



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

### DOCUMENT ID

AM-19-0022

### DOCUMENT TITLE

Using Periodic Compliance Emission Testing 50% Exception under Section NR 439.075(4)(a)1.b., Wis. Adm. Code

### PROGRAM/BUREAU

Air Management

### STATUTORY AUTHORITY OR LEGAL CITATION

Section 285.17, Wisconsin Statutes; Chapter NR 439, Wisconsin Administrative Code

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

September 23, 2019

### DATE FINALIZED

October 21, 2019

No comments were received during the comment period 23SEP2019 to 14OCT2019

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

October 16, 2019

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Signature

Date

## DNR GUIDANCE DISCLAIMER

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

**CORRESPONDENCE/MEMORANDUM**

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DATE: March 1, 2017

TO: Permit Writers and Compliance Inspectors

FROM: Kristin Hart, Chief, Air Permits and Stationary Source Modeling Section

SUBJECT: Using Periodic Compliance Emission Testing 50% Exception under s. NR 439.075(4)(a)1.b., Wis. Adm. Code, with Control Efficiency Limitations.

**Purpose:**

The requirements for affected facilities to perform periodic compliance emission testing is codified in s. NR 439.075, Wis. Adm. Code. This code provision is part of the air program's EPA approved state implementation plan (SIP) and reflects Clean Air Act requirements. Questions periodically arise from both external and internal parties regarding applicability of the 50% emission limitation exception under s. NR 439.075(4)(a)1.b., Wis. Adm. Code, especially when the underlying limit is a control efficiency requirement. The purpose of this memo is to clarify how to apply the 50% exception to control efficiency limits as well as to other direct emission limitations, and subsequently promote statewide consistency on implementing the existing administrative code. **s. NR 439.075(4)(a)1.b., Wis. Adm. Code Applicability**

Owners or operators of a direct stationary source specified under s. NR 439.075(2), Wis. Adm. Code are required to perform periodic compliance emission testing under s. NR 439.075, Wis. Adm. Code. The Department can grant facilities a written waiver of a scheduled test under s. NR 439.075(4), Wis. Adm. Code. Specifically, the 50% exception is allowed under s. NR 439.075(4)(a)1.b., Wis. Adm. Code, if the following requirement is met:

The most recently completed test results from a test conducted according to the methods and procedures specified in s. NR 439.07, Wis. Adm. Code for the direct stationary source demonstrate that the emissions of the air contaminant for which the compliance emission testing is required under s. NR 439.075(2)(a) or (c), Wis. Adm. Code, are 50% or less of the applicable emission limitation.

Emission limitation is defined under s. 285.01(16), Wis. Stats., as, "a requirement which limits the quantity, rate, or concentration of emissions for a given air contaminant on a continuous basis. An emission limitation includes a requirement relating to the operation or maintenance of a source to assure continuous emission reduction". The Department interprets this definition to include an emission limit on control efficiency and therefore, the waiver allowed in s. NR 439.075(4)(a)1.b., Wis. Adm. Code should not be limited to specific numeric emission limits, but should also be considered for test results demonstrating compliance with a control efficiency.

When making a waiver determination under s. NR 439.075(4)(a)1.b., Wis. Adm. Code, the facility shall meet the following criterion:

(a) The margin of compliance for the emission unit tested is significant, i.e. the most recently completed test demonstrates that the air contaminant, for which the compliance emission testing was required, is at 50% or less of the applicable emission limitation or control efficiency, and can be maintained on an on-going basis.

Example Calculations

Direct Emission Limit:

$$\text{Stack Test Emissions} \leq 0.50(\text{Applicable Emission Limit})$$

Control Efficiency Limit:

$$\text{Stack Test Emissions} \leq 0.50(\text{Capture Efficiency Limit})(1 - \text{Applicable Removal Efficiency Limit})(\text{Uncontrolled Emissions})$$

Or

$$\text{Stack Test Removal Efficiency} \geq 0.5(1 - \text{Applicable Removal Efficiency Limit}) + (\text{Applicable Removal Efficiency Limit})$$

The waiver is for an individual scheduled test. The waiver does not grant an exemption from periodic emission testing for the lifespan of the affected emission unit. The facility may not be granted two consecutive waivers for a given affected emission unit. The waiver solely applies to periodic emission testing required under s. NR 439.075(2)(a) or (c), Wis. Adm. Code, and does not apply to any routine test required under a new source performance standard or a national emission standard for hazardous air pollutants.