

Stakeholder Informational Session

Rule Making to Revise NR 439 Wisconsin Administrative Code

October 24, 2022

Introductions

Maria Hill, Compliance Section Chief

Wisconsin DNR NR 439 Rule Team:

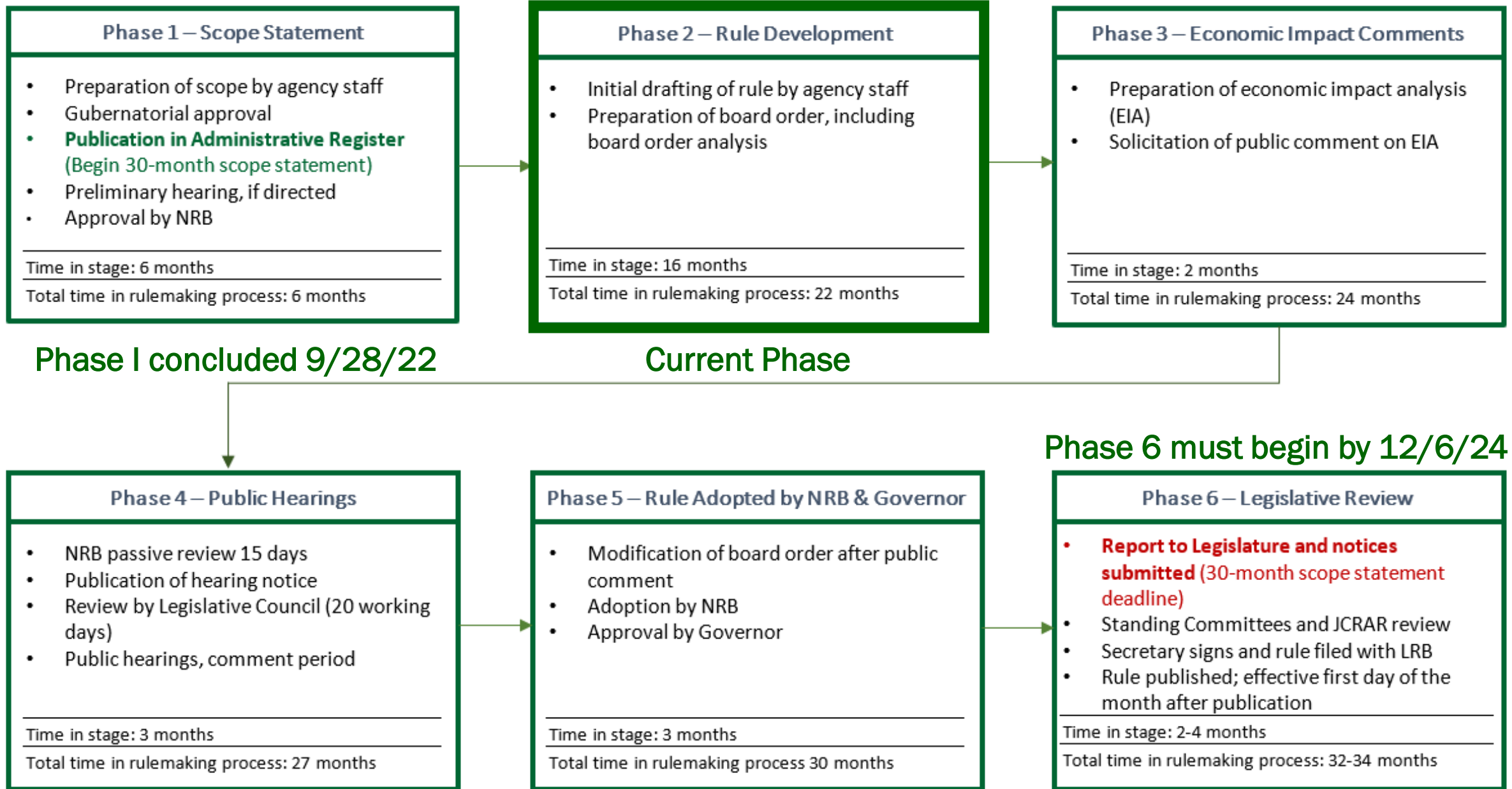
- Mary Oleson – Permitting
- Marcus Hellenbrand – Permitting
- Andy Seeber – Compliance Emission Testing
- Ashley Gray – Compliance
- Maria Hill – Compliance
- Olivia Salmon – Air Quality Planning and Standards



Overview of Rule Making Process

Olivia Salmon, SIP And Rule Coordinator





Tentative NR 439 Rulemaking Schedule

2022			2023												2024												2025											
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug				
Stakeholder Outreach																																						
			Rule Drafting																																			
															EIA Comment Period																							
																		Public Comment																				
																					Rule Adoption by NRB and Governor																	
																											Legislative Review (new session begins 1/14/25)											
																																	Published					
																																			Effective			

Purpose of Chapter NR 439

Mary Oleson, Operation Permit Policy Coordinator

Adopted under the Wisconsin Statutes to establish:

- reporting, recordkeeping and monitoring requirements
- inspection authority for air contaminant sources
- reporting, recordkeeping and monitoring requirements in permits

Part 70 requires compliance certification, testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with permit terms and conditions.

Purpose of NR 439 – consistent and predictable methods to demonstrate compliance with applicable air pollution requirements

Considerations for Revisions

Andy Seeber, Compliance Emission Testing Specialist

Ashley Gray, Air Compliance Policy Coordinator



The purpose of the rule revision is to simplify, reduce, modernize and make more efficient, the requirements related to inspection, monitoring, testing, reporting, recordkeeping, and compliance demonstration, while remaining consistent with the federal Clean Air Act (CAA) and retaining U.S. EPA approval of the state program for implementing the Act.

NR 439.02 Definitions

Including, but not limited to:

- calibration
- good engineering practices
- technical drawings/blueprints
- deviation
- control device/control equipment
- timeline definitions
 - day vs. business day vs. calendar day
 - annual vs. yearly



NR 439.03 Reporting

Review:

- requirement to report next business day for events that cause or may cause any emission limitation to be exceeded
- requirements to report any permit condition deviation by next business day
- section to align with Part 70 and Clean Air Act
- federal reporting period requirements



NR 439.04 Recordkeeping

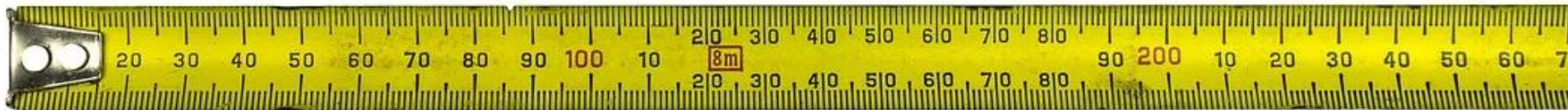
Review the inclusion of electronic records



NR 439.055 Instrumentation

Review:

- existing technology and update additional control equipment and monitoring parameters.
- new options for the measurement and recording frequencies.
- calibration requirements.
- recordkeeping requirements.



NR 439.06 Methods for Determining Compliance

Review:

- adding and updating EPA Methods
- QA/QC requirements
- time periods and frequencies of federal rules



NR 439.07 Methods for Periodic Testing

Review:

- emission test notification submittal requirements and approval methodologies
- emission test plan and report content requirements
- performance testing at capacity
- inclusion of the option of electronic submittal
- potential to remove outdated content
- for consistency within and with federal rules



NR 439.075 Periodic Testing Requirements

Review:

- testing schedules
- extensions, exceptions and waivers
- potential outdated references
- inclusion of the option of electronic submittal



NR 439.08 Methods for Fuel Sampling/Analysis

Review and update fuel sampling ASTM Methods



NR 439.085 Fuel Sampling/Analysis Requirements

Review and update ASTM Methods



NR 439.09 Methods for CEMs

Review:

- excess emission reporting content and frequency
- additional pollutant CEMS



NR 439.095 CEM Requirements

Review:

- for consistency
- exemptions
- updated pollutant CEMS



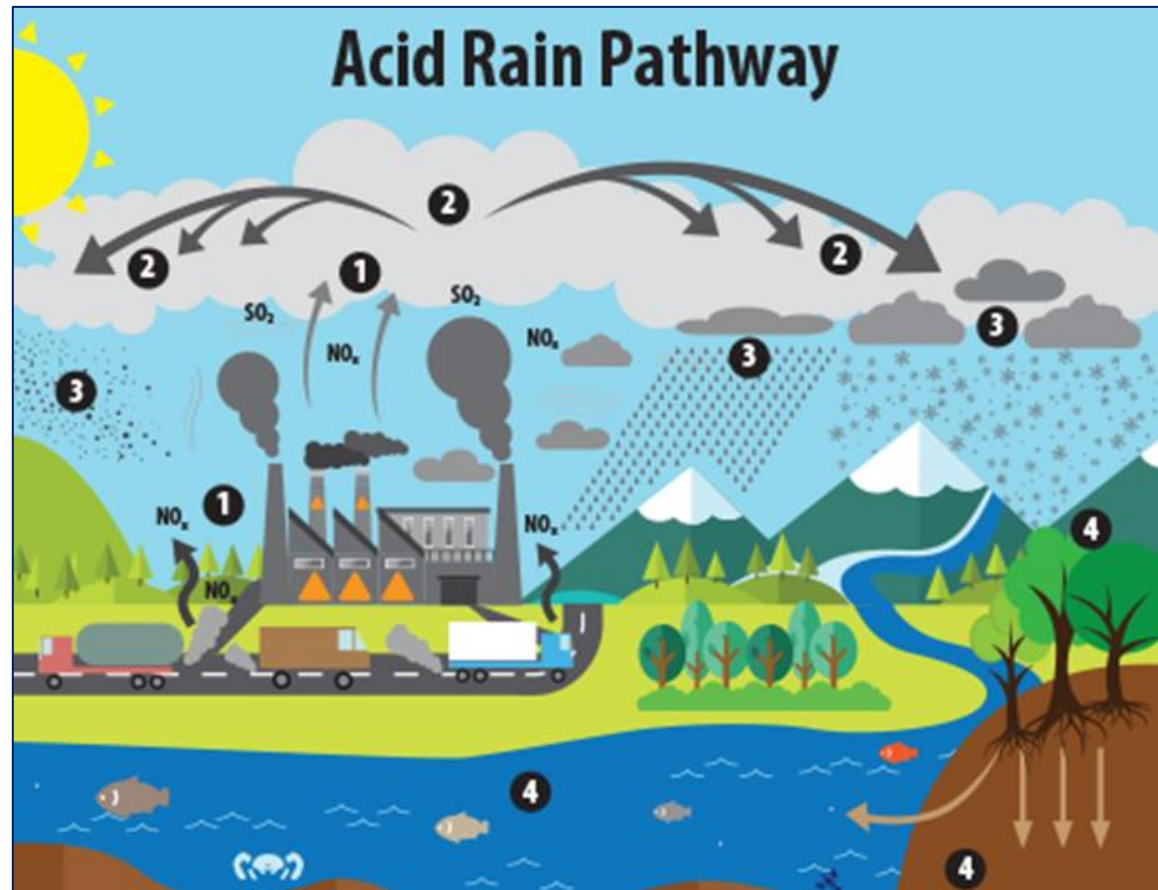
NR 439.096 Combustion Optimization

Review and clarify optimizations



NR 439.098 Parametric Testing NO_x-Acid Rain

Review and update ASTM Methods



NR 439.11 MPAP

Review:

- when an MPAP applies
- timelines for review and updating
- language that the DNR may amend the plan
- calibration requirements
- “good engineering practices”



Stakeholder Input

Maria Hill, Compliance Section Chief

Input opportunity on Zoom (links below in blue to register) for small groups:

- environmental groups, public, communities
 - [11/9 12 PM](#)
- trade associations and relative sectors
 - [11/9 9:30 AM](#) WMC and manufacturers
 - [11/14 10 AM](#) WPC and forest product industries
 - [11/16 1 PM](#) WUA and utilities
- consultants and compliance test firms
 - [11/10 1 PM](#)
- industry sector groups
 - [11/11 9 AM](#) printers, coaters
 - [11/11 10 AM](#) foundries
 - [11/15 9 AM](#) other sources

Input opportunity via online submittal– link on webpage, available November 7 through 19

Optional one-on-one sessions – contact Ashley Gray at ashley.gray@wisconsin.gov

CONNECT WITH US

Ashley Gray at
ashley.gray@wisconsin.gov

Link to input opportunity via online submittal will be posted at the webpage below on November 7

[Air Regulations, Policies and Guidance Public Notices | | Wisconsin DNR](#)



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"WILD WISCONSIN:
OFF THE RECORD"

Stakeholder Input

