | 2,000 |
| Chlorofluorocarbon-213 cCFC-213, R-213d | 5 | 165-97-7 | 2,000 |
| Chlorofluorocarbon-214 cCFC-214, R-214d | 5 | 29255-31-0 | 2,000 |
| Chlorofluorocarbon-215 cCFC-215, R-215d | 5 | 4259-43-2 | 2,000 |
| Chlorofluorocarbon-216 cCFC-216, R-216d | 5 | 661-97-2 | 2,000 |
| Chlorofluorocarbon-217 cCFC-217, R-217d | 5 | 422-86-6 | 2,000 |
| Chloroform | 2, 3 | 67-66-3 | 7.73 |
| Chloromethyl methyl ether cMMEd | 2, 3 | 107-30-2 | 0.243 |
| 1-Chloro-1-nitropropane | 3, 6 | 600-25-9 | 476 |
| Chloropicrin cTrichloronitromethaned | 3, 6 | 76-06-2 | 31.6 |
| beta-Chloroprene | 2, 3 | 126-99-8 | 0.243 |
| o-Chlorostyrene | 3 | 2039-87-4 | 2,000 |
| o-Chlorotoluene | 3 | 95-49-8 | 2,000 |
| Chlorpyrifos | 3, 6 | 2921-88-2 | 9.41 |
| Chromium cmetald and compounds other than Chromium cVId | 2, 3 | 7440-47-3* | 23.5 |
| Chromium cVId: Chromic acid mists and dissolved Cr cVId aerosols, as Cr | 2, 3 | 7440-47-3* | 0.0148 |
| Chromium cVId: compounds and particulates | 2, 3 | 7440-47-3* | 0.0148 |
| Chromyl chloride, as Cr | 2, 3 | 14977-61-8 | 0.0148 |
| Cobalt, elemental, and inorganic compounds, as Co | 2, 3 | 7440-48-4* | 0.941 |
| Coke oven emissions | 2, 3 | * | 0.287 |
| Copper and compounds, dust & mists, as Cu | 3 | 7440-50-8* | 47.1 |
| Copper and compounds, fume, as Cu | 3 | 7440-50-8* | 9.41 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|--|--|---|---|
| p-Cresidine | 3 | 120-71-8 | 4.13 |
| Cresol cmixtures and isomersd | 2, 3 | 1319-77-3* | 1,041 |
| Crotonaldehyde | 3 | 4170-30-3* | 56.3 |
| Crufomate | 3, 6 | 299-86-5 | 235 |
| Cumene cIsopropyl benzened | 2, 3 | 98-82-8 | 2,000 |
| Cyanamide | 3 | 420-04-2 | 94.1 |
| Cyanides, cinorganicsd, as CN | 2, 3 | 143-33-9* | 327 |
| Cyanogen | 3 | 460-19-5 | 1,002 |
| Cyanogen chloride | 3 | 506-77-4 | 49.3 |
| Cyclohexanol | 3 | 108-93-0 | 2,000 |
| Cyclohexanone | 3 | 108-94-1 | 2,000 |
| Cyclohexylamine | 3 | 108-91-8 | 1,909 |
| Cyclonite | 3 | 121-82-4 | 23.5 |
| Cyclopentadiene | 3 | 542-92-7 | 2,000 |
| Cyclophosphamide | 3 | 50-18-0 | 1.05 |
| Cyhexatin | 3, 6 | 13121-70-5 | 235 |
| 2,4-D, salts and esters | 2 | 94-75-7* | 2,000 |
| Dacarbazine | 3 | 4342-03-4 | 0.0127 |
| DDE | 2 | 72-55-9 | 2,000 |
| Demeton | 3, 6 | 8065-48-3 | 4.97 |
| Diacetone alcohol | 3 | 123-42-2 | 2,000 |
| 2,4-Diaminoanisole sulfate | 3 | 39156-41-7 | 48 |
| 2,4-Diaminotoluene cToluene-2,4-diamined | 2, 3 | 95-80-7* | 0.162 |
| Diazinon | 3, 6 | 333-41-5 | 4.71 |
| Diazomethane | 2, 3 | 334-88-3 | 16.2 |
| Dibenzca,hdacridine | 2, 3 | 226-36-8 | 1.62 |
| Dibenzca,jdacridine | 2, 3 | 224-42-0 | 1.62 |
| Dibenzca,hdanthracene | 2, 3 | 53-70-3 | 0.148 |
| 7H-Dibenzocc,gdcarbazole | 2, 3 | 194-59-2 | 0.162 |
| Dibenzofurans | 2 | 132-64-9 | 2,000 |
| Dibenzoca,edpyrene | 2, 3 | 192-65-4 | 0.162 |
| Dibenzoca,hdpirene | 2, 3 | 189-64-0 | 0.0162 |
| Dibenzoca,idpyrene | 2, 3 | 189-55-9 | 0.0162 |
| Dibenzoca,ldpyrene | 2, 3 | 191-30-0 | 0.0162 |
| Diborane | 3 | 19287-45-7 | 5.33 |
| 1,2-Dibromo-3-chloropropane cDBCPd | 2, 3 | 96-12-8 | 0.0935 |
| 1,2-Dibromoethane cEthylene dibromide; EDBd | 2, 3 | 106-93-4 | 0.808 |
| 2-N-Dibutylaminoethanol | 3 | 102-81-8 | 167 |
| Dibutylphenyl phosphate | 3 | 2528-36-1 | 165 |
| Dibutyl phthalate cDi-n-butyl phthalated | 2, 3 | 84-74-2 | 235 |
| o-Dichlorobenzene c1,2-Dichlorobenzened | 3 | 95-50-1 | 2,000 |
| p-Dichlorobenzene c1,4-Dichlorobenzened | 2, 3 | 106-46-7 | 16.2 |
| 3,3[-Dichlorobenzidine | 2, 3 | 91-94-1 | 0.523 |
| 1,3-Dichloro-5,5-dimethyl hydantoin | 3 | 118-52-5 | 9.41 |
| Dichlorodiphenyltrichloroethane cDDT ^d | 3 | 50-29-3 | 1.83 |
| 1,1-Dichloroethane cEthylidene dichlorided | 2, 3 | 75-34-3 | 2,000 |
| 1,2-Dichloroethane cEthylene dichloride; EDCd | 2, 3 | 107-06-2 | 6.83 |
| Dichloroethyl ether cBisc2-chloroethyl ^d etherd | 2, 3 | 111-44-4 | 1,376 |
| 1,2-Dichloroethylene | 3 | 540-59-0 | 2,000 |
| 1,1-Dichloro-1-nitroethane | 3 | 594-72-9 | 554 |
| 1,3-Dichloropropene | 2, 3, 6 | 542-75-6 | 44.4 |
| 2,2-Dichloropropionic acid | 3, 6 | 75-99-0 | 235 |
| Dichlorvos | 2, 3, 6 | 62-73-7 | 8.88 |
| Dicrotophos | 3, 6 | 141-66-2 | 11.8 |
| Dicyclopentadiene | 3 | 77-73-6 | 1,272 |
| Dieldrin | 3, 6 | 60-57-1 | 11.8 |
| Diethanolamine | 2, 3 | 111-42-2 | 94.1 |
| Diethylamine | 3 | 109-89-7 | 704 |
| 2-Diethylaminoethanol | 3 | 100-37-8 | 451 |
| Diethylene triamine | 3 | 111-40-0 | 199 |

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| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|--|--|---|--|
| Diethyl hexyl phthalate cBisc2-ethyl hexyld phthalate; Di-sec-octyl phthalate; DEHPd | 2, 3 | 117-81-7 | 235 |
| Diethyl phthalate | 3 | 84-66-2 | 235 |
| Diethylstilbestrol cDESd | 3 | 56-53-1 | 0.00178 |
| Diethyl sulfate | 2, 3 | 64-67-5 | 0.243 |
| 1,1-Difluoroethane | 3 | 75-37-6 | 2,000 |
| Diglycidyl ether cDGE | 3 | 2238-07-5 | 25 |
| Diglycidyl resorcinol ether | 3 | 101-90-6 | 0.363 |
| 1,8-Dihydroxyanthraquinone cDanthron | 3 | 117-10-2 | 8.08 |
| Diisobutyl ketone | 3 | 108-83-8 | 2,000 |
| Diisopropylamine | 3 | 108-18-9 | 974 |
| N,N-Dimethyl acetamide | 3 | 127-19-5 | 1,677 |
| Dimethylamine | 3 | 124-40-3 | 434 |
| 4-Dimethylaminoazobenzene | 2, 3 | 60-11-7 | 0.137 |
| Dimethylaniline cN,N-Dimethylanilined | 2, 3 | 121-69-7 | 1,166 |
| 3,3'-Dimethylbenzidine co-Tolidined | 2, 3 | 119-93-7 | 0.243 |
| Dimethyl carbamoyl chloride | 2, 3 | 79-44-7 | 0.048 |
| Dimethylethoxysilane | 3 | 14857-34-2 | 100 |
| N,N-Dimethylformamide | 2, 3 | 68-12-2 | 533 |
| 1,1-Dimethylhydrazine | 2, 3 | 57-14-7 | 0.243 |
| Dimethylphthalate | 2, 3 | 131-11-3 | 235 |
| Dimethyl sulfate | 2, 3 | 77-78-1 | 0.243 |
| Dinitolmide | 3 | 148-01-6 | 235 |
| Dinitrobenzene cmixtures and isomersd | 3 | 528-29-0* | 48.5 |
| Dinitro-o-cresol c4,6-Dinitro-o-cresold | 2, 3, 6 | 534-52-1 | 9.41 |
| 2,4-Dinitrophenol | 2 | 51-28-5 | 2,000 |
| Dinitrotoluene cmixtures and isomersd | 2, 3 | 25321-14-6* | 9.41 |
| 1,4-Dioxane c1,4-Diethylene oxided | 2, 3 | 123-91-1 | 23.1 |
| Dioxathion | 3, 6 | 78-34-2 | 9.41 |
| Diquat, respirable dust cvarious compoundsd cDiquat dibromided | 3, 6 | 2764-72-9* | 4.71 |
| Diquat, total dust cvarious compoundsd cDiquat dibromided | 3, 6 | 2764-72-9* | 23.5 |
| Direct black 38 cBenzidine-based dyed | 3 | 1937-37-7 | 0.0846 |
| Direct blue 6 cBenzidine-based dyed | 3 | 2602-46-2 | 0.0846 |
| Disperse Blue 1 | 3 | 2475-45-8 | 137 |
| Disulfiram | 3 | 97-77-8 | 94.1 |
| Disulfoton | 3, 6 | 298-04-4 | 4.71 |
| Divinyl benzene cmixtures and isomersd | 3 | 1321-74-0* | 2,000 |
| Endosulfan | 3, 6 | 115-29-7 | 4.71 |
| Endrin | 3, 6 | 72-20-8 | 4.71 |
| Epichlorohydrin c1-Chloro-2,3-epoxypropaned | 2, 3 | 106-89-8 | 17.8 |
| EPN | 3, 6 | 2104-64-5 | 4.71 |
| 1,2-Epoxybutane c1,2-Butylene oxided | 2, 3 | 106-88-7 | 355 |
| Ethanolamine | 3 | 141-43-5 | 353 |
| Ethion | 3, 6 | 563-12-2 | 18.8 |
| 2-Ethoxyethanol cEthylene glycol monoethyl ether; EGEE; cellosolved | 3 | 110-80-5 | 867 |
| 2-Ethoxyethyl acetate cEthylene glycol monoethyl ether acetate; EGEEA; cellosolve acetated | 3 | 111-15-9 | 1,272 |
| Ethyl acrylate | 2, 3 | 140-88-5 | 963 |
| Ethylamine cEthanamined | 3 | 75-04-7 | 434 |
| Ethyl amyl ketone | 3 | 541-85-5 | 2,000 |
| Ethyl benzene | 2, 3 | 100-41-4 | 2,000 |
| Ethyl bromide | 3 | 74-96-4 | 1,049 |
| Ethyl tert-butyl ether cETBE | 3 | 637-92-3 | 983 |
| Ethyl butyl ketone | 3 | 106-35-4 | 2,000 |
| Ethyl chloride cChloroethaned | 2, 3 | 75-00-3 | 2,000 |
| Ethyl cyanoacrylate | 3 | 7085-85-0 | 48.2 |
| Ethylene chlorohydrin | 3 | 107-07-3 | 215 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|--|--|---|--|
| Ethylenediamine | 3 | 107-15-3 | 1,157 |
| Ethylene glycol vapor and aerosol | 2, 3 | 107-21-1 | 2,000 |
| Ethylene oxide | 2, 3 | 75-21-8 | 2.02 |
| Ethylene thiourea | 2, 3 | 96-45-7 | 13.7 |
| Ethylenimine cAziridined | 2, 3 | 151-56-4 | 41.5 |
| Ethylidene norbornene | 3 | 16219-75-3 | 1,608 |
| N-Ethylmorpholine | 3 | 100-74-3 | 1,108 |
| Ethyl silicate | 3 | 78-10-4 | 2,000 |
| Fenamiphos | 3 | 22224-92-6 | 4.71 |
| Fensulfothion | 3, 6 | 115-90-2 | 4.71 |
| Fenthion | 3, 6 | 55-38-9 | 9.41 |
| Fine mineral fibers cincludes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers, or other mineral derived fibers, of average diameter 1 micrometer or lessd | 2 | * | 2,000 |
| Flour Dust cinhalable fractiond | 3 | * | 23.5 |
| Fluorides, cinorganicsd, as F | 3 | * | 118 |
| Fluorine | 3 | 7782-41-4 | 73.1 |
| Fonofos | 3, 6 | 944-22-9 | 4.71 |
| Formaldehyde | 2, 3 | 50-00-0 | 13.7 |
| Formamide | 3 | 75-12-7 | 867 |
| Formic acid | 3 | 64-18-6 | 443 |
| Furan | 3 | 110-00-9 | 0.243 |
| Furfural | 3 | 98-01-1 | 370 |
| Furfuryl alcohol | 3 | 98-00-0 | 1,888 |
| Germanium tetrahydride | 3 | 7782-65-2 | 29.5 |
| Glutaraldehyde | 3 | 111-30-8 | 13.4 |
| Glycidol | 3 | 556-52-5 | 0.243 |
| Glycol ethers ⁸ | 2 | * | 2,000 |
| Graphite call forms except graphite fiberd | 3 | 7782-42-5* | 94.1 |
| Greenhouse gases | 10 | * | 10,000 tpy on a carbon dioxide equivalent basis ⁹ |
| Halon-1211 cbromochlorodifluoromethaned | 5 | 353-59-3 | 2,000 |
| Halon-1301 cbromotrifluoromethaned | 5 | 75-63-8 | 2,000 |
| Halon-2402 cdibromotetrafluoroethaned | 5 | 124-73-2 | 2,000 |
| Heptachlor and heptachlor epoxide | 2, 3, 6 | 76-44-8 | 2.35 |
| Hexachlorobenzene cHCBd | 2, 3 | 118-74-1 | 0.0941 |
| Hexachlorobutadiene | 2, 3, 6 | 87-68-3 | 10 |
| Hexachlorocyclopentadiene | 2, 3, 6 | 77-47-4 | 5.25 |
| Hexachloroethane | 2 | 67-72-1 | 44.4 |
| Hexachloronaphthalene | 3 | 1335-87-1 | 9.41 |
| Hexamethyl phosphoramid | 2, 3 | 680-31-9 | 0.243 |
| Hexamethylene-1,6-diisocyanate cHDIId | 2, 3 | 822-06-0 | 0.178 |
| n-Hexane | 2, 3 | 110-54-3 | 2,000 |
| 1,6- Hexanediamine | 3 | 124-09-4 | 112 |
| 1-Hexene | 3 | 592-41-6 | 2,000 |
| sec-Hexyl acetate | 3 | 108-84-9 | 2,000 |
| Hexylene glycol | 3 | 107-41-5 | 2,000 |
| Hydrazine and hydrazine sulfate | 2, 3 | 302-01-2* | 0.0363 |
| Hydrochlorofluorocarbon-121 cHCFC-121d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-122 cHCFC-122d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-123 cHCFC-123; R-123d | 5 | 306-83-2* | 2,000 |
| Hydrochlorofluorocarbon-124 cHCFC-124; R-124d | 5 | 63938-10-3* | 2,000 |
| Hydrochlorofluorocarbon-131 cHCFC-131d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-132b cHCFC-132bd | 5 | 1649-08-7 | 2,000 |
| Hydrochlorofluorocarbon-133a cHCFC-133ad | 5 | 75-88-7 | 2,000 |
| Hydrochlorofluorocarbon-141b cHCFC-141b; R-141bd | 5 | 1717-00-6 | 2,000 |
| Hydrochlorofluorocarbon-21 cHCFC-21; Dichlorofluoromethaned | 5 | 75-43-4 | 2,000 |
| Hydrochlorofluorocarbon-221 cHCFC-221d | 5 | * | 2,000 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Below | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|---|---|---|--|
| Hydrochlorofluorocarbon-222 cHCFC-222d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-223 cHCFC-223d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-224 cHCFC-224d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-225ca cHCFC-225cad | 5 | 422-56-0 | 2,000 |
| Hydrochlorofluorocarbon-225cb cHCFC-225cbd | 5 | 507-55-1 | 2,000 |
| Hydrochlorofluorocarbon-226 cHCFC-226d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-231 cHCFC-231d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-232 cHCFC-232d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-233 cHCFC-233d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-234 cHCFC-234d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-235 cHCFC-235d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-241 cHCFC-241d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-242 cHCFC-242d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-243 cHCFC-243d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-244 cHCFC-244d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-251 cHCFC-251d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-252 cHCFC-252d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-253 cHCFC-253d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-261 cHCFC-261d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-262 cHCFC-262d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-271 cHCFC-271d | 5 | * | 2,000 |
| Hydrochlorofluorocarbon-31 cHCFC-31; R-31; Chlorofluoromethaned | 5 | 593-70-4 | 2,000 |
| Hydrogenated terphenyls | 3 | 61788-32-7 | 232 |
| Hydrogen bromide | 3 | 10035-10-6 | 649 |
| Hydrogen chloride cHydrochloric acid; Muriatic acidd | 2, 3, 4 | 7647-01-0 | 355 |
| Hydrogen cyanide | 2, 3 | 74-90-8 | 340 |
| Hydrogen fluoride cHydrofluoric acidd | 2, 3 | 7664-39-3 | 161 |
| Hydrogen peroxide | 3 | 7722-84-1 | 65.5 |
| Hydrogen sulfide | 3 | 7783-06-4 | 656 |
| Hydroquinone | 2, 3 | 123-31-9 | 94.1 |
| 2-Hydroxypropyl acrylate | 3 | 999-61-1 | 125 |
| Indenoc1,2,3-cddpyrene | 2, 3 | 193-39-5 | 1.62 |
| Indium | 3 | 7440-74-6 | 4.71 |
| Iodine | 3 | 7553-56-2 | 67.9 |
| Iron dextran complex | 3 | 9004-66-4 | 0.243 |
| Iron oxide dust and fume, as Fe | 3 | 1309-37-1* | 235 |
| Iron salts, soluble, as Fe | 3 | * | 47.1 |
| Isobutyl alcohol | 3 | 78-83-1 | 2,000 |
| Isooctyl alcohol | 3 | 26952-21-6 | 2,000 |
| Isophorone | 2, 3 | 78-59-1 | 1,849 |
| Isophorone diisocyanate | 3 | 4098-71-9 | 2.14 |
| Isoprene | 3 | 78-79-5 | 0.243 |
| 2-Isopropoxyethanol | 3 | 109-59-1 | 2,000 |
| Isopropylamine | 3 | 75-31-0 | 569 |
| Isopropyl glycidyl ether | 3 | 4016-14-2 | 2,000 |
| N-Isopropylaniline | 3 | 768-52-5 | 520 |
| Kaolin | 3 | 1332-58-7 | 94.1 |
| Kepone cChlordeconed | 3 | 143-50-0 | 0.0386 |
| Ketene | 3 | 463-51-4 | 40.5 |
| Lead Acetate, as Pb | 3 | 301-04-2 | 2.22 |
| Lead compounds | 2 | 7439-92-1* | 2,000 |
| Lead Phosphate, as Pb | 3 | 7446-27-7 | 14.8 |
| Lindane and other hexachlorocyclohexane isomers | 2, 3 | 58-89-9* | 0.573 |
| Maleic anhydride | 2, 3 | 108-31-6 | 18.9 |
| Manganese, elemental and inorganic compounds, as Mn | 2, 3 | 7439-96-5* | 9.41 |
| Melphalan | 3 | 148-82-3 | 0.0048 |
| Mercury, as Hg, alkyl compounds | 2, 3 | 7439-97-6* | 0.471 |
| Mercury, as Hg, aryl compounds | 2, 3 | 7439-97-6* | 4.71 |

**Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later**

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|---|--|---|---|
| Mercury, as Hg, inorganic forms including metallic mercury | 2, 3 | 7439-97-6* | 1.18 |
| Mesityl oxide | 3 | 141-79-7 | 2,000 |
| Mestranol | 3 | 72-33-3 | 0.243 |
| Methacrylic acid | 3 | 79-41-4 | 2,000 |
| Methanol | 2 | 67-56-1 | 2,000 |
| Methomyl | 3, 6 | 16752-77-5 | 118 |
| Methoxychlor | 2 | 72-43-5 | 2,000 |
| 2-Methoxyethanol cMethyl Cellosolve; EGMEd | 3 | 109-86-4 | 732 |
| 2-Methoxyethyl acetate cMethylCellosolve acetate; EGMEAd | 3 | 110-49-6 | 1,137 |
| 4-Methoxyphenol | 3 | 150-76-5 | 235 |
| Methyl chloroform c1,1,1-Trichloroethane; TCAd | 2 | 71-55-6 | 2,000 |
| Methyl acrylate | 3 | 96-33-3 | 331 |
| Methylacrylonitrile | 3 | 126-98-7 | 129 |
| Methylamine | 3 | 74-89-5 | 299 |
| Methyl n-amyl ketone | 3 | 110-43-0 | 2,000 |
| N-Methyl aniline | 3 | 100-61-8 | 103 |
| Methyl bromide cBromomethaned | 2, 3, 6 | 74-83-9 | 88.8 |
| Methyl n-butyl ketone | 3 | 591-78-6 | 964 |
| Methyl chloride cChloromethaned | 2, 3 | 74-87-3 | 2,000 |
| 5-Methyl chrysene | 3 | 3697-24-3 | 0.162 |
| Methyl 2-cyanoacrylate | 3 | 137-05-3 | 42.8 |
| Methylcyclohexanol | 3 | 25639-42-3 | 2,000 |
| o-Methylcyclohexanone | 3 | 583-60-8 | 2,000 |
| Methyl demeton | 3, 6 | 8022-00-2 | 23.5 |
| Methylene bisphenyl isocyanate cMethylene diphenyl isocyanate; MDId | 2, 3 | 101-68-8 | 2.41 |
| Methylene chloride cDichloromethaned | 2, 3 | 75-09-2 | 378 |
| 4,4'-Methylene bisc2-chloroanilined cMOCAAd | 2, 3 | 101-14-4 | 0.413 |
| Methylene bisc4-cyclohexylisocyanated | 3 | 5124-30-1 | 2.52 |
| 4,4'-Methylenedianiline cand dihydrochlorided | 2, 3 | 101-77-9* | 0.386 |
| Methyl ethyl ketone peroxide | 3 | 1338-23-4 | 94.3 |
| Methyl formate | 3 | 107-31-3 | 2,000 |
| Methyl hydrazine | 2, 3 | 60-34-4 | 0.887 |
| Methyl iodide cIodomethaned | 2, 3 | 74-88-4 | 546 |
| Methyl isoamyl ketone | 3 | 110-12-3 | 2,000 |
| Methyl isobutyl carbinol | 3 | 108-11-2 | 2,000 |
| Methyl isobutyl ketone cMIBK; Hexoned | 2, 3 | 108-10-1 | 2,000 |
| Methyl isocyanate | 2, 3 | 624-83-9 | 2.2 |
| Methyl methacrylate | 2, 3 | 80-62-6 | 2,000 |
| N-Methyl-N[-nitro-N-nitrosoguanidine cMNNGd | 3 | 70-25-7 | 0.074 |
| Methyl parathion | 3, 6 | 298-00-0 | 9.41 |
| alpha-Methyl styrene | 3 | 98-83-9 | 2,000 |
| Methyl tert-butyl ether cMTBED | 2, 3 | 1634-04-4 | 2,000 |
| Metribuzin | 3 | 21087-64-9 | 235 |
| Mevinphos cPhosdrind | 3, 6 | 7786-34-7 | 4.23 |
| Mirex | 3 | 2385-85-5 | 0.0348 |
| Molybdenum, as Mo, metal and insoluble compounds | 3 | 7439-98-7* | 471 |
| Molybdenum, as Mo, soluble compounds | 3 | 7439-98-7* | 235 |
| Monocrotophos | 3, 6 | 6923-22-4 | 11.8 |
| Morpholine | 3 | 110-91-8 | 2,000 |
| Mustard gas | 3 | 505-60-2 | 0.243 |
| Myleran c1,4-Butanediol dimethanesulphonate; Busulphand | 3 | 55-98-1 | 0.243 |
| Naled | 3, 6 | 300-76-5 | 141 |
| Naphthalene | 2, 3 | 91-20-3 | 2,000 |
| 2-Naphthylamine | 3 | 91-59-8 | 0.243 |
| Nickel and compounds, as Ni | 2, 3 | 7440-02-0* | 0.683 |
| Nickel carbonyl, as Ni | 3 | 13463-39-3 | 0.683 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|--|--|---|--|
| Nickel subsulfide, as Ni | 2, 3 | 12035-72-2 | .37 |
| Nitric acid | 3 | 7697-37-2 | 243 |
| Nitrilotriacetic acid | 3 | 139-13-9 | 118 |
| p-Nitroaniline | 3 | 100-01-6 | 141 |
| Nitrobenzene | 2, 3 | 98-95-3 | 237 |
| 4-Nitrobiphenyl | 2 | 92-93-3 | 2,000 |
| p-Nitrochlorobenzene | 3 | 100-00-5 | 30.3 |
| Nitroethane | 3 | 79-24-3 | 2,000 |
| Nitrogen mustards c2,2'-Dichloro-N-methyldiethylamined | 3 | 51-75-2 | 0.243 |
| Nitrogen oxides | 1, 4 | * | 2,000 |
| Nitromethane | 3 | 75-52-5 | 2,000 |
| 4-Nitrophenol | 2 | 100-02-7 | 2,000 |
| 1-Nitropropane | 3 | 108-03-2 | 2,000 |
| 2-Nitropropane | 2, 3 | 79-46-9 | 0.243 |
| 1-Nitropyrene | 3 | 5522-43-0 | 1.62 |
| N-Nitrosodi-n-butylamine | 3 | 924-16-3 | 0.111 |
| N-Nitrosodiethanolamine | 3 | 1116-54-7 | 0.222 |
| N-Nitrosodiethylamine | 3 | 55-18-5 | 0.00413 |
| N-Nitrosodimethylamine | 2, 3 | 62-75-9 | 0.0127 |
| N-Nitrosodi-n-propylamine | 3 | 621-64-7 | 0.0888 |
| N-Nitroso-N-ethylurea | 3 | 759-73-9 | 0.0231 |
| N-Nitroso-N-methylurea | 2, 3 | 684-93-5 | 0.00523 |
| N-Nitrosomethylvinylamine | 3 | 4549-40-0 | 0.243 |
| N-Nitrosomorpholine | 2, 3 | 59-89-2 | 0.0935 |
| N'-Nitrosornicotine | 3 | 16543-55-8 | 0.243 |
| N-Nitrosopiperidine | 3 | 100-75-4 | 0.0658 |
| N-Nitrosopyrrolidine | 3 | 930-55-2 | 0.291 |
| N-Nitrososarcosine | 3 | 13256-22-9 | 0.243 |
| Nitrotoluene cmixtures and isomersd | 3 | 88-72-2* | 528 |
| Nitrous oxide | 3 | 10024-97-2 | 2,000 |
| Octachloronaphthalene | 3 | 2234-13-1 | 4.71 |
| Oestradiol cEstradiold | 3 | 50-28-2 | 0.0162 |
| Oxalic acid | 3 | 144-62-7 | 47.1 |
| P,p[-Oxybis(benzenesulfonyl)hydrazided | 3 | 80-51-3 | 4.71 |
| Paraquat crespirable sized cParaquat chlorided | 3, 6 | 1910-42-5* | 4.71 |
| Parathion | 2, 3, 6 | 56-38-2 | 4.71 |
| Particulate matter | 4 | * | 2,000 |
| Pentachloronaphthalene | 3 | 1321-64-8 | 23.5 |
| Pentachloronitrobenzene cQuintobenzene; PCNBd | 2, 3 | 82-68-8 | 23.5 |
| Pentachlorophenol cPCPd | 2, 3 | 87-86-5 | 23.5 |
| Pentyl Acetate cmixtures and isomersd | 3 | 628-63-7* | 2,000 |
| Perchloroethylene cTetrachloroethylened | 2, 3 | 127-18-4 | 30.1 |
| Perchloromethyl mercaptan | 3 | 594-42-3 | 35.8 |
| Perfluoroisobutylene | 3 | 382-21-8 | 5.35 |
| Persulfates cAmmonium, Potassium, Sodiumd | 3 | 7727-54-0* | 4.71 |
| Phenazopyridine and phenazopyridine hydrochloride | 3 | 136-40-3* | 3.63 |
| Phenol | 2, 3 | 108-95-2 | 906 |
| Phenolphthalein | 3 | 77-09-8 | 0.243 |
| Phenothiazine | 3, 6 | 92-84-2 | 235 |
| Phenylenediamine cmixtures and isomersd | 2, 3 | 106-50-3* | 4.71 |
| Phenyl ether vapor | 3 | 101-84-8 | 328 |
| Phenyl glycidyl ether cPGEd | 3 | 122-60-1 | 28.9 |
| Phenylhydrazine | 3 | 100-63-0 | 20.8 |
| Phenyl mercaptan | 3 | 108-98-5 | 106 |
| Phenytain and sodium salt of phenytain | 3 | 57-41-0* | 0.243 |
| Phorate | 3, 6 | 298-02-2 | 2.35 |
| Phosgene | 2, 3 | 75-44-5 | 19 |
| Phosphine | 2, 3 | 7803-51-2 | 19.6 |
| Phosphoric acid | 3 | 7664-38-2 | 47.1 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Belowd | Chemical Abstract Service Number⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|---|--|---|---|
| Phosphorus cyellowd | 2, 3 | 7723-14-0 | 4.77 |
| Phosphorus oxychloride | 3 | 10025-87-3 | 29.5 |
| Phosphorus pentachloride | 3 | 10026-13-8 | 40.1 |
| Phosphorus pentasulfide | 3 | 1314-80-3 | 47.1 |
| Phosphorus trichloride | 3 | 7719-12-2 | 52.9 |
| Phthalic anhydride | 2, 3 | 85-44-9 | 285 |
| Picric acid | 3 | 88-89-1 | 4.71 |
| Pindone | 3, 6 | 83-26-1 | 4.71 |
| Platinum cmetald | 3 | 7440-06-4 | 47.1 |
| Platinum, soluble salts, as Pt | 3 | 7440-06-4* | 0.0941 |
| PM10 | 1, 4 | * | 2,000 |
| Polybrominated biphenyls cPBBs; Bromodiphenylsd | 3 | 59536-65-1* | 0.0207 |
| Polychlorinated biphenyls cPCBs; Chlorodiphenyls; Arochlord | 2, 3 | 1336-36-3 | 0.01 |
| Potassium hydroxide | 3 | 1310-58-3 | 131 |
| Procarbazine and procarbazine hydrochloride | 3 | 366-70-1* | 0.0444 |
| 1,3-Propane sultone | 2, 3 | 1120-71-4 | 0.258 |
| Propargyl alcohol | 3 | 107-19-7 | 108 |
| beta-Propiolactone | 2, 3 | 57-57-8 | 0.0444 |
| Propionaldehyde | 2 | 123-38-6 | 2,000 |
| Propionic acid | 3 | 79-09-4 | 1,426 |
| Propoxur cBaygond | 2, 3, 6 | 114-26-1 | 23.5 |
| Propylene dichloride c1,2-Dichloropropaned | 2, 3 | 78-87-5 | 71.1 |
| Propylene glycol monomethyl ether cPGMED | 3 | 107-98-2 | 2,000 |
| Propylenimine c2-Methyl aziridine; propylene imined | 2, 3 | 75-55-8 | 0.243 |
| Propylene oxide | 2, 3 | 75-56-9 | 48 |
| Propylthiouracil | 3 | 51-52-5 | 0.613 |
| Pyrethrum | 3, 6 | 8003-34-7 | 235 |
| Pyridine | 3 | 110-86-1 | 675 |
| Quinoline | 2 | 91-22-5 | 2,000 |
| Quinone | 2, 3, 6 | 106-51-4 | 20.8 |
| Resorcinol | 3 | 108-46-3 | 2,000 |
| Rhodium cmetald and insoluble compounds, as Rh | 3 | 7440-16-6* | 47.1 |
| Rhodium, soluble compounds, as Rh | 3 | 7440-16-6* | 0.471 |
| Rotenone ccommerciald | 3, 6 | 83-79-4 | 235 |
| Safrole | 3 | 94-59-7 | 2.82 |
| Selenium and compounds, as Se | 2, 3 | 7782-49-2* | 9.41 |
| Silicon tetrahydride cSilaned | 3 | 7803-62-5 | 309 |
| Sodium Azide, as sodium azide or hydrazoic acid vapor | 3 | 26628-22-8* | 19.1 |
| Sodium bisulfite | 3 | 7631-90-5 | 235 |
| Sodium fluoroacetate | 3, 6 | 62-74-8 | 2.35 |
| Sodium hydroxide | 3 | 1310-73-2 | 131 |
| Sodium metabisulfite | 3 | 7681-57-4 | 235 |
| Stibine cAntimony hydrided | 3, 6 | 7803-52-3 | 24 |
| Stoddard solvent cMineral spiritsd | 3 | 8052-41-3 | 2,000 |
| Streptozotocin | 3 | 18883-66-4 | 0.00573 |
| Strong inorganic acid mists containing sulfuric acid c>35% by weightd | 3 | 7664-93-9 | 0.243 |
| Strychnine | 3, 6 | 57-24-9 | 7.06 |
| Styrene oxide | 2 | 96-09-3 | 2,000 |
| Styrene, monomer | 2, 3 | 100-42-5 | 2,000 |
| Sulfometuron methyl | 3 | 74222-97-2 | 235 |
| Sulfotep cTEDPd | 3, 6 | 3689-24-5 | 9.41 |
| Sulfur dioxide | 1, 4 | 7446-09-5 | 2,000 |
| Sulfur monochloride | 3 | 10025-67-9 | 361 |
| Sulfur tetrafluoride | 3 | 7783-60-0 | 28.9 |
| Sulfuryl fluoride | 3, 6 | 2699-79-8 | 982 |
| Sulprofos | 3 | 35400-43-2 | 47.1 |
| Talc, containing no asbestos fibers | 3 | 14807-96-6 | 94.1 |
| Tantalum, metal and oxide dusts, as Ta | 3 | 7440-25-7* | 235 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Below | Chemical Abstract Service Number⁷ | Inclusion Level clbs{yr unless otherwise notedd |
|---|---|---|--|
| Tellurium and compounds, except hydrogen telluride, as Te | 3 | 13494-80-9* | 4.71 |
| TEPP | 3, 6 | 107-49-3 | 2.35 |
| Terphenyls | 3 | 26140-60-3 | 327 |
| 2,3,7,8-Tetrachlorodibenzo-p-dioxin cDioxin; 2,3,7,8-TCDDd, as dioxin equivalents | 2, 3, 4 | 1746-01-6 | 0.00001 |
| 1,1,2,2-Tetrachloroethane | 2, 3 | 79-34-5 | 323 |
| Tetrachloronaphthalene | 3 | 1335-88-2 | 94.1 |
| 1,1,1,2-Tetrafluoroethane | 3 | 811-97-2 | 2,000 |
| Tetrafluoroethylene | 3 | 116-14-3 | 0.243 |
| Tetrahydrofuran | 3 | 109-99-9 | 2,000 |
| Tetranitromethane | 3 | 509-14-8 | 0.243 |
| Thallium, elemental and soluble compounds, as Tl | 3 | 7440-28-0* | 4.71 |
| Thionyl chloride | 3 | 7719-09-7 | 318 |
| Thiourea | 3 | 62-56-6 | 8.46 |
| Thiram | 3, 6 | 137-26-8 | 47.1 |
| Tin organic compounds, as Sn | 3 | 7440-31-5* | 4.71 |
| Tin, metal, oxides and inorganic compounds, except tin hydride, as Sn | 3 | 7440-31-5* | 94.1 |
| Titanium tetrachloride | 2 | 7550-45-0 | 2,000 |
| Toluene cToluold | 2, 3 | 108-88-3 | 2,000 |
| 2,4-{2,6-Toluene diisocyanate cmixtures and isomersd cTDId | 2, 3 | 584-84-9* | 1.24 |
| m- and p-Toluidine | 3 | 108-44-1 | 412 |
| o-Toluidine and o-toluidine hydrochloride and mixed isomers | 2, 3 | 95-53-4* | 3.48 |
| Total reduced sulfur and reduced sulfur compounds | 4 | * | 2,000 |
| Tributyl phosphate | 3 | 126-73-8 | 103 |
| 1,2,4-Trichlorobenzene | 2, 3 | 120-82-1 | 2,000 |
| 1,1,2-Trichloroethane | 2, 3 | 79-00-5 | 2,000 |
| Trichloroethylene cTrichloroethened | 2, 3 | 79-01-6 | 88.8 |
| Trichloronaphthalene | 3 | 1321-65-9 | 235 |
| 2,4,5-Trichlorophenol | 2 | 95-95-4 | 2,000 |
| 2,4,6-Trichlorophenol | 2, 3 | 88-06-2 | 57.3 |
| 1,2,3-Trichloropropane | 3 | 96-18-4 | 0.243 |
| Triethanolamine | 3 | 102-71-6 | 235 |
| Triethylamine | 2 | 121-44-8 | 195 |
| Trifluralin | 2 | 1582-09-8 | 2,000 |
| 1,3,5-Triglycidyl-s-triazinetrione | 3 | 2451-62-9 | 2.35 |
| Trimellitic anhydride | 3 | 552-30-7 | 2.62 |
| Trimethyl benzene cmixtures and isomersd | 3 | 25551-13-7* | 2,000 |
| Trimethylamine | 3 | 75-50-3 | 569 |
| 2,2,4-Trimethylpentane | 2 | 540-84-1 | 2,000 |
| 2,4,6-Trinitrotoluene cTNTd | 3 | 118-96-7 | 4.71 |
| Triorthocresyl phosphate | 3 | 78-30-8 | 4.71 |
| Triphenyl phosphate | 3 | 115-86-6 | 141 |
| Trisc1-aziridinylphosphine sulfide cThiotepad | 3 | 52-24-4 | 0.0523 |
| Trisc2,3-dibromopropyl phosphated | 3 | 126-72-7 | 0.269 |
| Tungsten - as W, metal and insoluble compounds | 3 | 7440-33-7* | 235 |
| Tungsten - as W, soluble compounds | 3 | 7440-33-7* | 47.1 |
| Uranium cnaturald, soluble & insoluble compounds, as U | 3 | 7440-61-1* | 9.41 |
| Urethane cEthyl carbamated | 2, 3 | 51-79-6 | 0.613 |
| n-Valeraldehyde | 3 | 110-62-3 | 2,000 |
| Vanadium pentoxide, as V2O5, respirable dust and fume | 3 | 1314-62-1 | 2.35 |
| Vinyl acetate | 2, 3 | 108-05-4 | 1,657 |
| Vinyl bromide | 2 | 593-60-2 | 103 |
| Vinyl chloride | 2, 3 | 75-01-4 | 20.2 |
| Vinyl cyclohexene dioxide c4-vinyl-1-cyclohexene diepoxided | 3 | 106-87-6 | 0.243 |
| 4-Vinyl cyclohexene | 3 | 100-40-3 | 20.8 |

Table 3
Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications
for Calendar Years 2004 and Later

| Air Contaminant Name | Sources of Regulation cSee Footnotes Below | Chemical Abstract Service Number ⁷ | Inclusion Level cbs{yr unless otherwise notedd |
|--|--|---|--|
| Vinyl fluoride | 3 | 75-02-5 | 88.6 |
| Vinylidene chloride c1,1-Dichloroethylened | 2, 3 | 75-35-4 | 933 |
| Vinyl toluene | 3 | 25013-15-4 | 2,000 |
| Volatile organic compounds cReactive organic gasesd | 1 | * | 2,000 |
| Warfarin | 3, 6 | 81-81-2 | 4.71 |
| Xylene cmixtures and isomersd cXylo; Dimethyl Benzened | 2, 3 | 1330-20-7* | 2,000 |
| m-Xylene-alpha, alpha[-diamine | 3 | 1477-55-0 | 6.54 |
| Xylidine cmixtures and isomersd | 3 | 1300-73-8* | 117 |
| Yttrium metal and compounds, as Y | 3 | 7440-65-5* | 47.1 |
| Zeolites cErionited | 3 | 66733-21-9 | 0.243 |
| Zirconium and compounds, as Zr | 3 | 7440-67-7* | 235 |

¹ Criteria pollutant or criteria pollutant precursor.

² Federal hazardous air pollutant listed under section 112cbd of the Act.

³ State hazardous air pollutant.

⁴ Federal New Source Performance Standard.

⁵ Stratospheric ozone depleting substance.

⁶ Pesticides, rodenticides, insecticides, herbicides and fungicides.

⁷ The Chemical Abstract Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 42310, phone 1-614-447-3600.

⁸ Glycol ethers include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol, R-cOCH₂CH₂_n-OR'

where:

n = 1, 2 or 3

R = alkyl C7 or less

or R = phenyl or alkyl substituted phenyl

R' = H or alkyl C7 or less, or OR' consists of carboxylic acid ester, sulfate, phosphate, nitrate or sulfonate.

⁹ Emissions of GHG on a carbon dioxide equivalent basis shall be determined according to s. NR 405.07 c9d cbd.

¹⁰ Federal greenhouse gases listed under 40 CFR Part 70.

* Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94; am. c4d cbd, ccd 1., Register, February, 1995, No. 470, eff. 3-1-95; r. and recr. c4d chd 5., Register, April, 1995, No. 472, eff. 5-1-95; am. c4d ccd 1., Register, December, 1995, No. 480, eff. 1-1-96; am. c2d, c4d chd 2. c., 3. c. and 4., cr. c9d and c10d, Register, December, 1997, No. 504, eff. 1-1-98; am. c4d ccd 9. a. and Table 2, Register, October, 1999, No. 526, eff. 11-1-99; CR 02-097, am. c4d ccd 1., 9. a. and b. and 10., and Table 2, cr. Table 3, Register June 2004, No. 582, eff. 7-1-04; CR 04-107: am. c7d Register August 2005 No. 596, eff. 9-1-05; CR 09-020: am. c1d, c2d, c4d ccd, chd 5., cid 4. and Table 2 Register January 2010 No. 649, eff. 2-1-10; EmR1046: emerg. am. Table 3, eff. 12-15-10; CR 10-144: am. Table 3 Register August 2011 No. 668, eff. 9-1-11; CR 15-005: am. c4d ccd 1., 9. a., b., 10., r. Table 2, am. Table 3 Register November 2015 No. 719, eff. 12-1-15; CR 19-015: am. c2d, c6d Register September 2020 No. 777, eff. 10-1-20.

NR 407.06 Complete applications. c1d An application for an operation permit shall be initially deemed complete only if it contains all of the information described in s. NR 407.05 c4d and, for each form submitted, if all portions of that form which are specifically designated as necessary for a complete application are completed. The department may require an applicant to submit data necessary to complete any incomplete application.

c2d After an application for an operation permit has been initially deemed complete, the department may require additional information, including other information than that requested on the application forms, as needed to process the application. The department shall specify, in writing, a reasonable time period, of not less than 30 days, for the applicant to submit the requested information. The applicant may request and the department may grant a reasonable extension of the time period to submit the requested information. If the applicant does not supply the information requested by the date specified, the authorization for a stationary source to operate under s. 285.62 c8d, Stats., shall no longer apply to the source.

c3d Unless the department determines in writing that an application for an operation permit is not complete within 20 days from the date that the application or additional information requested under sub. c2d is submitted, the application shall be deemed complete.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c2d, Register, December, 1997, No. 504, eff. 1-1-98.

NR 407.07 Action on applications. c1d The department shall follow the procedures in s. 285.62, Stats., in acting on applications for operation permits and for renewals of operation permits. The requirements in s. 285.62 c6d cad to ccd, Stats., do not apply with respect to non-part 70 sources.

c2d For applications for existing sources received by January 1, 1995, the department shall issue or deny the operation permit within 30 months after receiving a complete application.

c3d For applications for new or modified sources for which a construction permit is required under s. 285.60 c1d cad, Stats., and ch. NR 406, the department shall:

cad Conduct the review, notification and publication, public comment and public hearing processes under s. 285.62 c3d to c5d, Stats., for the operation permit simultaneously with the similar processes under s. 285.61 c3d to c7d, Stats., for the construction permit.

cbd Issue or deny the operation permit within 180 days after the application is considered to be complete or after the applicant submits to the department the results of all equipment testing and emission monitoring required under the construction permit, whichever is later.

ccd 1. Except as provided in subd. 3., for part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the proposed operation permit prepared pursuant to s. 285.62 c6d, Stats., there will be a change that would require treatment as a significant permit revision un-

der s. NR 407.13, the department shall repeat the review, notification and publication, and public comment and public hearing processes under s. 285.62 c3d, c4d and c5d, Stats., with the new proposed conditions or higher levels of emissions prior to further processing of the permit.

2. For non-part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, public comment and public hearing processes under s. 285.62 c3d, c4d and c5d, Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

3. Notwithstanding subd. 1., for permits issued to part 70 sources prior to EPA approval of Wisconsin's operation permit program under section 502 cdd of the Act c42 USC 7661a cddd, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, public comment and public hearing processes under s. 285.62 c3d, c4d and c5d, Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; CR 04-106: am. c3d cbd Register November 2005 No. 599, eff. 12-1-05; CR 09-020: am. c3d ccd 3. Register January 2010 No. 649, eff. 2-1-10.

NR 407.075 Greenhouse gases. Emissions of greenhouse gases at a stationary source shall only be subject to regulation under the Act if, on or after July 1, 2011, the source emits or has the potential to emit 100,000 tpy or more of GHG on a carbon dioxide equivalent basis. For purposes of this section, emissions of GHG on a carbon dioxide equivalent basis shall be determined according to s. NR 405.07 c9d cbd.

History: EmR1046: emerg. cr., eff. 12-15-10; CR 10-144: cr. Register August 2011 No. 668, eff. 9-1-11.

NR 407.08 Dates by which permits are required. **c1d** EXISTING SOURCES. Except as provided in s. 285.62 c8d, Stats., no stationary source which is required to obtain an operation permit under s. 285.60 c2d cad, Stats., and this chapter may operate after the date specified for that source in Table 1 of s. NR 407.04 without an operation permit issued by the department.

c2d NEW OR MODIFIED SOURCES. Except as provided in ss. 285.60 c1d cad 2. and 285.62 c8d, Stats., no new or modified source which is required to obtain an operation permit under s. 285.60 c1d cbd, Stats., and this chapter may operate without an operation permit issued by the department.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c2d, Register, December, 1997, No. 504, eff. 1-1-98.

NR 407.09 Permit content. **c1d** STANDARD PERMIT REQUIREMENTS. Each permit issued under this chapter shall include, at a minimum, the following elements:

cad Emission limitations and standards, including those operational requirements and limitations that are applied to assure compliance with all applicable requirements at the time of permit issuance, as follows:

1. The origin of and authority for each limitation, standard or requirement shall be specified and referenced and any difference in form as compared to the applicable requirement upon which the limitation, standard or requirement is based shall be identified.

2. Where an applicable requirement of the Act is more stringent than an applicable requirement of the acid rain program, both provisions shall be incorporated into the permit and shall be enforceable by the department and by EPA.

cbd The duration of the permit as follows:

1. The term of a part 70 source operation permit may not exceed 5 years.

2. The term of an operation permit issued to an affected source shall be fixed at 5 years.

3. The term of a non-part 70 source operation permit does not expire unless the department specifies an expiring term in the permit upon considering any of the following:

a. Ongoing or recurring non-compliance or enforcement action taken by the department or the administrator.

b. A request by the permittee.

c. A determination by the department.

4. The term specified by the department under subd. 3. for a non-part 70 source shall be at least 5 years from the date of the last issued initial or renewed operation permit. When establishing an expiration date, the department shall provide adequate time for the permit holder to prepare and submit a renewal application consistent with the timelines in s. NR 407.04 c2d.

ccd Monitoring, related recordkeeping and reporting requirements, as follows:

1. All applicable monitoring requirements, including:

a. All emissions monitoring, analysis procedures and test methods required under the applicable requirements.

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring or testing sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit. Monitoring or testing requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Monitoring may consist of recordkeeping sufficient to meet the requirements of this subd. 1. b. Permits for non-part 70 sources shall contain the requirements in this subd. 1. b. only for those air contaminants emitted from an emissions unit, operation, or activity where the actual emissions exceed the levels in Table 3 in s. NR 407.05. Actual emissions used for this determination shall be those reported under ch. NR 438 for the most recent year prior to when the permit or renewal is issued.

c. As necessary, requirements concerning the use, maintenance, calibration and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements in s. NR 439.04.

3. Reporting requirements consistent with all applicable requirements and including the following:

a. Submittal of reports required under s. NR 439.03 c1d cbd.

b. Prompt reporting of deviations from and violations of permit terms and conditions in accordance with s. NR 439.03 c4d, c5d and c6d.

cdd A severability clause that states that, in the event of a successful challenge to any portion of the permit, all other portions of the permit remain valid and effective.

ced A provision requiring the payment of fees required under ch. NR 410.

cfid Provisions stating the following:

1. The permittee has the duty to comply with all conditions of the permit. Any noncompliance with the operation permit

constitutes a violation of the statutes and is grounds for enforcement action; for permit suspension, revocation or revision; or for denial of a permit renewal application.

2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the permit.

3. The permit may be revised, revoked or suspended for cause under this chapter. The filing of a request by the permittee for a permit revision or for revocation, or the filing of notification of planned changes under s. NR 407.025 or of anticipated non-compliance, does not stay any permit condition.

4. The permit does not convey any property rights of any sort, or any exclusive privilege.

5. The permittee shall furnish to the department, within a reasonable time specified by the department, any information that the department may request in writing to determine whether cause exists to revise, revoke or suspend the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept pursuant to the permit.

c2d SPECIAL PERMIT REQUIREMENTS. Each permit issued under this chapter shall include the following elements if they are applicable to a stationary source:

cad For affected sources, conditions prohibiting emissions exceeding any allowances that the source lawfully holds under the acid rain program, including allowances allocated directly to the source through the acid rain program, and allowances obtained through the emissions trading provisions of the acid rain program, subject to the following qualifications:

1. No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that the increases do not require a permit revision under any other applicable requirement.

2. No limit may be placed on the number of allowances that may be held by the stationary source.

3. A stationary source may not use allowances as a defense to noncompliance with any applicable requirement other than the requirements of the acid rain program.

4. Any acid rain allowance shall be accounted for according to the procedures established in the acid rain program.

cbd For those stationary sources which identify reasonably anticipated alternate operating scenarios in their applications, terms and conditions covering reasonably anticipated alternate operating scenarios that are approved by the department. The terms and conditions shall require all of the following:

1. The permittee, contemporaneously with making a change from one operating scenario to another, shall record in a log at the permitted facility a record of the scenario under which it is operating.

2. The source shall comply with all applicable requirements for each alternate operating scenario.

cd For sources for which an internal offset has been approved by the department under s. NR 425.05, terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements and internal offset approval allow for such trading without a case-by-case approval of each emissions trade.

cdd For stationary sources that have previously been issued an air pollution control permit, provisions consistent with any condition in that permit if the provisions are still applicable to that stationary source. Conditions which may be considered still applicable include, but are not limited to, the following:

1. Any best available control technology or lowest achievable emission rate limitations established under ch. NR 405, 408 or 445 or pursuant to parts C or D of title I of the Act c42 USC 7470 to 7492 or 7501 to 7515d.

2. Any conditions that a permittee requested in order to avoid being considered a major source or major modification under ch. NR 405 or 408 or to avoid any other requirement that would otherwise be applicable to the source.

3. Any source-specific emission limits contained in a permit under any applicable requirement.

c3d FEDERALLY ENFORCEABLE REQUIREMENTS. cad Except as provided in par. cbd, all terms and conditions in an operation permit for a part 70 source, including any provisions designed to limit a stationary source[s] potential to emit, are enforceable by the administrator under section 113 cad of the Act c42 USC 7413 cadd and citizens under section 304 of the Act c42 USC 7604d.

cbd Notwithstanding par. cad, the department shall specifically designate as not federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act, under any of the Act[s] applicable requirements or under the state implementation plan.

c4d COMPLIANCE REQUIREMENTS. cad All operation permits shall contain the following provisions with respect to compliance:

1. Compliance testing, monitoring, reporting and record-keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document required under an operation permit and submitted to the department, including reports, shall contain a certification by a responsible official that meets the requirements of s. NR 407.05 c4d cjd.

2. Inspection and entry requirements in accordance with ss. 285.13 c6d and 285.19, Stats., and s. NR 439.05.

3. Requirements for certifying compliance with terms and conditions contained in the permit, including emission limitations, standards and work practices. Permits shall include each of the following:

a. The required frequency of submission of compliance certifications, which shall be not less than annually or more frequently if specified in the applicable requirement or by the department.

b. Means for assessing or monitoring the compliance of the source with its emissions limitations, standards and work practices, except that for non-part 70 sources, the means need only be included to the extent needed to comply with sub. c1d ccd.

c. A requirement that the compliance certification include the information listed in s. NR 439.03 c8d.

d. A requirement that all compliance certifications for part 70 sources be submitted to the administrator as well as to the department.

e. Additional provisions as may be required pursuant to sections 114 cad c3d and 504 cbd of the Act c42 USC 7414 cad c3d and 7661c cbdd.

cbd All operation permits for stationary sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance shall contain a compliance schedule as described in s. 285.64 c1d cad 1., Stats., and a schedule for submission of progress reports, consistent with the applicable compliance schedule. The progress reports shall be submitted at least semiannually, or more frequently if specified in the applicable requirement or by the department. Progress reports shall contain the following:

1. The dates specified in the permit for achieving the activities, milestones or compliance required in the compliance sched-

ule, and the dates when the activities, milestones or compliance were achieved.

2. An explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

c5d PERMIT SHIELD. cad An operation permit shall include a provision pursuant to and consistent with s. 285.62 c10d cbd, Stats.

cbd Neither s. 285.62 c10d cbd, Stats., nor any condition in a permit may alter or affect the following:

1. The authority of the administrator under section 303 of the Act c42 USC 7603d.

2. The liability of an owner or operator of a stationary source for any violation of applicable requirements prior to or at the time of permit issuance.

3. The applicable requirements of the acid rain program.

4. The ability of EPA to obtain information from a source pursuant to section 114 of the Act c42 USC 7414d.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; correction in c4d cad 3. c. made under s. 13.93 c2md cbd 7., Stats., Register, April, 1995, No. 472; am. c4d cad 3. c., Register, December, 1995, No. 480, eff. 1-1-96; am. c2d cbd, Register, December, 1996, No. 492, eff. 1-1-97; am. c1d cfd 1., c4d cad 1. and cbd cintro.d, Register, December, 1997, No. 504, eff. 1-1-98; CR 02-097: am. c1d ccd 1. b., Register June 2004 No. 582, eff. 7-1-04; CR 09-020: am. c1d cad 2., c2d cdd 1., c3d, c4d cad 3. e., c5d cbd 1. and 4. Register January 2010 No. 649, eff. 2-1-10; CR 15-005: am. c1d cbd 1., cr. c1d cbd 3., 4., am. c1d ccd 1. b. Register November 2015 No. 719, eff. 12-1-15.

NR 407.10 General operation permits. c1d ISUANCE OF GENERAL OPERATION PERMITS. cad The department may issue general permits for the operation of stationary sources in accordance with s. 285.60 c3d, Stats.

Note: No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a general operation permit and the project meets the criteria in s. NR 407.10 c4d cad.

cbd A general operation permit may be issued for a source category if the sources in the category meet all of the following criteria:

1. Perform the same or similar operations.

2. Emit the same class of air contaminants.

Note: An example of Xthe same class of air contaminantsY is volatile organic compounds.

3. Employ the same or similar capture and control systems, if applicable.

4. Are subject to the same or similar emission limitations and other state and federal requirements that are applicable to the sources in the category.

Note: An example of Xsimilar emission limitationsY is emission limitations for the same air contaminant but that differ based on the size of the source, its location, or its date of construction.

ccd When proposing to issue a general operation permit, the department shall prepare an air quality analysis and a preliminary determination on the approvability of the proposed general operation permit. The department shall use the applicable procedures in s. 285.62, Stats., to issue the general operation permit. The department may issue the general operation permit if the applicable criteria in ss. 285.63 and 285.64, Stats., are met. The procedural requirements in s. 285.62 c2d to c5d, Stats., do not apply to the determination of whether an individual source is covered by a general operation permit for a source category. Coverage of a part 70 source under a general operation permit is not an appealable decision under s. 227.42, 227.52, 227.53 or 285.81, Stats.

Note: The statutes cited above require that when issuing a general operation permit, the department distribute a notice of the availability of the proposed general operation permit and of the department[s] analysis and preliminary determination, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing. There will be a 30-day public comment period and the department may hold a public hearing within 60 days after the deadline for requesting one.

ccd The general operation permit shall contain applicability criteria, emission limits, monitoring and recordkeeping requirements, reporting requirements, compliance demonstration methods and general conditions applicable to the stationary source category. The permit terms and conditions shall be those required to comply with the Act and those required to assure compliance with applicable provisions in ch. 285, Stats., and chs. NR 400 to 499. Notwithstanding the requirement in s. NR 424.03 c2d ccd to determine the latest available control techniques and operating practices demonstrating best current technology cLACTd for a specific process line, the department may include conditions in the general operation permit that represent LACT, if the requirements of s. NR 424.03 c2d cad or cbd are determined to be technologically infeasible.

Note: If an area is designated nonattainment for particulate matter, PM10, sulfur dioxide, nitrogen oxides, carbon monoxide or lead, the department may revise the general operation permit, or issue a different one, to include nonattainment area specific applicability criteria.

ccd The term of a general operation permit issued to a part 70 source category, or granted to an individual part 70 source, may not exceed 5 years. General operation permits issued to a non-part 70 source category, or granted to an individual non-part 70 source, shall only expire if an expiration date is requested by the source owner or operator or the department finds that expiring coverage would significantly improve the likelihood of continuing compliance with applicable requirements, compared to coverage that does not expire.

c2d SOURCES INELIGIBLE FOR COVERAGE UNDER A GENERAL OPERATION PERMIT. Notwithstanding the existence of a general operation permit for a stationary source category, an individual stationary source may not be covered by a general operation permit if any of the following criteria apply:

cad The emissions unit or units are an affected source under ch. NR 409, a municipal solid waste combustion source under s. NR 500.03 c86d, or an infectious waste combustion source.

cbd The emissions unit or units cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment, as determined by the department through an air quality assessment conducted in accordance with s. NR 407.15 c8d.

c3d PROCEDURE FOR DETERMINING COVERAGE UNDER A GENERAL OPERATION PERMIT FOR AN INDIVIDUAL SOURCE. cad An owner or operator of a stationary source who applies for coverage under a general operation permit shall submit an application using department approved general permit application forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608-266-7718, for information on how to obtain the department approved general permit application forms.

cbd An owner or operator of a stationary source who requests or requires emission limits, terms or conditions other than, or in addition to, those contained in the general operation permit shall apply for a different type of permit.

ccd Within 15 days after the receipt of an application for coverage under a general operation permit, the department shall provide one of the following to an applicant:

1. Written notice of the department[s] determination that the source is covered under the general operation permit.

2. A written description of any information that is missing from the application for coverage under the general operation permit.

3. Written notice of the department[s] determination that the source does not qualify for coverage under the general operation permit, specifically describing the reasons for that determination.

cdd The department shall grant coverage under the general operation permit if the owner or operator of the source applies for coverage and meets the eligibility requirements of the general operation permit, unless the source is ineligible for coverage under sub. c2d.

c4d CONSTRUCTION AND MODIFICATION UNDER A GENERAL OPERATION PERMIT. cad Notwithstanding the provisions in s. NR 406.04 c1d and c2d, no construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a general operation permit and all of the following criteria are met:

1. The construction, reconstruction, replacement, relocation or modification will not result in the source violating any term or condition of the general operation permit.

2. The construction, reconstruction, replacement, relocation or modification does not require a permit under ch. NR 405 or 408.

Note: Some general operation permits issued prior to September 1, 2005 may have required a construction permit, even if the change at the source would not violate any term or condition of the permit. Those sources are now exempt from the requirement to obtain a construction permit if the change at the source will not violate any term or condition of the general operation permit.

cbd No later than 30 calendar days from commencing construction, reconstruction, replacement, relocation or modification, the owner or operator shall notify the department of the action and provide information explaining how the source is meeting the criteria for an exemption under par. cad.

cdd If a construction permit is required, the owner or operator shall obtain a construction permit under ch. NR 405, 406 or 408, as applicable. The owner or operator may not commence construction, reconstruction, replacement, relocation or modification prior to receiving the construction permit. The owner or operator shall also apply for an individual operation permit, a revision of its operation permit or a registration operation permit under this chapter.

Note: The construction permit may be an individual, general or registration construction permit.

c5d APPLICATION FOR A DIFFERENT PERMIT. cad An owner or operator of a stationary source that is covered under a general operation permit may submit a request to the department to withdraw the source from coverage under the general operation permit and allow the source to be covered under a registration operation permit or a general operation permit for another source category or be issued an individual operation permit. The owner or operator shall submit a written request for the withdrawal of the general operation permit and a complete application for a different operation permit.

cbd An owner or operator of a stationary source that has an individual operation permit may submit a request to the department to revise or revoke the individual operation permit pursuant to s. NR 407.12, 407.13, or 407.15 c4d and allow the source to be covered under a general operation permit. A complete application for a general operation permit submitted under this section shall be considered a request for revocation of the existing individual operation permit.

cdd An owner or operator of a stationary source that is covered under a registration operation permit may submit a request to the department to withdraw the source from coverage under the registration operation permit and allow the source to be covered under a general operation permit. A complete application for a general operation permit submitted under this section shall be considered a request for withdrawal of coverage under the registration permit.

ced The owner or operator of a facility submitting an application for a different permit under this subsection shall comply with

the existing permit until the department has issued or granted coverage under the different permit.

c6d ADDITIONAL PROVISIONS RELATED TO GENERAL OPERATION PERMITS. Notwithstanding the permit shield provision in section 504cfd of the Act c42 USC 7661ccfdd and in s. 285.62 c10d cbd, Stats., an owner or operator of a source which is covered under a general operation permit may be prosecuted for operation without an individual operation permit if the source is later determined not to qualify for the conditions and terms of the general operation permit.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c2d cintro.d, r. c2d ced, Register, December, 1996, No. 492, eff. 1-1-97; cr. c9d, Register, December, 1997, No. 504, eff. 1-1-98; am. c6d cintro.d and cr. c6d cad cintro.d, Register, October, 1999, No. 526, eff. 11-1-99; CR 04-107: r. and recr. Register August 2005 No. 596, eff. 9-1-05; CR 07-040: am. c4d cad 2., cr. c4d cad 2. cnoted Register April 2008 No. 628, eff. 5-1-08; CR 15-005: am. c5d cbd, ccd, r. c5d cdd Register November 2015 No. 719, eff. 12-1-15.

NR 407.105 Registration operation permits. c1d ISSUANCE OF REGISTRATION OPERATION PERMITS. cad The department may issue a registration permit for the operation of an entire facility that has or will have low actual or potential emissions in accordance with s. 285.60 c2gd, Stats.

Note: No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the source is covered under a registration operation permit and the project meets the criteria in s. NR 407.105 c5d cad.

cbd When proposing to issue a registration operation permit, the department shall prepare an air quality analysis and a preliminary determination on the approvability of the proposed registration operation permit. The department shall use the applicable procedures of s. 285.62, Stats., to issue the registration operation permit. The department may issue the registration operation permit if the applicable criteria in ss. 285.63 and 285.64, Stats., are met. The procedural requirements of s. 285.62 c2d to c7d, Stats., do not apply to the determination of whether an individual facility is covered by a registration operation permit.

Note: The statutes cited above require that when issuing the registration operation permit, the department distribute a notice of the availability of the proposed operation permit and of the department's analysis and preliminary determination, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing. There will be a 30-day public comment period and the department may hold a public hearing within 60 days after the deadline for requesting one.

ccd The registration operation permit shall contain applicability criteria, emission caps and limitations, monitoring and recordkeeping requirements, reporting requirements, compliance demonstration methods and general conditions appropriate for determining compliance with the terms and conditions of the registration operation permit. The permit terms and conditions shall be those required to comply with the Act and those required to assure compliance with applicable provisions in ch. 285, Stats., and chs. NR 400 to 499. Notwithstanding the requirements in s. NR 424.03 c2d ccd to determine the latest available control techniques and operating practices demonstrating best current technology cLACTd for a specific process line, the department may include conditions in the registration operation permit that represent LACT, if the requirements of s. NR 424.03 c2d cad or cbd are determined to be technologically infeasible.

Note: If an area is designated nonattainment for particulate matter, PM10, sulfur dioxide, nitrogen oxides, carbon monoxide or lead, the department may revise the registration operation permit, or issue a different one, to include nonattainment area specific applicability criteria.

c2d CRITERIA FOR ISSUANCE OF A REGISTRATION OPERATION PERMIT. cad A registration operation permit shall be issued for facilities that meet all of the criteria:

1. The calendar year sum of actual emissions of each air contaminant from the facility may not exceed 25% of any major source threshold in s. NR 407.02 c4d, except that for lead, emissions may not exceed 0.5 tons per calendar year.

2. The stack-vented emissions are exhausted from unobstructed discharge points that are within 10 degrees of vertical. This criterion does not apply to stacks serving any of the emission units listed in s. NR 407.05 c4d ccd 9. For the purposes of this paragraph, horizontal discharge vents that only discharge general building ventilation are not considered stacks.

Note: Valves designed to open and close at the point of discharge are considered to be unobstructed if they are open at the time of emission.

3. The stack is taller than any building that influences the dispersion of emissions from the stack. A building is considered to influence the dispersion of emissions from any stack that exists within a circle around the building, the radius of which is 5 times the height of the building. This criterion does not apply to stacks serving any of the emission units listed in s. NR 407.05 c4d ccd 9. For the purposes of this paragraph, horizontal discharge vents that only discharge general building ventilation are not considered stacks.

4. An owner or operator of a facility whose stacks do not meet the criteria in subs. 2. and 3. may demonstrate through air dispersion modeling that the facility's emissions do not and will not cause or exacerbate a violation of any ambient air quality standard or ambient air increment. If an air dispersion model is not available for one or more pollutants, the demonstration for that pollutant shall rely on the department's air quality analysis conducted under sub. c1d cbd.

cbd Notwithstanding par. cad, the department may issue registration operation permits for coverage of other types of facilities that the department determines have or will have low actual or potential emissions, in response to a petition submitted under s. NR 407.107.

c3d SOURCES INELIGIBLE FOR COVERAGE UNDER A REGISTRATION OPERATION PERMIT. Notwithstanding the existence of a registration operation permit, an individual facility may not be covered under a registration operation permit if any of the following criteria apply:

cad The facility is an affected source under ch. NR 409, a municipal solid waste combustion source under s. NR 500.03 c151d, or an infectious waste combustion source.

cbd One or more emissions units at the facility would be subject to an emission limitation or emission standard under section 111 of the Act c42 USC 7411d or under section 112 of the Act c42 USC 7412d, other than those contained in the registration operation permit or determined by the department to not preclude eligibility for the registration operation permit.

ccd The facility's emissions cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment, as determined by the department through an air quality assessment conducted in accordance with s. NR 407.15 c8d.

c4d PROCEDURE FOR DETERMINING COVERAGE UNDER A REGISTRATION OPERATION PERMIT FOR AN INDIVIDUAL FACILITY. cad An owner or operator of a facility who applies for coverage under a registration operation permit shall submit an application using department approved forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608-266-7718, for information on how to obtain and submit the department approved registration permit application forms.

cbd An owner or operator of a facility who requests or requires emission limits, terms or conditions that require case-by-case review and approval by the department, or emission limits, terms or conditions other than, or in addition to, those contained in the registration operation permit, shall apply for a different type of permit.

ccd Within 15 days after the receipt of an application for coverage, the department shall provide one of the following to an applicant for a registration operation permit:

1. Written notice of the department's determination that the facility is covered under a registration operation permit.

2. A written description of any information that is missing from the application for coverage under a registration operation permit.

3. Written notice of the department's determination that the facility does not qualify for coverage under a registration operation permit, specifically describing the reasons for that determination.

ccd The department shall grant coverage under the registration operation permit if the owner or operator of the facility applies for coverage and meets the eligibility requirements in the registration operation permit, unless the facility is ineligible for coverage under sub. c3d.

ccd For the purpose of determining whether a source is eligible for coverage under a registration operation permit, the source's emissions shall be calculated using the terms and conditions listed in the registration operation permit.

Note: The permit terms and conditions may include capture and control efficiencies. The Air Emissions Management System cAEMSd requires the owner or operator of a source to calculate actual annual emissions for reporting to the inventory using the terms and conditions in a permit.

c5d CONSTRUCTION OR MODIFICATION UNDER A REGISTRATION OPERATION PERMIT. cad No construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification of a stationary source if the facility is covered under a registration operation permit and the construction, reconstruction, replacement, relocation or modification will not result in the facility violating any term or condition of the registration operation permit.

cbd If a construction permit is required, the owner or operator shall obtain a construction permit under ch. NR 405, 406, or 408, as applicable. The owner or operator may not commence construction prior to receiving the construction permit. The owner or operator shall also apply for an individual operation permit, a revision of its individual operation permit or a general operation permit under this chapter.

Note: The construction permit may be an individual, general or registration construction permit.

c6d APPLICATION FOR A DIFFERENT PERMIT. cad An owner or operator of a facility that is covered under a registration operation permit may submit a request to the department to withdraw the source from coverage under the registration operation permit and allow the facility to be covered under a general operation permit or be issued an individual operation permit. The owner or operator shall submit a written request for the withdrawal of the registration operation permit and a complete application for an individual or general operation permit under s. NR 407.05 or 407.10.

cbd An owner or operator of a facility that has an individual operation permit may submit a request to the department to revoke the individual operation permit pursuant to s. NR 407.15 and allow the facility to be covered under a registration operation permit. A complete application for a registration operation permit submitted under this section shall be considered a request for revocation of the existing individual operation permit.

ccd An owner or operator of a facility that is covered under a general operation permit may submit a request to the department to withdraw coverage under the general operation permit and allow the facility to be covered under a registration operation permit. A complete application for a registration operation permit

submitted under this section shall be considered a request for withdrawal of coverage under the general permit.

cdd The owner or operator shall submit a request for revocation or withdrawal of an operation permit under this subsection on department approved forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608-266-7718, for information on how to obtain and submit the department approved forms.

ced The owner or operator of a facility submitting an application for a different permit under this subsection shall comply with the existing permit until the department has issued or granted coverage under the different permit.

c7d ADDITIONAL PROVISIONS RELATED TO REGISTRATION OPERATION PERMITS. **cad** An owner or operator of a facility operating in compliance with a registration operation permit shall be deemed to be in compliance with the applicable requirements in chs. NR 400 to 499 if the owner or operator conducts a reasonable search and evaluation to identify applicable requirements and to determine whether the facility is meeting the applicable requirements, is operating in compliance with these applicable requirements and complies with par. **cbd**. A reasonable search and evaluation includes a search and evaluation of chs. NR 400 to 499, and shall include a reasonable effort to review other readily accessible information relevant to the facility[s] operations, such as data bases, workshops and materials available through trade associations, vendors, the department[s] small business clean air assistance program, the U.S. environmental protection agency and other recognized sources of information on air regulations. The owner or operator shall document, in writing, the results of the search and evaluation and shall keep the documents at the facility for inspection upon request for as long as the facility is covered under the registration operation permit.

cbd The owner or operator will not be deemed to be out of compliance with the applicable requirements in chs. NR 400 to 499 if an applicable requirement that was previously not identified through the search and evaluation described in par. **cad** is later identified, if the owner or operator does all of the following:

1. Submits written notification to the department within 21 days of identifying the applicable requirement.
2. Certifies that the facility is in compliance with the applicable requirement no later than 90 days after notifying the department. If requested, the department may extend the deadline for achieving compliance.
3. Submits documentation to demonstrate that the search and evaluation that was conducted prior to identifying the applicable requirement was reasonable.

ccd Notwithstanding par. **cbd**, the department retains the authority to order the owner or operator to achieve compliance with the applicable requirements within a specific time period shorter than the 90 calendar days whenever compliance in the shorter period of time is feasible and necessary to protect public health and the environment.

Note: Contact the Compliance and Enforcement Section of the Bureau of Air Management, 608-266-7718, for information on submitting the notification.

History: CR 04-107: cr. Register August 2005 No. 596, eff. 9-1-05; correction in c7d cad made under s. 13.92 c4d cbd 6., Stats., Register January 2012 No. 673; correction in c7d cad made under s. 13.92 c4d cbd 6., Stats., Register February 2012 No. 674; correction in c3d cad made under s. 13.92 c4d cbd 7., Stats., Register February 2014 No. 698; CR 15-005: r. c4d cfd, am. c6d cbd, ccd Register November 2015 No. 719, eff. 12-1-15; CR 19-015: am. c3d cbd Register September 2020 No. 777, eff. 10-1-20.

NR 407.107 Petitions for issuance of general operation permits and registration operation permits. c1d A person may petition the department to make a determination that a category of stationary source meets the criteria for a gen-

eral operation permit under s. 285.60 c3d, Stats., and s. NR 407.10 c1d. A person may petition the department to make a determination that a stationary source meets the criteria for a registration operation permit under s. 285.60 c2gd, Stats., and s. NR 407.105 c1d and c2d cbd. The department may consider the number of sources that would be eligible for the permit, the complexity of air regulations applicable to the sources, the likelihood that sources would need source-specific emission limitations and other factors in determining its priority for developing a general or registration operation permit. Within 30 days after receipt of the petition, the department shall provide a written response to the petitioner granting or denying the petition. If the department grants the petition, the department shall issue the general operation permit or the registration operation permit as soon as practicable, but no later than 365 days after receipt of the petition.

c2d The person shall submit the petition using department approved petition forms.

Note: Contact the regional offices or service centers of the department or the Permits and Stationary Source Modeling Section of the Bureau of Air Management, 608-266-7718, for information on how to obtain and submit the department approved forms.

History: CR 04-107: cr. Register August 2005 No. 596, eff. 9-1-05.

NR 407.11 Administrative permit revisions. c1d ELIGIBILITY. Upon request of a permittee, the department may revise an operation permit administratively using the procedures in this section if the revision requested is one of the following:

cad Correction of a typographical error.

cbd A change in the name, address or telephone number of any person identified in the permit, or a similar administrative change at the stationary source, unrelated to emissions.

ccd More frequent monitoring, recordkeeping or reporting by the permittee.

cdd A change in ownership or operational control of a stationary source if the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the department.

c2d ACID RAIN. Administrative permit revisions to the acid rain provisions of the permit shall be governed by s. NR 409.12.

c3d PROCEDURES. The department shall use the following procedures in processing administrative permit revisions:

cad Any person holding an operation permit who seeks an administrative permit revision shall file a written request with the department. The request shall identify the permit to be administratively revised, outline the specific item for which a revision is sought, and set forth the reasons why a permit revision is sought. The request shall be signed by a responsible official and shall be provided to the bureau of air management, either by personal delivery to the office, located at 101 South Webster Street, Madison, Wisconsin, or by mailing to the following address: PO Box 7921, Madison WI 53707.

cbd The department shall act on a request for an administrative permit revision within 60 days of receipt of a complete request under this section. The department may administratively revise the operation permit, without providing notice or opportunity for comment or hearing to the public, affected states or EPA, provided that the department determines the revision is one allowed under this section.

c4d SCHEDULE. The permittee may implement the change addressed in the request for an administrative permit revision immediately upon submittal of the request. If the department determines that the proposed change may not be made pursuant to an administrative permit revision, and the permittee has already

made the change at the facility, the permittee shall be liable for violation of the permit condition it is requesting to be revised.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c2d, Register, April, 1995, No. 472, eff. 5-1-95; CR 04-106: cr. c1d ced Register November 2005 No. 599, eff. 12-1-05; CR 19-015: r. c1d ced, c3d ccd Register September 2020 No. 777, eff. 10-1-20.

NR 407.12 Minor revisions. c1d ELIGIBILITY. Any person holding an operation permit may submit a request to the department to revise the operation permit, to reflect a proposed change at the facility, using the minor permit revision procedures described in this section, provided the proposed change meets all of the following criteria:

cad Does not violate any applicable requirement.

cbd Does not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit.

ccd Does not require or change a source-specific determination of an emission limitation or other standard, a source-specific limitation based on ambient air impacts or a visibility or ambient air increment analysis.

cdd Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has accepted in its permit in order to avoid an applicable requirement to which it would otherwise be subject. This type of term or condition includes, but is not limited to:

1. An emissions cap accepted by the source to avoid a previous change being classified as a modification under s. 285.01 c26d, Stats., and rules promulgated thereunder.

2. An alternative emission limit approved pursuant to regulations promulgated under section 112 cid c5d of the Act c42 USC 7412 cid c5dd.

c2d ACID RAIN. No minor permit revision may be requested or made to any acid rain provision of a permit.

c3d PERMITTEE[S REQUEST.] A request for a minor permit revision shall be submitted using forms provided by the department and shall include the following:

cad A description of the change, the effect on emissions resulting from the change, and any additional applicable requirements that will apply if the change occurs.

cbd The permittee[s suggested draft permit containing all applicable permit content elements under s. NR 407.09.

ccd Certification by a responsible official in accordance with s. NR 407.05 c4d cjd that the proposed revision meets the criteria in sub. c1d.

cdd Completed forms for the department to use to notify EPA and the affected states of the proposed minor permit revision.

c4d SCHEDULE AND PROCEDURES. cad Except as provided in s. NR 407.16, within 5 working days of receipt of a complete request for a minor permit revision, the department shall notify EPA, affected states, and those listed in s. 285.62 c3d cbd 2. to 5., Stats., of the request for minor permit revision. The department shall then accept comments on the proposed revision for 30 days, commencing on the date that notice is given. If an affected state has submitted comments in response to the notice and the department has not accepted those comments, the department shall notify that state and EPA in writing of its decision not to accept the comments and the reasons for that decision.

cbd The department may not act on a request for a minor permit revision until 45 days after providing notice of the requested revision to EPA or until EPA has notified the department that EPA will not object to issuance of the minor permit revision, whichever is first. Within 90 days of the department[s receipt of a complete request for a minor permit revision or 15 days after the

end of EPA[s 45-day review period, whichever is later, the department shall do one of the following:

1. Issue the minor permit revision as proposed.

2. Deny the minor permit revision.

3. If the department determines that the revision may not be issued as proposed but could be issued if it were amended, amend the draft permit revision, transmit the amended revision to EPA, affected states, and those listed in s. 285.62 c3d cbd 2. to 5., Stats., and process the amended proposed minor permit revision under this subsection.

ccd The permittee may make the change proposed in its request for a minor permit revision immediately after it files the request. After the permittee makes the change, and until the department takes any of the actions specified in par. cbd, the permittee shall comply with both the applicable requirements governing the change and the permittee[s suggested draft new permit terms and conditions. During this time period, the permittee need not comply with the permit terms and conditions it is seeking to revise. However, if the permittee fails to comply with its suggested draft new permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it. If the department determines that the proposed change may not be made pursuant to a minor permit revision, and the permittee has already made the change at the facility, the permittee shall be liable for any violations of the permit conditions it is requesting to be revised.

c5d PERMIT SHIELD. The permit shield under s. 285.62 c10d cbd, Stats., may not be extended to minor permit revisions.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c4d cbd, Register, December, 1996, No. 492, eff. 1-1-97; CR 04-106: am. c1d cintro.d, cr. ced Register November 2005 No. 599, eff. 12-1-05; CR 09-020: am. c1d cdd 2. Register January 2010 No. 649, eff. 2-1-10; CR 19-015: r. c1d ced Register September 2020 No. 777, eff. 10-1-20.

NR 407.13 Significant revisions. This section applies to operation permit revisions requested by the permittee that cannot be accomplished under s. NR 407.11 or 407.12. A permit revision to any acid rain provisions of the permit shall be governed by s. NR 409.12. Requests for significant permit revisions shall comply with s. 285.62, Stats., and s. NR 407.05. The department shall use the procedures in s. 285.62, Stats., and ss. NR 407.07 and 407.09 when processing requests for significant revisions. The department shall process the majority of significant revisions within 9 months after receipt of a complete application.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. Register, April, 1995, No. 472, eff. 5-1-95.

NR 407.14 Permit revision by the department. c1d MANDATORY REVISIONS. Except for a change in an applicable requirement that is due to an addition of, or revision to, a hazardous air contaminant standard or control requirement in subch. II of ch. NR 445, the department shall revise an operation permit for any of the following reasons:

cad The permit needs to be revised to assure compliance with applicable requirements.

cbd There is a change in any applicable requirement, a new applicable requirement, or an additional applicable requirement, and there are 3 or more years remaining in the permit term.

ccd There is a change in any applicable emission limitation, ambient air quality standard or ambient air quality increment that requires either a temporary or permanent reduction or elimination of the permitted emission, and there are 3 or more years remaining in the permit term.

cdd The permit contains a material mistake or inaccurate or unclear statements.

c1md DISCRETIONARY REVISIONS. The department may revise an operation permit for any of the reasons listed in sub. **c1d**, regardless of the years remaining in the permit term, or for any of the following reasons:

cad There is or has been a significant or recurring violation of any condition of the permit.

cbd The permittee has misrepresented or failed to disclose fully all relevant facts when obtaining an operation permit.

ccd There was a reconstruction, replacement or modification of the stationary source that did not require a construction permit under ch. [NR 405, 406](#) or [408](#).

cdd The permit contains a typographical error that does not substantively change the meaning of a permit condition.

ced A change in the applicable requirement is due to an addition of, or revision to, a hazardous air contaminant standard or control requirement in subch. [II of ch. NR 445](#).

cfid A decision by the department to establish an expiring term in a non-part 70 source operation permit as allowed in s. [NR 407.09 c1d cbd 3](#).

c2d ACID RAIN. Revisions to the acid rain provisions of the permit shall be governed by s. [NR 409.12](#).

c3d PROCEDURES. The department shall use the procedures in s. [285.62](#), Stats., and s. [NR 407.09](#) when processing revisions under this section unless the change is one described in s. [NR 407.11 c1d](#), in which case the procedures in s. [NR 407.11 c3d cbd](#) may be used. The department shall provide a written notice of intent to revise the permit to the permittee at least 30 days prior to initiating a permit revision under this section.

c4d TIMETABLE FOR ISSUANCE. Revisions under this section shall be issued within 180 days of giving notice under sub. **c3d**.

cad If the revision is being made to include a new applicable requirement in a permit, the department shall issue the revision under this section no later than 18 months after promulgation of the new applicable requirement. In cases where the effective date of the applicable requirement is later than the date on which the permit is due to expire, revision under this section is not required.

cbd The department may not issue a permit revision under this section until after the 45 day period EPA has to review the proposed action under s. [285.62 c6d cbd](#), Stats., or until EPA has notified the department that EPA will not object to issuance of the revised permit, whichever is first.

ccd If the revision is being made to a general or registration operation permit, the department shall determine whether each individual source that is covered under the general or registration operation permit qualifies for coverage under the revised permit prior to issuing the revised permit.

Note: This section covers individual operation permits, general operation permits and registration operation permits.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. c2d, Register, April, 1995, No. 472, eff. 5-1-95; am. c1d cintro.d, renum. c1d cad, cbd, ccd, cdd, chd, cfd, cgd and cid to be c1md cad, c1d cad, cbd, ccd and cdd, c1md cbd, ccd and cdd and am. c1d cbd and ccd, cr. c1md cintro.d, Register, December, 1997, No. 504, eff. 1-1-98; CR 02-097: am. c1d, cr. c1md ccd, Register June 2004 No. 582, eff. 7-1-04; CR 04-107: cr. c4d ccd Register August 2005 No. 596, eff. 9-1-05; CR 07-076: am. c1d cintro.d and c1md ccd Register July 2008 No. 631, eff. 8-1-08; CR 15-005: cr. c1md cfd Register November 2015 No. 719, eff. 12-1-15; CR 19-015: am. c1md cdd Register September 2020 No. 777, eff. 10-1-20; correction in c3d made under s. [13.92 c4d cbd 7](#), Stats., Register September 2020 No. 777.

NR 407.15 Permit suspension, revocation and withdrawal from coverage. After providing 21 days written notice to the owner or operator of a non-part 70 source and to the persons listed in s. [285.62 c3d cbd 2](#), to [7](#), Stats., except as provided in sub. **c7d**, or after providing 30 days written notice to the owner or operator of a part 70 source and to the persons listed in s. [285.62 c3d cbd 2](#), to [7](#), Stats., the department may suspend, revoke, or withdraw a source from coverage under an operation per-

mit, part of that permit, or the conditions of that permit. Permit suspension, revocation, or withdrawal from coverage may occur for any of the following reasons:

c1d VIOLATION. A significant or recurring violation of any condition of the permit which causes or exacerbates a violation of any ambient air quality standard or ambient air increment or which causes air pollution.

c2d MISREPRESENTATION OR DELIBERATE FAILURE TO DISCLOSE. Any misrepresentation or deliberate failure to disclose fully all relevant, significant facts when obtaining the permit.

c3d DEPARTMENT DETERMINATION. A determination by the department that the permit must be revoked or coverage withdrawn to assure compliance with the applicable requirements.

c4d REQUEST. A request by the permittee to suspend or revoke the permit.

c5d FAILURE TO PAY FEES. An intentional failure by the permittee to pay in full the fees required under ch. [NR 410](#) or s. [285.69](#), Stats., except the department may not suspend or revoke the permit for failure to pay fees while those fees are being disputed under s. [NR 410.04 c6d](#) or s. [285.81](#), Stats.

c6d FAILURE TO FILE ANNUAL EMISSION INVENTORY REPORTS. An intentional failure by the permittee to file annual air emission inventory reports required under s. [NR 438.03](#).

c7d SOURCE SHUTDOWNS. A permanent shutdown of operations of a stationary source so that it no longer needs a permit. For shutdown of a non-part 70 source, upon confirmation obtained by the department that a non-part 70 source has been permanently shut down or at the request of the source permit holder, the department may revoke a non-part 70 source operation permit without providing 21 days written notice as otherwise required under this section.

c8d CAUSE OR EXACERBATE. cad A determination by the department that the emissions unit or units covered under a general or registration operation permit cause or exacerbate, or may cause or exacerbate, a violation of any ambient air quality standard or ambient air increment. The determination shall be made through an air quality assessment using the following procedures, as appropriate, which may be conducted after the determination that the source was covered under the general or registration operation permit.

1. For general operation permits, the department shall use criteria, methodologies or modeling consistent with criteria, methodologies or modeling used for any air quality analysis conducted under s. [NR 407.10 c1d ccd](#).

2. For registration operation permits, the department shall use an air dispersion model using maximum actual emissions on an annual or hourly basis or criteria, methodologies or modeling consistent with criteria, methodologies or modeling used for any air quality analysis conducted under s. [NR 407.105 c1d cbd](#).

cbd Notwithstanding a determination made under par. **cad**, the owner or operator will be deemed to be in compliance with the requirement to obtain an operation permit until the department takes final action on a subsequent application for an operation permit, if the application is submitted to the department by the owner or operator within 30 days after the department notifies the owner or operator of its determination under this subsection and the owner or operator is in compliance with the otherwise applicable general or registration operation permit from the time the determination is made under par. **cad** until the department takes final action under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. cintro.d, Register, December, 1996, No. 492, eff. 1-1-97; CR 04-107: am. cintro.d and c3d, cr. c8d Register August 2005 No. 596, eff. 9-1-05; CR 15-005: am. c5d cintro.d, c7d Register November 2015 No. 719, eff. 12-1-15; CR 19-015: am. c5d Register September 2020 No. 777, eff. 10-1-20.

NR 407.16 Revision procedures for non-part 70 source permits and state-only requirements for part 70 sources. Notwithstanding the requirements to give notice to affected states and EPA under ss. [NR 407.12 c4d](#), [407.13](#), [407.14 c4d](#) and [407.15 c1d](#), an operation permit may be revised, sus-

pending or revoked without giving notice to affected states or EPA if the operation permit is for a source that is a non-part 70 source, or if the condition being revised is a requirement identified as not being federally enforceable under s. [NR 407.09 c3d cbd](#).

History: Cr. [Register, December, 1993, No. 456](#), eff. 1-1-94; correction made under s. [13.92 c4d cbd 7](#), Stats., [Register September 2020 No. 777](#).