

NATURAL RESOURCES BOARD AGENDA ITEM
REVISED

SUBJECT:

Revised request for adoption of Board Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423, 439 and 484 pertaining to the correction of deficiencies identified by the U.S. EPA with a portion of the state's current volatile organic compound (VOC) reasonably available control technology (RACT) rules.

FOR: AUGUST 2011 BOARD MEETING

TO BE PRESENTED BY: Joseph Hoch, Regional Pollutant and Mobile Source Section Chief

SUMMARY:

This version of the Board Order is intended to replace the original Board Order AM-44-10 signed by Deputy Secretary, Matthew Moroney on July 14, 2011. Slight changes were made due to inadvertent omissions identified by the U.S. EPA and are **bolded** in the revised Board Order. An errata sheet that summarizes the changes is also included with the revised Board Order.

The Bureau of Air Management proposes adoption of the proposed rule revisions to correct deficiencies identified by the U.S. Environmental Protection Agency (EPA) with a portion of the state's VOC RACT rules. The Department was notified of these deficiencies on April 22, 2010.

Section 182(b)(2) of the federal Clean Air Act (CAA) [42 USC 7511a(b)(2)] requires implementation of RACT for VOC emission source categories in moderate or worse ozone nonattainment areas for which the U.S. EPA has published Control Techniques Guidelines (CTGs). The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha constitute the current ozone nonattainment areas classified as moderate or worse in Wisconsin. Federally approved VOC RACT rules are required for Wisconsin's ozone state implementation plan (SIP) and are a prerequisite for redesignation of the state's remaining nonattainment areas for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). In addition to a delay for redesignation of Wisconsin's nonattainment counties, an incomplete SIP could result in federal sanctions, including withholding of federal highway funds and the potential implementation of a federal air management plan.

The Bureau of Air Management convened stakeholder groups, including representatives from the potentially affected industrial sectors and the U.S. EPA, during the rule development process. Stakeholder meetings were held in Milwaukee and Waukesha on October 20th and 21st, 2010, respectively.

The Natural Resources Board authorized a public hearing on the proposed rule revisions on January 26, 2011. One hearing was held in Milwaukee on March 14, 2011. The Department's responses to the public comments received on the proposed rule are attached to the Background Memo. Several changes to the proposed rule revisions were made in response to comments received.

RECOMMENDATION: That the Board adopt Revised Board Order AM-44-10.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

William B. Baumann

Acting Bureau Director, William B. Baumann

7/28/11

Date

Patrick Stevens

Administrator, Patrick Stevens

7/29/11

Date

Matthew Moroney

Secretary, Cathy Stepp

8/3/11

Date

cc: Laurie Ross - AD/8
Marney Hoefler- LS/8

Department Rules Coordinator - LS/8
Deborah Johnson- LS/8

Joseph Hoch- AM/7
Robert Eckdale - AM/7

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- -Why is the rule needed?
- -What are the significant changes?
- -What are the key issues/controversies?
- -What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

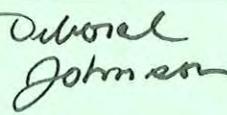
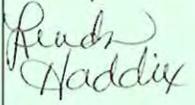
Hearing authorization:

Background memo (if needed)*
 Fiscal Estimate
 Environmental Assessment (if needed)
 Rule

Final adoption:

Background Memo (if needed)*
 Response Summary
 Fiscal Estimate
 Environmental Assessment (if needed)
 Rule

*If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review	N/A	N/A	
Management and Budget Joseph Polasek, Jr.		7-28-11	
Legal Services Deborah Johnson		7-28-11	
Other (if applicable) Linda Haddix		7-28-11	

DATE: August 2, 2011

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background Memo for Adoption of Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423, 439 and 484 pertaining to the correction of deficiencies identified by the U.S. Environmental Protection Agency (EPA).

Why Are These Rules Being Proposed?

Section 182(b)(2) of the federal Clean Air Act (CAA) [42 USC 7511a(b)(2)] requires implementation of reasonably available control technology (RACT) for volatile organic compound (VOC) emission source categories in moderate or worse ozone nonattainment areas for which the U.S. EPA has published Control Techniques Guidelines (CTGs). In response to a March 17, 2008 notification from the U.S. EPA that the Department's VOC RACT rules were not consistent with certain CTGs, the Board adopted rules on March 25, 2009 with the intent of correcting the inconsistencies. The Bureau of Air Management understood that these rules would satisfy the federal requirements. However, on April 22, 2010, the U.S. EPA notified the Department that some inconsistencies remain in several VOC RACT rules.

Federally approved VOC RACT rules are required for Wisconsin's ozone state implementation plan (SIP) and are a prerequisite for redesignation of the state's remaining nonattainment areas for the 1997 8-hour ozone national ambient air quality standards (NAAQS). The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha constitute the current ozone nonattainment areas. In addition to a delay in the redesignation of these counties, an incomplete SIP could result in federal sanctions, including withholding of federal highway funds and the potential implementation of a federal air management plan.

In order to avoid federal sanctions and ensure timely redesignation of the state's remaining ozone nonattainment areas, the Department is proposing rule revisions for a portion of the current synthetic organic chemical manufacturing (SOCMI), industrial wastewater collection and treatment (IWCT) and industrial solvent cleaning VOC RACT rules. These are the areas where the U.S. EPA identified inconsistencies.

Errata for Board Order AM-44-10

To help ensure approvability of the proposed VOC RACT rules, the Board Order signed by Deputy Secretary, Matthew Moroney on July 14, 2011 was shared with the U.S. EPA on July 19, 2011. Slight changes were made due to inadvertent omissions identified by the U.S. EPA and are denoted in bold text. In addition, an errata sheet that summarizes the changes is included with the revised Board Order.

Summary Of The Rule Deficiencies

The Bureau of Air Management has worked with staff at the U.S. EPA to better understand and clarify the VOC RACT rule deficiencies. Based on these discussions, some of the deficiencies have been resolved

by clarifying our current rules and directing the U.S. EPA staff to current rules that addressed their concerns. However, several deficiencies still remain and must be resolved to ensure consistency with current U.S. EPA CTGs. The applicable CTGs for the proposed rule revisions are listed in Table 1 of Appendix A.

The deficiencies identified by the U.S. EPA are related to the Department's industrial solvent cleaning VOC RACT rules, including the current recordkeeping requirements, work practices, exemptions and the VOC content limits for solvents and solvent solutions used in industrial solvent cleaning operations. In addition, deficiencies have been identified with the Department's IWCT VOC RACT rule, including the current applicability threshold, recordkeeping requirements and control requirements. Finally, deficiencies have been identified with the Department's SOCM I VOC RACT rule, including the current applicability threshold and list of distillation chemicals and reactor processes. A complete list of the specific rule deficiencies identified by the U.S. EPA and potentially impacted administrative code sections is provided in Table 2 of Appendix A.

Summary Of The Rules

The Bureau of Air Management proposes to update the current VOC RACT rules based on identified deficiencies by the U.S. EPA. These rules apply in Wisconsin's seven moderate ozone nonattainment counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha). The following is a short summary of the proposed rule provisions, referenced by the affected rule section.

NR 423.037: Industrial Cleaning Operations

The Department proposes to add the revised cleaning requirements to some of the category specific VOC RACT rules in NR 421 and 422. NR 423.037(2)(a) 4 will be modified to list these operations as exempt from the cleaning requirements since they will be regulated elsewhere. This is intended to consolidate the VOC RACT requirements for specific source categories into individual rules which will enhance understanding of the rules and simplify compliance for facilities.

Some of the current exemptions in NR 423.037(2) are not consistent with the U.S. EPA's CTG for industrial solvent cleaning. As a result, the Department proposes to remove several of these exemptions. However, some exemptions will be retained where category specific RACT rules already exist in NR 422 and where the industrial solvent cleaning requirements will be addressed in those rules.

Table 1 in NR 423.037(3), "VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations," must be modified to be consistent with the U.S. EPA's current CTG on industrial cleaning. The Department proposes to remove and revise several of the current limits.

NR 423.037(9): Recordkeeping Requirements

The proposed revision will clearly define the recordkeeping requirements consistent with the U.S. EPA's CTGs for industrial solvent cleaning. Monthly records of the gallons and VOC content of each cleaning solvent used will be required to determine whether the applicability threshold of 3

tons on a 12 month rolling basis is exceeded. Category specific VOC RACT rules in NR 422 will also be revised to ensure consistent recordkeeping requirements for industrial solvent cleaning.

NR422.075(3), NR422.105(5) & NR422.115(5): Work Practices

The following portion of the current work practices: “(b) Close mixing vessels used for VOC-containing coatings and other materials except when in direct use,” needs to be revised. The current language “except when in direct use” could mean when mixing blades are in operation and the mixing vessel should be closed; this was not the intent. The proposed rules would be changed to the following: “(b) Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing these materials.”

NR 422.144 Letterpress Printing

This proposed rule applies VOC control to letterpress printing presses emitting 25 tons per year of VOC (maximum theoretical emissions) from heatset inks from the press dryer. In accordance with the CTG, the proposed rule contains emission limitation exemptions for up to 110 gallons of blanket or roller wash on a 12-consecutive month rolling basis, the printing of books on a heatset letterpress press and heatset letterpress presses with a maximum web width of up to 22 inches.

The proposed rule also contains VOC content limits for blanket or roller wash. The blanket or roller wash limits along with the solvent cleaning work practices portion of the proposed rule apply to facilities emitting 3 tons/year of uncontrolled VOC emissions from all letterpress printing presses and related letterpress cleaning activities at the facility. The proposed rule also addresses storage and disposal requirements, temperature monitoring requirements, control requirements, recordkeeping requirements, compliance testing and certification testing requirements. This proposed rule satisfies industrial solvent cleaning RACT requirements for letterpress printing.

NR 419.045 Industrial Wastewater Options

The majority of the uncontrolled VOC emissions from industrial wastewater sources, sources not classified in the U.S. EPA’s CTG (i.e., non-CTG sources) and unregulated emissions from CTG sources, excluding those regulated under several specific subparts to the federal New Source Performance Standards (NSPS), are due to evaporation from waste streams when exposed to ambient air. Consequently, the primary VOC RACT requirements in the proposal to repeal and revise NR 419.045 largely consist of implementing technologies and work practice standards that would substantially suppress the exposure of VOC-laden waste streams to the ambient air. The detailed control requirements specifically target those process points where VOC exposure is greatest (i.e., drains, surface impoundments, oil-water separators, portable containers, wastewater tanks and treatment processes).

The proposed repeal and recreation of the industrial wastewater rule would also allow alternative control requirements to meet the VOC limitations. One alternative control method would involve venting the VOC emissions to a post-process control device (e.g., flare, incinerator) that would destroy VOC emissions from the affected processes. Each pollution control device would need to demonstrate that it would achieve a control efficiency of 95% by weight or greater of VOC

emissions and may not emit VOC emissions measured to be greater than 500 parts per million (ppm).

NR 421.07 Synthetic Organic Chemical Manufacturing Industry

Changes are proposed to the applicability criteria for VOC requirements affecting the synthetic organic chemical manufacturing industry, to remove a VOC emission threshold, and clearly identify those chemicals, that if produced, will trigger the requirements. These proposed changes are necessary to be consistent with the guidance provided by the U.S. EPA for this source category.

How Does This Proposal Affect Existing Policy?

The proposed rule revisions are necessary for the Department to meet the requirements under Section 182(b)(2) of the federal CAA. The proposed rule revisions are consistent with existing policy, which is to adopt and enforce all requirements applicable to Wisconsin under the CAA.

Hearing Synopsis

The Department held a public hearing on March 14, 2011 in Milwaukee. Five people attended the hearing and no oral comments were received.

The Department received several written comments on the proposed rule from the following organizations: (1) American Coatings Association (ACA), (2) Can Manufacturers Institute (CMI), (3) Specialty Graphic Imaging Association (SGIA), (4) Bemis Company, Inc., (5) Printing Industries of Wisconsin (PIW) and (6) U.S. Environmental Protection Agency, Region 5. In addition, the Legislative Council Rules Clearinghouse provided comments to the Department on the proposed rule on March 2, 2011. Changes to the proposed rule were made in response to comments received. The comments along with the Department's responses can be found in Appendix B.

Information On Environmental Analysis

The Department has determined that these proposed rules represent a type III action under s. NR 150.03(3), and therefore do not need an environmental analysis.

Final Regulatory Flexibility Analysis

The Department does not believe that the proposed rule revisions will have a significant economic impact for individual small businesses. For industrial solvent cleaning operations, the applicability threshold is 3 tons on a 12 consecutive month rolling basis actual emissions from a facility with all control equipment inoperative. The Department believes that this threshold will not affect the majority of small businesses. Due to the nature and complexity of IWCT and SOCM facilities it is highly unlikely that a small business, as defined in 227.114(1), Stats., would have an operation that triggers the emission reduction requirements for those source categories in the proposed rule.

APPENDIX A

TABLE 1: APPLICABLE U.S. EPA CTG DOCUMENTS FOR PROPOSED RULE REVISIONS

#	CTG Source Category
1.	Automobile and Light-Duty Truck Assembly Coatings
2.	Flat Wood Paneling Coatings
3.	Flexible Package Printing
4.	Industrial Cleaning Solvents
5.	Industrial Wastewater Collection and Treatment Operations
6.	Large Appliance Coatings
7.	Metal Furniture Coatings
8.	Miscellaneous Industrial Adhesives
9.	Miscellaneous Metal and Plastic Parts Coatings
10.	Offset Lithographic Printing and Letterpress Printing
11.	Paper, Film, and Foil Coatings
12.	Reactor Processes and Distillation Operations in SOCM

TABLE 2: VOC RACT RULE DEFICIENCIES IDENTIFIED BY THE U.S. EPA

VOC RACT RULE: Industrial Solvent Cleaning		
DEFICIENCY: Recordkeeping requirements are not specific enough		
#	Operation	Impacted Rule Section
1.	Paper Coating	NR 422.075(1)(a)
2.	Furniture Metal Coating	NR 422.105(1)
3.	Surface Coating of Large Appliances	NR 422.115(1)
4.	Flat Wood Panel Coating	NR 422.131(1)
5.	Flexible Package Printing	NR 422.141(1)(a)
6.	Lithographic Printing	NR 422.143(1)(a), 422.143(6) and 439.04(3)
7.	Industrial Solvent Cleaning Operations	NR 423.037(9)(a)
VOC RACT RULE: Industrial Solvent Cleaning		
DEFICIENCY: Work practices are not consistent with the U.S. EPA CTGs		
#	Operation	Impacted Rule Section
1.	Paper Coating	NR 422.075(3)(b)
2.	Furniture Metal Coating	NR 422.105(5)(b)
3.	Surface Coating of Large Appliances	NR 422.115(5)(b)
VOC RACT RULE: Industrial Solvent Cleaning		
DEFICIENCY: Sufficient basis has not been provided for the following exemptions		
#	Operation	Impacted Rule Section
1.	Coating Manufacturing	NR 421.06(2)(c) and 423.037(2)(a) 4.za
2.	Automobile Refinishing Operations	NR 422.095(6)
3.	Screen Printing	NR 422.145(2)(d)
4.	Miscellaneous Metal Parts and Products	NR 422.15(8)
5.	Fire Truck and Emergency Response Vehicle Manufacturing	NR 422.155(3)
6.	Wood Furniture Coating	NR 422.125 and 423.037(2)(a) 4.b
7.	Film and Foil Coating	NR 423.037(2)(a) 4.j

8.	Fabric Coating	<i>NR 423.037(2)(a) 4.k</i>
9.	Plastic Parts and Products Coating	<i>NR 423.037(2)(a) 4.L</i>
10.	Fiberglass Boat Manufacturing	<i>NR 423.037(2)(a) 4.m</i>
11.	Miscellaneous Metal Parts and Products Coating	<i>NR 423.037(2)(a) 4.n</i>
12.	Miscellaneous Industrial Adhesive Usage, Excluding Application Equipment	<i>NR 423.037(2)(a) 4.o</i>
13.	Motor Vehicle and Mobile Equipment Assembly and Coating Operations	<i>NR 423.037(2)(a) 4.p</i>
14.	Resin Application Equipment Operation, Excluding Polyester Resin Application Equipment	<i>NR 423.037(2)(a) 4.t</i>
15.	Architectural Coating, Excluding Application Equipment	<i>NR 423.037(2)(a) 4.v</i>
16.	Metal Container and Closure Coating	<i>NR 423.037(2)(a) 4.w</i>
17.	Coil Coating	<i>NR 423.037(2)(a) 4.x</i>
18.	Magnet Wire Coating	<i>NR 423.037(2)(a) 4.y</i>
19.	Semiconductor Wafer Fabrication Operations	<i>NR 423.037(2)(a) 4.z</i>
20.	Ink and Adhesive Manufacturing	<i>NR 423.037(2)(a) 4.zb</i>
21.	Flexible and Rigid Disk Manufacturing	<i>NR 423.037(2)(a) 4.zc</i>
22.	Polyester Resin Operations, Excluding Application	<i>NR 423.037(2)(a) 4.zd</i>
23.	Letterpress Printing, Except Press Component Cleaning	<i>NR 423.037(2)(a) 5</i>
24.	Electrostatic Printing and Coating Application	<i>NR 423.037(2)(b) 2</i>
25.	Aggregate Use of Solvent and Solvent Solutions Below 55 Gallons During Any 12 Consecutive Months	<i>NR 423.037(2)(b) 4</i>
26.	Cleaning Which Uses Solvents or Solvent Solutions Containing No More Than 0.05 Kilograms of VOC Per Liter	<i>NR 423.037(2)(b) 4(g)</i>
VOC RACT RULE: Industrial Solvent Cleaning		
DEFICIENCY: Sufficient basis has not been provided for the following VOC content limits		
1.	Laminated Wood Products	<i>NR 423.037(3) Table 1 – (a)(3)</i>
2.	Screen Printing	<i>NR 423.037(3) Table 1 – (a)(5), (b)(4) and (d)(5)</i>
3.	Architectural Coatings	<i>NR 423.037(3) Table 1 – (c)(2)</i>
4.	Ultraviolet Coatings	<i>NR 423.037(3) Table 1 – (c)(3)</i>
5.	Flexible Package Printing	<i>NR 423.037(3) Table 1 – (d)(2)(a) and (b)</i>
6.	Letterpress Printing, On-Press Components Only	<i>NR 423.037(3) Table 1 – (d)(4)(a) and (b)</i>
VOC RACT RULE: IWCT [NR 419]		
1.	Applicability must be based on the combined emissions from all non-CTG sources (e.g. wastewater and batch) and exempt emissions from CTG sources	
2.	The control and recordkeeping requirements are too minimal	
VOC RACT RULE: SOCM I [NR 421]		
1.	The 100 tons per year applicability cutoff threshold must be replaced by the appropriate applicability criteria for all CTG categories	
2.	The list of distillation chemicals and reactor processes in NR 421.07(3) and NR 421.07(4), respectively, is much smaller than the list provided in the CTG	

APPENDIX B Wisconsin Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) Rules Revision

Response to Public Comments

Commenters:

- American Coatings Association (ACA)
- Can Manufacturers Institute (CMI)
- Specialty Graphic Imaging Association (SGIA)
- Bemis Company, Inc.
- Printing Industries of Wisconsin (PIW)
- U.S. Environmental Protection Agency, Region 5 (EPA)
- Wisconsin Legislative Clearinghouse (LEG)

#	Commenter	Public Comment
	Revision?	WDNR Response
1	ACA	We support the proposed changes to NR 421, specifically NR 421.05(1)(c)(2m) and NR 421.06(1)(c)(2m).
	NO	None
2	CMI	We support the proposed changes to NR 422.05(3)(a) Table 1 – Items 3b and 4b, NR 422.05(3)(f) Table 2 – Item 3b, and NR 422.05(1m)(h).
	NO	None
3	CMI	Clarification is needed for NR 422.05(3)(b) if the WDNR intends for all of the cleaning devices and methods to be employed, as currently worded, or if a facility should only employ one or more, consistent with other rule sections (e.g., NR 423.3037).
	YES	The rule language will be changed to provide additional clarity in all of the impacted sections in NR 422 and NR 423 to the following: "... the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions."
4	CMI	The research and development exemption, NR 422.05(1m)(d), does not appear to be drafted in a way that includes cleaning associated with performance testing done on production lines. We request the word "laboratory" be deleted, consistent with California's Bay Area Air Quality Management District Regulation 8, Rule 16.
	YES	The WDNR will remove the term, "laboratory", from in s. NR 422.05(1m)(d) and add a 110 gallon limit per 12 consecutive month period for noncompliant solvents or solvent solutions used for these purposes.
5	CMI	We request that an exemption be added to NR 422.05(1m) for new generation coatings for metal cans because appropriate VOC RACT limits are not yet known before these coatings become commercially available. Specifically, we request the following language be added: "cleaning of application equipment used for metal can coatings, adhesives or inks that come into commercial use after January 1, 2011."
	NO	Without specific and defined needs, technological developments such as these must be accommodated through future rule revisions or a variance process. A VOC RACT rule that doesn't regulate new technological developments with vaguely defined needs would be deemed incomplete. However, special provisions for research and development do exclude "...cleaning conducted in conjunction with performance laboratory tests on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories." from the proposed VOC solvent and solvent solution limits.

#	Commenter	Public Comment
	Revision?	WDNR Response
6	SGIA	It appears that screen printing sources whose emissions from cleaning operations exceed 25 tons per year or more are still regulated in NR 423.035 – Part 1. It was our understanding that all sources with emissions from cleaning solvent operations, with the exception of digital printing applications, would be covered by NR 422.145 thus eliminating duplicative and conflicting regulatory requirements, including recordkeeping. As proposed, screen printing operations will still need to determine applicability under two separate industrial cleaning solvent regulations, thus eliminating benefits from streamlined regulations.
	YES	Language will be added to s. NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.
7	SGIA	If the WDNR plans to continue to maintain NR 423.035 – Part 1 as is, then digital printing needs to be added as an exempted category to maintain consistency in NR 423.035(2).
	YES	Given that the intention of this rule revision effort was to address deficiencies identified by the EPA, the WDNR will continue to maintain NR 423.035 – Part 1. Removing NR 423.035 – Part 1 would necessitate that the WDNR develop a backsliding analysis that could potentially significantly delay approval of the entire rule package. That said, the WDNR plans to add digital printing as an exempted category in NR 423.035 – Part 1.
8	SGIA	We agree with the proposed changes to the definition for “screen printing units” in NR 422.02(83).
	NO	None
9	SGIA	A definition of “industrial cleaning operations” is needed in NR 422.02. We offer the following definition, consistent with NR 423.02, “industrial cleaning operations means the process of cleaning products, product components, tools, equipment or general work areas during production, repair, maintenance or servicing with solvents or solvent solutions.”
	NO	The definition for “industrial cleaning operations” originally in NR 423.02 has been relocated to NR 400.02(86m) [see Section 78 of the Board Order]. Since the definitions provided in NR 400 are applicable throughout the entire 400 series, no changes are necessary in response to this comment.
10	SGIA	We concur with the recommendation to exempt digital printing operations (NR 422.05(1m)).
	NO	None
11	SGIA	We recommend that the proposed definition for digital printing proposed in NR 423.02(2m) also be included in NR 422.02.
	YES	The current definition for digital printing located in NR 423.02(2m) will be relocated to NR 400.02, thus eliminating the need for inclusion in NR 422.02.
12	SGIA	We agree with the decision to remove the current limits for screen reclamation activities included in NR 422.145(2)(d) and replace with limits for all industrial solvent cleaning operations.
	NO	None
13	SGIA	We still have concerns with the VOC content limits as proposed since not all references to industrial solvent cleaning and screen printing have been removed from NR 423.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under s. NR 423.035. The exemptions in NR 423.037 will be revised to clarify the applicability.
14	SGIA	The current requirements, as proposed in NR 422.145(2m), are not technically feasible for all cleaning operations associated with the screen printing process.
	YES	Language will be added to NR423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions for on-press cleaning haven’t been adequately justified and documented.

#	Commenter	Public Comment
	Revision?	WDNR Response
15	SGIA	To ensure the screen printing industry is regulated in a consistent manner, all VOC content limits for screen printing found in NR 423.035(3) Table 1 should be included in NR 422.145(2)(m). Specifically, the limits for Screen Printing, removal of adhesives from plastic substrates; and Screen Printing, removal of oils and adhesives from cutting dies needs to be included in NR 422.145(2)(m) Table 1.
	YES	Language will be added to NR423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions for “removal of adhesives from plastic substrates” and “removal of oils and adhesives from cutting dies” haven’t been adequately justified and documented.
16	SGIA	The limit for Cleaning of Ink Application Equipment needs to be increased from 4.2 pounds of VOC per gallon to 6.4 pounds of VOC per gallon to maintain consistency between NR 422.145 and NR 423.035 – Part 1. We concur that the 4.2 pounds of VOC per gallon is achievable, but the difference in limits does not provide a level regulatory playing field.
	YES	Language will be added to NR423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. Higher VOC limits for solvent and solvent solutions haven’t been adequately justified and documented.
17	SGIA	We respectfully propose that an additional cleaning activity of on press cleaning be included in NR 422.145(2m) with a VOC content of 6.4 pounds of VOC per gallon. The addition of this solvent activity, at this VOC content limit, represents RACT for the screen print industry sector.
	NO	Higher VOC limits for solvent and solvent solutions for on-press cleaning haven’t been adequately justified and documented.
18	Bemis	We believe that a provision was inadvertently left out of the proposed changes to NR 422.14. Specifically, we believe there should also be a NR 422.14(1)(b) that is based on the same premise as the proposed provision in NR 422.05(1)(b). We request that the following provision be added: “(b) Except as provided in sub. (1m), subs. (4) and (5) apply to a facility with printing operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.”
	YES	The provision referenced was inadvertently left out and will be added to NR 422.14.
19	PIW	Overall, we support the DNR in its use of the EPA’s CTG as the basis for developing the proposed rule revisions for industrial solvent cleaning and the commercial offset lithographic printing industry. While the proposed revisions bring some clarity to the requirements, we are concerned with several of the proposed revisions.
	NO	None
20	PIW	The existence of two separate sections to address industrial solvent cleaning with overlapping and conflicting requirements is prohibitively confusion (i.e., NR 423.035 and NR 423.037). For facilities in Kenosha, Milwaukee, Ozaukee, Racine and Washington counties, both regulations apply, and there is no clear guidance as to which regulation takes precedence, especially since the proposed changes to NR 423.037 defer to NR 422.14, 422.141, 422.142, and 422.143 for each printing process and NR 423.035 still applies. To alleviate this situation, it would be best if NR 423.037 and NR 423.035 were combined into one rule that includes the proposed changes to NR 423.037.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted. WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren’t impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.

#	Commenter	Public Comment
	Revision?	WDNR Response
21	PIW	While many of the proposed changes to NR 423.037 help clarify the current set of requirements, if changes are only made to NR 423.037, permit engineers and other DNR staff and the regulated community will be forced to try and determine which regulation would apply to a cleaning solvent, choosing among NR 423.037, NR 423.035, and the respective RACT rule for each printing process. If it is decided to not combine NR 423.035 and NR 423.037, then the same exact changes being proposed in NR 423.037 should also be made in NR 423.035 or the confusion will be compounded.
	YES	Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035. The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted. WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren't impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.
22	PIW	The proposed changes in NR 423.037(2)(a) indicates that in facilities that are otherwise exempt from this rule, the cleaning of adhesives and adhesive primers in subject to this rule. However, EPA's 2008 Miscellaneous Industrial Adhesive CTG was not intended to cover adhesives used in graphic arts operations, and as such, their use should not be subject to the industrial cleaning solvent rule. This CTG does not address adhesives used in lithographic, letterpress, flexible packaging, screen printing, digital imaging facilities or other graphic arts operations that fall under the 323 NAICS code. The EPA did not study the adhesives used in graphic arts operations as the intent of the CTG was to specifically exclude them. As adhesive and adhesive primer use in printing operations is not subject to the requirements for miscellaneous industrial adhesive use, including cleaning solvent VOC limits, the cleaning of adhesives in printing operations should not be subject to the cleaning solvent rule. The following changes should be made to NR 423.037(2)(a): d. Flexible package Non-packaging flexographic printing, excluding industrial adhesives and adhesive primers use. e. Lithographic printing, excluding industrial adhesives and adhesive primers use. ze. Screen printing, excluding industrial adhesives and adhesive primers use. zf. Letterpress printing, excluding industrial adhesives and adhesive primers use. zg. Non-packaging rotogravure printing, excluding industrial adhesives and adhesive primers use.
	YES	Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers' problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in NR 423.037(2)(a)4. can and will be consolidated.
23	PIW	NR 423.037(2)(a) 4.e exempts all lithographic printing from Part 2 of the industrial solvent cleaning rule, however there is no similar exemption from Part 1 of the industrial solvent cleaning rule (NR 423.035). Part 1 of the cleaning rule, NR 423.035(2)(a) 1., exempts only Part 1 (NR 422.142) of the lithographic printing rule. This is incredibly confusing, and makes compliance difficult, as lithographic facilities in the five counties that are subject to both Part 1 and Part 2 of the lithographic rule cannot be certain if they are exempt from the cleaning rule or not. As stated previously, NR 423.037 and NR 423.035 should be combined or the same exemption should be inserted in NR 423.035 in order to fully exempt lithographic facilities, as is the intent of the industrial solvent cleaning CTG (See Page 8 of the CTG).

#	Commenter	Public Comment
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	YES	<p>Language will be added to NR 423.035 indicating that cleaning activities subject to category specific VOC RACT rule cleaning requirements in NR 421 and NR 422 are not regulated under NR 423.035.</p> <p>The exemptions in NR 423.037 will be revised to clarify that cleaning activities associated with printing are exempted.</p> <p>WDNR is focusing on addressing rules deficiencies. The consolidation of NR 423.037 and NR 423.035 is outside the scope of the effort to address specific rules deficiencies. Such a consolidation would involve a potentially resource-intensive determination that emissions reductions aren't impacted significantly. As a consequence, completion of the rules package required for redesignation for the 8-hr ozone standard would be delayed considerably.</p>
24	PIW	Digital printing is excluded from Part 2 of the solvent cleaning rule in NR 423.037(2)(cg) and (cr), but is not listed as exempt from Part 1 of the solvent cleaning rule. This is confusing and makes permitting difficult, especially for facilities in the five counties that are subject to both Part 1 and Part 2 of the solvent cleaning rule. As stated previously, NR 423.037 and NR 423.035 should be combined or the same exemption should be inserted in NR 423.035 in order to fully exempt digital printing facilities.
	YES	Given that the intention of this rule revision effort was to address deficiencies identified by the EPA, the WDNR will continue to maintain NR 423.035 – Part 1. Removing NR 423.035 – Part 1 would necessitate that the WDNR develop a backsliding analysis that could potentially significantly delay approval of the entire rule package. That said, the WDNR plans to add digital printing as an exempted category in NR 423.035 – Part 1.
25	PIW	The category “Ultraviolet ink application equipment” in NR 423.037(3) Table 1 (d) should be moved to the appropriate print process sections, as was done for the other requirements for specific print processes. UV technologies are used in rotogravure, flexographic and lithographic printing operations. Therefore, the “Ultraviolet ink application equipment” limits should be moved to NR 422.14, NR 422.141, NR 422.142 and NR 422.143. Additionally, as all the print processes have been removed from this chart, there are no ink application operations that would be subject to the “general” limits, as the limits for each type of process are specified in the applicable sections. This limit should be removed from the chart in order to prevent additional confusion.
	YES	The solvents and solvent solutions’ VOC content limits for cleaning of ultraviolet ink application equipment in s. NR 423.037(3) Table 1 (d) will be moved to NR422.14, NR422.141, NR422.143 and NR422.144. Further, the VOC content limits for the cleaning of ink application equipment will be removed from NR423.037.
26	EPA	NR 419.045 (1)(a)(2)(a) – The applicability in this section must include MTE from “all non-CTG sources.”
	YES	NR 419.045 (1) (a) 2. b., states that maximum theoretical emissions (MTE) of VOC from “Any emissions unit that is not subject to an emission limitation under NR 419.05, 419.06, or 419.08; NR 421, 422, or 423; or NR 424.04, or 424.05, except if the emissions unit is regulated under 40 CFR part 60, subpart BBB, III, NNN, or RRR, or 40 CFR part 63, subpart T.” must be included in determining if the facility’s MTE of VOC is greater than 100 tons. The WDNR assumed that EPA intended that emissions from any source subject to a VOC RACT rule regardless if it was a CTG or non-CTG based rule would not have to be considered. In follow-up correspondence and conversations, EPA indicated their comment was based on the identification of NR 419.05 as a non-CTG category and clarified that only emissions from CTG-based RACT rules don’t need to be considered. The WDNR reviewed all internal references and made appropriate changes to ensure consistency with EPA’s policy.
27	EPA	NR 419.045 (1)(a)(3) should be clarified as follows: 3. Has facility operations specifically listed under any of the following industrial categories:
		<p>(a) The organic chemicals, plastics, and synthetic fibers manufacturing industry as described by the four-digit industry codes 2821, 2823, 2824, 2865, or 2869 listed in the Standard Industrial Classification (SIC) Manual</p> <p>(b) The pharmaceuticals manufacturing industry as described by the four-digit industry codes 2833, 2834, or 2836 listed in the SIC Manual ...</p>

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	NO	NR 419.045 (1) (a) 3. a. cites the “Standard Industrial Classification (SIC) Manual, 1987 incorporated by reference in NR 484.05 (1) for the organic chemicals, plastics, and synthetic fibers manufacturing industries”... “...for SIC codes 2821, 2823, 2824, 2865, or 2869.” Similarly, NR 419.045 (1) (a) 3. b. cites the SIC manual “...for the pharmaceuticals manufacturing industry”... “...for SIC codes 2833, 2834, or 2834”. Consequently, the WDNR believes that the current language adequately describes the SIC codes for which sources would be subject to NR 419.045.
28	EPA	NR 419.045 (1)(b)(2) – (8)(e) should be (8)(d).
	NO	The cited provision, NR 419.045(1)(b)2., provides an exemption for “Any facility with an annual affected VOC loading in wastewater, as determined in accordance with sub. (8)(e), ...”. the comment that the reference to sub. (8)(e) should be sub. (8)(d) is not appropriate. The exemption provided is based on annual affected VOC loading in wastewater for the entire facility. Subsection (8)(d) establishes how to determine the annual VOC loading in wastewater for an individual wastewater stream, while sub. (8)(e) addresses annual VOC loading for the facility.
29	EPA	NR 419.045 (2)(intro) – “par.(g)” should be “par.(f)”
	YES	There is no paragraph (g) in NR 419.045 (2). Consequently, EPA is correct in noting that “(f)” should be listed in NR 419.045 (2) (intro).
30	EPA	NR 419.045 (2)(e)(3)(d) – “gasket and which” should probably just be “gasket which”
	YES	Removing the word “and” as suggested would result in the sentence that implied the gasket shall be maintained in a closed position, when it is the cover, seal or lid that shall be closed. To make this requirement clear, the proposed sentence will be broken into 2 as follows: Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a cover, seal or lid fitted with a gasket. The cover, seal or lid shall be maintained in a closed position so there are no visible gaps at all times, except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened to be air-tight when they are closed.
31	EPA	NR 419.045 (2)(f)(7) – should be revised to “...by complying with subd. (2)(a) to (2)(e) and by complying with one of the following requirements.”
	YES	EPA states that the additional language “with subd. (2) (a) to (2) (e) and” should be included in NR 419.045 (2) (f) 7. Evaluating this comment required revisiting Ohio’s industrial wastewater VOC RACT rule, which the WDNR used as a basis for s. NR 419.045, as recommended by EPA. The comparable section in the Ohio rule [3745-21-16(D)(8)(g)] contains the language “...complying with paragraphs (D)(3) to (D)(7)..”, which pertains to controls for drain systems surface impoundments, oil-water separators, portable containers and wastewater tanks. These Ohio rule paragraphs (D)(3) to (D)(7) cite the same control requirements as those contained in subd. (2) (a) to (2) (e) of WDNR’s proposed rule. Consequently, EPA is correct in noting that additional language should be included in s. NR 419.045 (2) (f) 7. However, the correct reference is to paragraphs (a) to (e).
32	EPA	NR 419.045 (4)(a) – visual inspections for leaks and improper conditions should be “initially, semiannually and upon repair”
	NO	Ohio’s industrial wastewater VOC RACT rule, which the WDNR used as a basis for NR 429.045, as recommended by EPA, does require an initial inspection. However, it does not establish what is meant by “initial”, i.e., when the initial inspection should be made. If the WDNR were to require an initial inspection, supporting language would also be necessary to establish exactly when. Since it would be appropriate to provide a reasonable time after the rule becomes effective in which to conduct an initial inspection, and noting that the rule already requires semiannual inspections, an initial inspection would not seem to add significant value. Therefore no change has been made.
33	EPA	NR 419.045 (4)(b) – There is no (4)(b).
	YES	EPA is correct in noting that there is no par. (b) in NR 419.045 (4). Consequently, the numbering of pars. (c) to (f) in sub. (4) will be adjusted accordingly.
34	EPA	NR 419.045 (4)(c)(1) – should be revised to “The secondary seal shall be measured for seal gaps initially, annually, and after repair...”
	NO	See WDNR’s response to comment #32.

#	Commenter	Public Comment
	Revision?	WDNR Response
35	EPA	NR 419.045 (4)(e)(1) – “Except as provided in subd.2.,” should be revised to “Except as provided in (4)(intro) and (3)(b).”
	NO	<p>It is correct that the Ohio rule language on which NR 419.045 (4) (e) 1. is based is 3745-21-16(F)(5). However, the citations to (F)(3)(a) to (F)(3)(g) and to (F)(3)(a) in the Ohio rule are internally incorrect (some of which do not exist). It is therefore not appropriate to establish the WDNR equivalent to these incorrect Ohio citations.</p> <p>The WDNR clearly establishes requirements to install and maintain monitors to measure operational parameters for equipment installed to comply with emission control requirements. Furthermore, the WDNR specifies monitoring and data recording requirements consistent with the Ohio rule. The exception the WDNR provides through the language cited by EPA, “Except as provided in subd. 2.,” is substantially equivalent to language in Ohio rule 3745-21-16(f)(5)(h).</p> <p>The WDNR believes the suggestion that the WDNR replace the reference to subd. 2. with a reference to (4)(intro.) and (3)(b) is not appropriate and is not consistent with the Ohio rule. Therefore no change has been made.</p>
36	EPA	NR 419.045 (5)(e) - should be revised to “... for determining VOC leaks and for monitoring a carbon canister in accordance with subd. (4)(e)(1)(d).
	NO	<p>The WDNR believes the Ohio rule on which NR 419.045 is based inappropriately established Method 21 in 40 CFR part 60, Appendix A, for determining VOC leaks since all VOC leak inspection requirements in the rule require a visual inspection only. A summary included in Method 21 reads as follows:</p> <p style="padding-left: 40px;">A <u>portable instrument</u> is used to detect VOC leaks from individual sources. The <u>instrument detector type</u> is not specified, but it must meet the specifications and performance criteria contained in Section 6.0. A leak definition concentration based on a reference compound is specified in each applicable regulation. This method is intended to locate and classify leaks only, and is not to be used as a direct measure of mass emission rate from individual sources.</p> <p>The use of instrumentation is not consistent with the requirement to only perform a visual inspection. Since only a visual inspection is required, the recommended change is not warranted.</p>
37	EPA	NR 419.045 (6)(b) – Final compliance must be achieved within 12 (not 18) months after the effective date of this section.
	YES	The Ohio industrial wastewater VOC RACT rule on which NR 419.045 is based, establishes a 12 month compliance schedule. The WDNR will amend the proposed final compliance schedule from 18 to 12 months after the effective date as required by EPA.
38	EPA	NR421.02 – Definitions – OK
	NO	None
39	EPA	NR421.05 Synthetic Resin Mfg - OK
	NO	None
40	EPA	NR421-06 Coatings Mfg – OK
	NO	None
41	EPA	NR 421.07 SOCM I – OK
	NO	None
42	EPA	NR 422.03 (1) - This section would be clearer if “but” was inserted before “when actual emissions of VOCs”
	NO	The WDNR disagrees that this adds any additional clarity.
43	EPA	NR 422.05 (1)(b)(1m)(h) – This should state that “Subsection (3)(a) does not apply.” This operation should not be exempt from all of subsection (3).
	YES	NR 422.05 (1m)(h) will be rewritten as the following: “Subsection (3)(a)4. does not apply to cleaning of sterilization indicating ink application equipment where less than a total of 1.5 gallons per day of VOC-containing solvent and solvents are used”.

#	Commenter	Public Comment
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44	EPA	NR 422.05 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.05(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.05(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.05(1)(b).
45	EPA	NR 422.05 (4)(c)(3) – For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
46	EPA	NR 422.06 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.06(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.06(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in s. NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in s. NR 422.06(1)(b).
47	EPA	NR 422.06 (4)(b)(3) - For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
48	EPA	NR 422.075 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
49	EPA	NR 422.075 (3) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.
50	EPA	NR 422.08 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.08(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.08(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.08(1)(b).

#	Commenter	Public Comment
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51	EPA	NR 422.08 (4)(b)(3) - For sources complying by (3)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
52	EPA	NR 422.083 (1)(bm) – There are no recordkeeping requirements to establish whether plastic parts coating lines are subject to the cleaning material work practices in (3m).
	YES	The comment refers to the lack of recordkeeping requirements to support an applicability determination for solvent cleaning operation limits in NR 422.083. The WDNR will propose appropriate recordkeeping requirements. This is the same issue EPA commented on in a more general sense in their comment #95. In its response to comment #95, the WDNR has also agreed to propose appropriate recordkeeping requirements.
53	EPA	NR 422.085 It is not clear whether industrial cleaning operations for leather coating are subject to a 0.42 lbs/gal limit and, if so, whether they are subject to the recordkeeping requirements in NR 423.037(9).
	NO	Industrial cleaning operations for leather coating are subject to the requirements of s. NR 423.037 including the 0.42 lbs/gal limit for solvents and solvent solutions.
54	EPA	NR 422.09 (6) - There are no recordkeeping requirements to establish whether automobile coating operations are subject to the cleaning material work practices in (6).
	YES	The work practice requirements in NR 422.09(6) only apply to automobile and light-duty truck manufacturing plants located in certain ozone non-attainment counties where the VOC emissions from the specified coating operations, <u>and related cleaning activities at the facility</u> , equal or exceed 3 tons per year on a 12 consecutive month rolling basis. The WDNR agrees with the commenter, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will address EPA comment 95, to ensure the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.08(1)(b).
55	EPA	NR 422.095 (8) – There are no recordkeeping requirements for sources exempt because of the criteria in NR 422.095(1)(b). This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in NR 422.095(1)(b), doesn't constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in NR 439.04(4) to address the comment. The proposed requirements will also address EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in NR 422.095(1)(b).
56	EPA	NR 422.095 (8)(a) – This subsection should refer to (2)(f), and not (2)(h), because it deals with an exemption for aerosol containing products of 160 fluid ounces or less used per day and this exemption is contained in (2)(f).
	YES	The recommended revision will be made.
57	EPA	NR 422.095 (4)(b)(3) - For sources complying by (7)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
58	EPA	NR 422.105 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
59	EPA	NR 422.105 (5) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.

#	Commenter	Public Comment
	Revision?	WDNR Response
60	EPA	NR 422.115 Recordkeeping – Please see comment on NR 439.04(4)
	YES	See response to comment #95.
61	EPA	NR 422.115 (5) Work Practices - (b) Revise to "Close mixing and storage vessels used for VOC-containing coatings and other materials except when depositing or removing the materials." "Except when in direct use" could mean when mixing blades are in operation and the mixing vessel should be closed.
	YES	The recommended revision will be made.
62	EPA	NR 422.125 The recordkeeping requirements in NR 439.04(4), which apply to exempt wood furniture coating, do not include the use of cleaning solvent.
	YES	The WDNR agrees with the comment, and will propose changes to ensure that appropriate records are required to support a determination that a facility's VOC emissions are below specified applicability thresholds.
63	EPA	NR 422.127 The numbering isn't clear for NR 422.127(2). Is NR 422.127(2)(intro.) intended to refer to NR 422.127(2) Exemptions? If so, wouldn't the existing NR 422.127(2)(a) & (b) need to be renumbered to NR 422.127(2)(a)(1)&(2)?
	NO	The commenter assumes correctly that NR 422.127(2)(intro.) refers to the introduction for the subsection titled Exemptions. The commenter is also correct that the existing paragraphs (a) and (b) in NR 422.127(2) will need to be renumbered as subdivisions. This renumbering will be done as part of the publication process without any instruction required in the order.
64	EPA	NR 422.127 There does not appear to be recordkeeping requirements for sources that are exempt because of NR 422.127 (2)(b)(2).
	YES	The exemption the commenter refers to relates to VOC emissions that are less than 3 tons per year on a 12 consecutive month rolling basis from industrial cleaning operations associated with adhesives or adhesive primer use. The WDNR agrees with the commenter and will therefore propose appropriate recordkeeping requirements.
65	EPA	NR 422.131 Recordkeeping - Please see comment on NR 439.04(4)
	YES	See response to comment #95.
66	EPA	NR 422.132 Please confirm that industrial solvent cleaning operations at wood door coating facilities are covered by NR 423.137 Industrial Cleaning Operations –Part 2, if they are at a facility with industrial cleaning solvent emissions equal to or exceeding 3 tons on a 12 consecutive month rolling basis.
	YES	Industrial solvent cleaning operations at wood door coating facilities are covered by NR 423.037 Industrial Cleaning Operations –Part 2. NR 423.037(2)(a)4.b. will be shortened to "Wood Furniture coating" to clarify this point.
67	EPA	NR 422.135 Please confirm that industrial solvent cleaning operations at molded wood parts or products coating facilities are covered by NR 423.137 Industrial Cleaning Operations –Part 2, if they are at a facility with industrial cleaning solvent emissions equal to or exceeding 3 tons on a 12 consecutive month rolling basis.
	YES	Industrial solvent cleaning operations at molded wood parts or products coating facilities are covered by NR 423.037 Industrial Cleaning Operations –Part 2. NR 423.037(2)(a)4.b. will be shortened to "Wood Furniture coating" to clarify this point.
68	EPA	NR 422.14 There should be a section 422.14(1)(b), which should state "Except as provided in sub.(1m), subs. (4) and (5) apply to a facility with printing operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis."
	YES	The provision referenced was inadvertently left out and will be added to NR 422.14.
69	EPA	NR 422.14 (1m) (b) exempts industrial adhesives or adhesive primers. As per your 11/22/2010 email, for industrial categories that aren't excluded from the industrial adhesives CTG (such as packaging rotogravure, publication rotogravure, and flexographic printing), they are to be covered by the cleaning requirements for industrial adhesives specified in the miscellaneous industrial adhesives CTG (which it was stated would appear in NR 423.037). However, NR 423.037(2)(a)(4)(zh) exempts packaging rotogravure printing, and presumably adhesive operations associated with packaging rotogravure printing. It is also not clear how the cleaning requirements for industrial adhesives associated with publication rotogravure and flexographic printing are established.

#	Commenter	Public Comment
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	YES	Revisions are needed to address these concerns. The miscellaneous industrial adhesives CTG only applies when “Adhesives are used for joining surfaces in assembly and construction...”. Consequently, cleaning involving adhesives or adhesive primers at printing facilities will be regulated under the appropriate category specific printing RACT rule (e.g. s. NR422.14, 422.145 etc.) including any requirements from the appropriate category specific CTGs not the miscellaneous industrial adhesives CTG. Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers’ problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in s. NR 423.037(2)(a)4. can and will be consolidated.
70	EPA	NR 422.14 (4)(a) – There should be 0.42 lbs/gal limits in Table 1 for cleaning of ink application equipment for packaging rotogravure and flexographic printing. Table 1 currently has no limits for these categories.
	YES	NR 422.14 will be revised to include non-flexible packaging flexographic printing and non-flexible packaging rotogravure printing limits for ink application equipment. Further, the definitions of “flexible packaging press” and “flexible packaging printing” will be revised to be consistent with the flexible packaging CTG.
71	EPA	NR 422.14 (5) – There are no recordkeeping requirements for sources exempt because of the criteria that should be in NR 422.14(1)(b) – see above. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	The WDNR has agreed to make the change recommended by this same commenter in comment #68. The WDNR also therefore agrees that the change recommended here is appropriate and will propose recordkeeping requirements in NR 439.04(4) to address the comment.
72	EPA	NR 422.14 (5)(b)(3) – For sources complying by (4)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
73	EPA	NR 422.141 Recordkeeping - Please see comment on NR 439.04(4)
	YES	See response to comment #95.
74	EPA	NR 422.143 Recordkeeping - Please see comment on NR 439.04(4). Also, monthly records must be kept of the VOC content and pounds of each ink used on each press to establish whether the 25 TPY has been exceeded.
	YES	See response to comment #95. In addition, s. NR 439.04(4) will be revised to add monthly recordkeeping requirements for tons of each ink used on each press to establish whether the 25 TPY has been exceeded.
75	EPA	NR 422.144(1) Applicability – There is no apparent basis for not allowing the VOC emissions from the cleaning of electronic components of a letterpress printing press, as well the VOC emissions from pre-press and post-press cleaning operations to count towards the 3 tons/year applicability cutoff.
	NO	See approved NR 422.143(1) Applicability section for lithographic printing. Also, the CTG reads as follows: “In addition, the recommendations for cleaning materials provided below do not apply to cleaners used on electronic components of a press, pre-press cleaning operations (e.g., platemaking), post-press cleaning operations (e.g., binding), cleaning supplies (e.g., detergents) used to clean the floor (other than dried ink) in the area around a press, or cleaning performed in parts washers or cold cleaners.”
76	EPA	NR 422.144 (2)(d) – An airflow direction indicator, such as a smoke stick or aluminum ribbons, shall be used to establish negative dryer pressure.
	NO	NR 422.144(2)(d) currently reads as follows: “Capture efficiency testing for heatset dryers is not required if it is demonstrated that pressure in the dryer is negative relative to the surrounding press room and the airflow is into the dryer.” The CTG does not proscribe how that negative pressure is determined, such as with a smoke stick or aluminum ribbons, as recommended by EPA.

#	Commenter	Public Comment
	Revision?	WDNR Response
77	EPA	NR 422.144 (4)(b) – There are other cleaning materials that should be subject to this limit besides just blanket or roller wash.
	YES	<p>The definition of blanket and roller wash that applies here is from s. NR 422.02(12) and reads as follows:</p> <p>“Blanket or roller wash” means any cleaning solvent or solution used to remove excess inks, oils and debris from lithographic printing press equipment, including rollers, plates, and cylinders. Cleaning solvent or solution used as a rubber rejuvenator or to remove excess inks, oils and debris from the outside of the press or areas immediately around the press is also considered to be blanket or roller wash.</p> <p>The WDNR proposes to amend this definition to include letterpress. The amended definition will then be adequately broad to cover those other cleaning materials the commenter is referring to.</p>
78	EPA	NR 422.144 (5) – Used shop towels should also be stored in closed containers.
	YES	The following sentence will be added to NR 422.144(5): “In addition, used shop towels should be stored in closed containers.”
79	EPA	NR 422.144 (6) – This section refers to the recordkeeping requirements in 439.04. However, the revised 439.04 (on page 86) should really be labeled as 439.04(4), based on the revisions to this section. This is significant because 439.04(4), recordkeeping for exempt sources, does not require records of any cleaning solvents that are used and would thus underestimate emissions. Also, 439.04 does not seem to have any specific recordkeeping requirements in 439.04(5) that apply to 422.144.
	YES	Correct, NR 439.04 (intro) should be labeled NR 439.04(4). This change will be made. In addition, consistent with the response to comment # 95, the recordkeeping requirements in 439.04 have been modified to include letterpress printing.
80	EPA	NR 422.144 (6)(a)(1) – The control device monitoring requirements in NR 439.055 are insufficient.
	NO	See approved NR 422.143(6)(a)(1). It is unclear why the control device monitoring requirements are insufficient given that lithographic printing and letterpress printing are both in the same CTG document. No deficiencies were raised by EPA regarding NR 422.143(6)(a)(1). The CTG does not provide any information on control device monitoring requirements. Without a more specific comment, the DNR is unable to make any changes to either NR 422.144(6)(a)(1) or NR 439.055. In addition, NR 439.055 includes monitoring and record keeping every 15 minutes. In addition, NR 422.144(6) requires that owners or operators “shall” follow the provisions in NR 439.055, which reduces the potential uncertainty with the “may” working in that section.
81	EPA	NR 422.144 (6)(b) – Monthly records must be kept for each batch of cleaning materials prepared along with the VOC content or VOC composite partial vapor pressure and the date and time the batch was prepared.
	YES	The WDNR has made the recommended addition in NR 422.144 (6)(b).
82	EPA	NR 422.144 (7) Use of Method 25 vs. 25(a) should be established as per the Lithographic and Letterpress Printing CTG (e.g. in Ohio 3745-21-22(F)(1)(c)(v)).
	YES	The WDNR has made the recommended addition in NR 422.144 (7) to include language consistent with the referenced Ohio rule section.
83	EPA	NR 422.145 (1m) (b) exempts industrial adhesives or adhesive primers. As per your 11/22/2010 email, for industrial categories that aren’t excluded from the industrial adhesives CTG (such as screen printing), they are to be covered by the cleaning requirements for industrial adhesives specified in the miscellaneous industrial adhesives CTG in NR423.037. However, although 423.037(2)(a)(4)(ze) does not exempt adhesive cleaning associated with screen printing, there is no repair and maintenance cleaning requirement for adhesives used in screen printing (the removal of adhesives from cutting dies used in screen printing was deleted).

#	Commenter	Public Comment
	Revision?	WDNR Response
	YES	Revisions are needed to address these concerns. The miscellaneous industrial adhesives CTG only applies when “Adhesives are used for joining surfaces in assembly and construction...”. Consequently, cleaning involving adhesives or adhesive primers at printing facilities will be regulated under the appropriate category specific printing RACT rule (e.g. s. NR422.14, 422.145 etc.) including any requirements from the appropriate category specific CTGs not the miscellaneous industrial adhesives CTG. Revisions will be made to address the problems described for printers and similar problems for other types of facilities revealed when researching the printers’ problems. Further, as a consequence of these changes, the flexographic exemptions and the rotogravure exemptions in s. NR 423.037(2)(a)4. can and will be consolidated.
84	EPA	NR 422.145 (4) – There are no recordkeeping requirements for sources exempt because of the criteria in 422.145(1)(b) because 439.04(4) only requires that records be kept for coatings and inks, but not for cleaning materials. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	By way of clarification, the emission threshold of 3 tons VOC per year on a 12 consecutive month rolling basis referred to by the commenter as the criteria in s. NR 422.145(1)(b), doesn’t constitute an exemption, but rather is part of the applicability statement for the section. That being said, the WDNR agrees with the basis for the comment being made, and will therefore propose recordkeeping requirements in s. NR 439.04(4) to address the comment. The proposed requirements will also satisfy EPA comment #95, by ensuring the requirements apply to industrial cleaning materials since they are the object of the applicability statement in s. NR 422.145(1)(b).
85	EPA	NR 422.145 (4)(b)(3) – For sources complying by (2m)(d), specific monitoring data must be recorded depending upon the type of add-on control equipment.
	YES	The comment refers to a provision which allows use of control equipment to demonstrate compliance with VOC emission limits for solvent cleaning operations. The WDNR will propose appropriate record keeping requirements as required by EPA.
86	EPA	NR 422.15(a) to (k) - Shouldn’t (a) to (k) be renumbered as (cm) 1. to 9. (there is no (f)) ?
	YES	s. NR 422.15(c) (a) to (k) will be as (c) 1. to 8.
87	EPA	NR 422.155 Shouldn’t the (a)s all be (am)s. The numbering of this rule appears incorrect.
	YES	An error was made in SECTION 77 of the order. The treatment statement of this section correctly states that NR 422.155(1)(a)1. to 3. are being created. However the reference on the first line of the created language incorrectly refers to NR 422.155(1)(am)1. This error will be corrected.
88	EPA	NR 423.037 (2)(a)(4)(zh) – There is no basis for exempting packaging rotogravure printing from the emission limits in Table 1.
	NO	Cleaning at packaging rotogravure printing facilities is regulated under s. NR 422.14 and s. NR 422.141.
89	EPA	NR 423.037 (3) Table 1 – (a)(2)(a) & (b), (b)(2)(b) – There is no basis for these limits.
	NO	The limit in s. NR 423.037(3)(a)2. is from an approved Ohio VOC RACT rule (3745-21-23). The limits in s. NR 423.037(3)(a)2.a. and s. NR 423.037(3)(b)2.b. are from an approved South Coast Air Quality Management District VOC RACT rule (1171).
90	EPA	NR 423.037 (3) Table 1 – (d) – cleaning packaging rotogravure ink application equipment should have a limit of 0.42 lbs/gal.
	YES	Cleaning at flexible packaging rotogravure printing facilities is regulated under s. NR 422.141 that is based on the flexible packaging printing CTG. The flexible packaging printing CTG doesn’t have solvent or solvent solutions VOC content limits. Cleaning at non-flexible packaging rotogravure printing facilities is regulating under s. NR422.14. The 0.42 lbs/gal limit will be added to s. NR 422.14.
91	EPA	NR 423.037 (9)(a) – The type of monthly records must be specified. This should include monthly records of the total gallons of each industrial cleaning solvent employed, the VOC content of each industrial cleaning solvent employed, the total monthly emissions for all industrial cleaning solvents employed and the total emissions for each consecutive 12 month period.
	YES	The comment refers to a provision requiring records of monthly VOC emissions to determine applicability of s. NR 423.037. The WDNR will propose appropriate recordkeeping requirements as required by EPA.
92	EPA	NR 423.037 (9)(c) – delete “as appropriate”
	YES	The language will be revised to limit the application of “as appropriate” to s. NR 423.037 (9)(c)2..

#	Commenter	Public Comment
	Revision?	WDNR Response
93	EPA	NR 423.037 (9)(c)(5) – add “...depending upon whether the cleaning material is subject to sub. (3) or sub. (8).”
	YES	The recommended revision will be made.
94	EPA	NR 439.04 Recordkeeping – Shouldn’t this be NR 439.04(4)? Also, this section would be clearer if “any owner or operator” is added before “of a facility whose VOC emissions are below an applicability threshold of any section of NR 422”
	YES	The commenter is correct, the reference to NR 439.04(intro.) in SECTION 98 of the order should be NR 439.04(4)(intro.)
95	EPA	NR 439.04 (04)(4) – This section does not account for the use of cleaning solvent or fountain solution in establishing whether the applicability cutoff has been exceeded. In addition it does not require a determination of monthly emissions and a 12 consecutive month total.
	YES	The WDNR agrees with the comment, and will propose changes to ensure that appropriate records are required to support a determination that a facility’s VOC emissions are below specified applicability thresholds.
96	EPA	NR 439.06 (3)(b) – Test methods should also be specified for fountain solutions.
	NO	The WDNR establishes the test method for determining the VOC content of fountain solutions in s NR 439.06(3)(j).
97	LEG	2.a. In the second sentence of s. NR 419.02 (8e), the term “individual drain system” should be shown in quotation marks.
	YES	The change in NR 419.02 (83) has been made.
98	LEG	2.b. In s. NR 419.02 (15t), “organics” is not a defined term. Is it the same as either “volatile organic compounds” or “organic compounds”, both of which are defined? If so, the appropriate term should be used.
	YES	The word “organics” in NR 419.02 (15t) has been changed to “VOC”, the defined acronym for “volatile organic compound”.
99	LEG	2.c. Presumably, in the definition of “temperature monitoring device” [in s. NR 419.02 (15p)], the phrase “whichever number has the highest absolute value” applies to pars. (a) and (b). In that case, it belongs in the introduction, which could be worded something like the following: “...having a minimum accuracy of whichever of the following has [or “produces”] the highest absolute value.”.
	YES	The commenter’s assumption is correct, and the WDNR will propose corrected language.
100	LEG	2.d. Section NR 419.045 (3) (intro.) should end with a colon.
	YES	The change in NR 419.045 (3) (intro) has been made.
101	LEG	2.e. In s. NR 419.045 (3) (a) 1., the phrase “to qualify for the control option available under this paragraph” could be deleted.
	YES	The change in NR 419.045 (3) (a) 1. has been made.
102	LEG	2.f. In s. NR 419.045 (4) (a) 1., “correction” should be changed to “corrective”.
	YES	The change in NR 419.045 (4) (a) 1. has been made.
103	LEG	2.g. Section NR 419.045 (4) (a) 2. a. is not in the same format as the following subdivision paragraphs. It could be reworded as follows: “An access door or other opening is left open when not in use”. The same applies to subsequent, parallel provisions.
	YES	Section NR 419.045 (4) (a) 2. a., 4. a., 7. a., 8. b. and 11. a. has been changed to the following: “An access door or other opening is left open when not in use.”
104	LEG	2.h. The rule makes extensive use of the passive voice, many instances of which are easily avoided. For example, in s. NR 419.045 (4) (d) (intro.), “The following records shall be retained...” should be written as “The owner or operator of a waste management unit shall maintain the following records...”. Section NR 419.045 (9) provides a good model for the use of active voice. [Note that s. NR 419.045 (4) (intro.) correctly uses the active voice, but makes it more cumbersome than necessary; the phrase “that is subject to requirements under sub. (2) or (3)” is duplicative of the applicability statement in s. NR 419.045 (1). By the same reasoning, in s. NR 419.045 (7) (intro.), it appears that “a facility subject to this section” could be replaced with “a waste management unit”]. The entire rule should be reviewed for the use of active versus passive voice.
	NO	In many instances the WDNR used language recommended by the EPA to ensure rule approvability; therefore, changes will not be made in response to this comment.

#	Commenter	Public Comment
	Revision?	WDNR Response
105	LEG	2.i. The effective dates in s. NR 421.05 (1) (a) and (b) (intro.) are long past. Are they of any continuing pertinence? If not, this rule is an opportunity to repeal them. The same applies to subsequent, parallel provisions.
	NO	The WDNR believes it is appropriate to retain the dates mentioned for historical reference related to rule implementation issues such as compliance and enforcement.
106	LEG	2.j. It appears that the facilities identified in s. NR 421.05 (1) (c) are a subset of the facilities identified in s. NR 421.05 (1) (a). If this is correct, are the requirements imposed under par. (c) in addition to the requirements imposed under par. (a), or in place of them? If it is the former, this could be clarified by inserting at the beginning of par. (c): "In addition to the requirements under par. (a),"; if it is the latter, this could be clarified by inserting at the beginning of par. (a): "Except as provided in par. (c),". The same applies to subsequent parallel provisions.
	NO	The phrase in s. NR 421.05 (1) (c), "as described in par. (a)", and in subsequent parallel provisions, is only intended to refer to the operations described in par. (a). Note that the affected counties are different, as is the emission threshold and the emissions to be considered. The WDNR does not believe a change is necessary.
107	LEG	2.k. Section NR 421.05 (3) (a) (intro.) should be amended to state that par. (b) applies to the specified facilities, not pars. (a) and (b). The same applies to subsequent parallel provisions.
	YES	The recommend change was made here and in subsequent parallel language..
108	LEG	2.l. Section NR 421.05 (4) makes incorrect use of the introduction format. An alternative way to draft that provision is as follows: a. NR 421.05 (4) RECORDKEEPING. (a) Except as provided in par. (c) and in addition to the applicable recordkeeping requirements of s. NR 439.04, the owner or operator of a synthetic resins manufacturing facility shall collect and record the following information, as applicable: b. 1. Total volume of virgin solvents used in each month. c. 2. VOC content in kilograms per liter or pounds per gallon [of the virgin solvents used in each month?]. d. 3. VOC composite partial vapor pressure in mm Hg at 20° C [of the virgin solvents used in each month?]. e. (b) The owner or operator of a synthetic resins manufacturing facility shall maintain the information under par. (a) at the facility for a minimum of 5 years and shall make the information available to an authorized WDNR representative at any time during normal working hours. f. (c) The provisions of par. (a) do not apply to solvent or solvent solution that is used.... g. Note the minor wording changes included in this alternative. The same, in general, applies to subsequent parallel provisions.
	YES	The recommended change was made here and in subsequent parallel language.
109	LEG	2.m. The treatment clause of Section 26 lacks the statement that the provision is being renumbered.
	YES	The treatment clause for Section 26, NR 421.07 (1) (a) as been corrected.
110	LEG	2.n. The treatment clause of Section 36 should read: "NR 422.05 (1) is renumbered NR 422.05 (1) (intro.) and amended to read:". The same applies to subsequent parallel provisions.
	YES	The suggested treatment wording was used. However, the WDNR believes the renumbering suggested by the commenter was an error, and therefore the retained the original proposed renumbering of NR 422.05 (1)(a)(intro.).
111	LEG	2.o. The rule creates several new tables in ch. NR 422 and numbers all but one of them, Table 1. The tables should be numbered sequentially in the chapter, accounting for the several tables already in the chapter. Any rule text referring to a table should also reflect the correct numbering.
	YES	The suggested changes were made.
112	LEG	2.p. The initial applicability provisions in s. NR 422.05 (3) (intro.) should read: "Beginning on the first day of the 13th month after the effective date of this subsection... [LRB inserts date].". The same applies to subsequent, parallel provisions. Alternatively, these clauses could be drafted collectively in a single, nonstatutory initial applicability provision at the end of the rule. [See s. 1.02 (3m), Manual.]
	YES	The suggested changes were made.
113	LEG	2.q. It appears that Section 56 should renumber all of s. NR 422.127 (2), rather than only s. NR 422.127 (2) (intro.).
	YES	The suggested change was made.

#	Commenter	Public Comment
	Revision?	WDNR Response
114	LEG	2.r. The treatment of s. NR 422.14 results in a clear statement of what subs. (2), (3), and (5) apply to and a clear statement of what sub. (4) does not apply to, but no statement of what sub. (4) does apply to. It appears that a par. (b) is missing from sub. (1), similar in substance to s. NR 422.05 (1) (b).
	YES	The omission of language similar in substance to s. NR 422.05 (1) (b) was an oversight. Such similar language has been added which also address the lack of a clear statement of what sub. (4) does apply to.
115	LEG	2.s. The note following s. NR 422.144 (4) (a) 1. seems to be more than explanatory; it is essentially defining a term that will determine the applicability of certain requirements. It appears this should be placed in the text of the rule, rather than a note.
	YES	The WDNR will revise NR 422.144 (4) (a) to include the information currently contained in the note.
116	LEG	2.t. Section 74 should read: h. Section 74. NR 422.15 (1) (a) to (k) are renumbered NR 422.15 (1) (cm) 1. to 9.
	YES	The suggested change was made.
117	LEG	2.u. In Section 78, s. NR 423.02 (8) should be renumbered NR 400.02 (85m), not (86m).
	YES	The suggested change was made.
118	LEG	4.a. In s. NR 421.07 (3) (a) 5. and (4) (a) 5., should “this section” be “this subsection”?
	YES	The commenter is correct that the reference to “this section” should be “this subsection”, and was changed.
119	LEG	4.b. In s. NR 422.05 (1m) (f), “subd.” should be changed to “sub.”.
	YES	The suggested change was made.
120	LEG	4.c. In s. NR 422.08 (4) (b) 3., the two occurrences of “par.” should be changed to “sub.”.
	YES	The suggested changes were made.
121	LEG	5.a. In s. NR 419.045 (4) (e) g., what are “the appropriate operating parameters,” and who determines this?
	YES	More information on the “appropriate operating parameters” will be provided.
122	LEG	5.b. The definition of “wipe cleaning,” in s. NR 421.02 (23), does not seem necessary. In addition to its meaning being quite obvious, the term is used only twice in the rule, apart from the definition. Is there any possibility of the term being misconstrued?
	NO	The term “wipe cleaning” is defined in s. NR 423.02(12) to be specific to cleaning of metal products or product components. While that definition does not apply in ch. NR 421, the WDNR believes the definition here will reinforce the broader meaning intended here.
123	LEG	5.c. In s. NR 421.05 (2m) (a) (intro.), “except as provided in par. (b)” should be moved to the beginning of the sentence. Also, this provision states that an owner or operator “shall use at least one of the following cleaning methods...” (emphasis added). It is unclear whether there are circumstances in which more than one cleaning method would have to be used. If the owner or operator is not required to use more than one method, “at least one” should be replaced by “any”. If the owner or operator is required to use more than one method under certain circumstances, those should be specified.
	YES	The suggested changes were made.
124	LEG	5.d. In s. NR 421.05 (2m) (a) 1., the phrase “less than or equal to 8 mm...” should be “less than or equal to 8 mm...”. The same applies to subsequent parallel provisions.
	YES	The suggested changes were made.
125	LEG	5.e. Since the term “screen reclamation” is still used in the definition of “screen printing unit” and, indirectly, in s. NR 422.145 (2) (d), it appears that the definition of that term, which is repealed in Section 30, should be retained.
	YES	The WDNR will evaluate whether or not the definition for “screen reclamation” should indeed be retained.
126	LEG	5.f. In s. NR 422.05 (1m) (a) to (h), it might be helpful to group together the exemptions that pertain to all of sub. (3) [currently in par. (a), (b), and (h)], followed by those applicable just to certain paragraphs of sub. (3). Note that this suggested grouping is done in s. NR 422.145 (1m).
	NO	Changes made in response to EPA comments left only one reference to all of sub. (3), rendering this comment moot.

#	Commenter	Public Comment
	Revision?	WDNR Response
127	LEG	5.g. In s. NR 422.05 (1m) (c), should “performance laboratory tests” be “performing laboratory tests”? The same applies to subsequent parallel provisions.
	NO	This comment now relates to s. NR 422.05 (1m)(d) due to the response to comment #126. No change was made because “performance” refers to a type of testing, i.e., the ability of the ink or coating to meet established performance standards.
128	LEG	5.h. In s. NR 442.135 (1) (b), how will it be determined that the use in aggregate “never exceeds” 500 gallons, until the year is over? Also, what would happen if that limit were ever exceeded in a year? It appears that “per” should be replaced by “in a”.
	YES	<p>The WDNR assumes the commenter intended to refer to s. NR 422.135 (1) (b).</p> <p>Record keeping requirements in s. NR 439.04 (3) require that any owner or operator claiming to be exempt from an emission limitation or other requirement in chs. NR 419 to 424 maintain records adequate to support the exemption claim. In order to remain exempt under the maximum 500 gallon usage provision, the owner or operator is responsible for monitoring usage and ensuring that usage does not exceed the established threshold. If the threshold would be exceeded, the owner or operator would become subject to all requirements of s. NR 422.135., including the year in which the threshold was exceeded. By monitoring usage records, the owner or operator should be able to take steps to be able to achieve compliance with s. NR 422.135 if exceedance of the threshold is anticipated.</p> <p>The recommended language change was made.</p>
129	LEG	5.i. The note following s. NR 422.144 (1) (a) is confusing, the last clause, in particular. Breaking it into two sentences may improve the clarity.
	YES	The WDNR will revise NR 422.144 (4) (a) to include the information currently contained in the note.
130	LEG	5.j. Should s. NR 422.144 (2) (intro.) state that the specified retention factors and capture efficiencies shall be used? If a person chooses not to use them, what is the alternative?
	NO	The WDNR does not believe the suggested change is necessary. Use of the word “may” is consistent with the fact that the values provided are accepted by the EPA and the WDNR without supporting testing or other demonstrations. An alternative would be for a person to propose an alternative, in which case the WDNR could require testing, etc., to serve as a basis for a decision on whether to approve the request for the alternative. In addition, the WDNR uses “may” in parallel language in ss. NR 422.142 (1m) and 422.143 (1m).
131	LEG	5.k. The wording of s. NR 423.037 (2) (a) 4. k. and subsequent, parallel provisions is awkward. Would it be correct to revise the inserted language to say “excluding use of industrial adhesives and adhesive primers”?
	NO	The language that is the subject of this comment was removed in response to comments from EPA, rendering this comment moot.

Fiscal Estimate — 2011 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number Bill Number	Amendment Number if Applicable Administrative Rule Number NR 400,419,421,422,423,439 & 484
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Subject

Fiscal estimate for Board Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423, 439 and 484 pertaining to the correction of deficiencies identified by the U.S. EPA with a portion of the state's current volatile organic compound (VOC) reasonably available control technology (RACT) rules.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|--|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input checked="" type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
- Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.370 2 (bg) and 2 (bh)

Assumptions Used in Arriving at Fiscal Estimate

Rule Summary:

The Department has proposed to revise a portion of the state's volatile organic compound (VOC) reasonably available control technology (RACT) rules to address deficiencies identified by the U.S. EPA. Federally approved VOC RACT rules are required by the Clean Air Act and necessary for redesignation of the state's current nonattainment counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha).

State Fiscal Impact:

The proposed rule revisions will not create a significant effect on state government because the majority of sources affected are already inspected, permitted and otherwise regulated by the Department. However, the Department estimates that the modifications to the industrial solvent cleaning rules will result in an estimated 75 tons per year (tpy) future reduction in reported VOC emissions. Therefore, the Department may lose up to \$2,700 (75 tpy * \$35.71/ton VOC) in emission fee revenue annually. The U.S. EPA control technology guidance (CTG) for industrial cleaning solvents estimates that there are 97 affected sources in Wisconsin with baseline VOC emissions from solvent use of 1,791 tpy. The Department concluded in Board Order AM-19-08 that implementation of recommendations in the industrial solvent cleaning CTG would result in an estimated 400 tpy future reduction in reported VOC emissions in Wisconsin. The proposed rule revisions to address the deficiencies identified by the U.S. EPA only affect approximately 18 of the 97 facilities identified in the CTG. This is based on the number of participants at stakeholder meetings held by the Department in Milwaukee and Waukesha. Therefore, the Department estimates that proposed rule revisions will result in an estimated 75 ton/year future reduction in reported VOC emissions.

Private Sector Fiscal Impact:

The Department does not expect any large fiscal impacts to the private sector from the proposed revisions to the industrial solvent cleaning regulations. In fact, the U.S. EPA has stated in their industrial solvent cleaning CTG that affected sources may either incur minimal additional costs or realize a savings, depending primarily on facts such as how much they currently spend to operate with high-VOC content solvent. Based on Board Order AM-24-08, for the industrial wastewater facilities, if controls were necessary, they would largely be designed to reduce VOC emissions by restricting the waste stream's exposure to ambient air. This is accomplished by installing water seals at those process points (drains, junction boxes, man holes, etc.) where the waste stream is exposed to the ambient air. According to a report on industrial wastewater, there would be a cost (amortized over 10 years) between \$1900 and \$4300 per ton VOC reduction to install these control devices. However, the Department is not aware of any facilities that would be subject to these control requirements. The Department does not expect any large fiscal impacts to the private sector from the proposed rule revisions to the synthetic organic chemical manufacturing industry (SOCMI) because the rule changes are relatively minor.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joseph Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

Fiscal Estimate Worksheet — 2011 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 400,419,421,422,423,439 & 484

Subject

Fiscal estimate for Board Order AM-44-10, proposed rules affecting NR 400, 419, 421, 422, 423 and 439 pertaining to the correcting of deficiencies identified by the U.S. Environmental Protection Agency (EPA).

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			- 2,700
Total State Revenues		\$	\$ - 2,700

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$	\$
Net Change in Revenues	\$ - \$2700	\$

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

ERRATA FOR BOARD ORDER AM-44-10

Order AM-44-10 has been amended to include the following rule changes. These changes have been made in response to U.S. Environmental Protection Agency (EPA) comments agreed to by the Department but which were inadvertently omitted, or are based on continuing discussions with EPA regarding their ability to approve the proposed rules in AM-44-10 as a state implementation plan revision. These changes have been included in the amended Board order where they are highlighted using **bold** font.

In SECTION 16.:

1. On page 9, s. NR 419.045 (1) (a) 2. b. changed as follows:

Any emissions unit that is not subject to an emission limitation under ~~s. NR 419.05, 419.06, or 419.08; ch. NR 421, 422, or 423; or s. NR 424.04, or 424.05~~ ch. NR 420; s. NR 421.03, 421.04, and 421.07; s. NR 422.05 to 422.08, 422.09, 422.10 to 422.125, 422.13, 422.131, 422.14, 422.141, and 422.143 to 422.16; and s. NR 423.03, 423.037, and 423.05, except if the emissions unit is regulated under 40 CFR part 60, subpart BBB, III, NNN, or RRR, or 40 CFR part 63, subpart T.

2. On page 9, s. NR 419.045 (2) (intro.) changed as follows:

Except as provided in sub. (3), the owner or operator of a facility subject to this section shall comply with the control requirements of this subsection for any waste management unit that receives, manages, or treats an affected VOC wastewater stream or affected residual. The control requirements apply from the point where an affected VOC wastewater stream exits a process unit to the point the affected VOC wastewater stream, including any affected residual, is either returned to a process unit or treated in accordance with par. ~~(e)~~ (f).

3. On page 15, s. NR 419.045 (2) (e) 3. d. changed as follows:

Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a cover, seal or lid fitted with a gasket ~~and which~~ . The cover, seal, or lid shall be maintained in a closed position so there are no visible gaps at all times, except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened to be air-tight when they are closed.

4. On page 17, s. NR 419.045 (2) (f) 7. (intro.) changed as follows:

For each affected residual, the owner or operator shall control for air emissions by complying with pars. (a) to (e) and one of the following requirements:

5. On pages 21 and 22:

Section NR 419.045 (4) (c), (d), (e), and (f) renumbered s. NR 419.045 (4) (b), (c), (d) and (e), respectively.

6. On page 23, s. NR 419.045 (5) (e) changed as follows:

Method 21 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (17), for monitoring a carbon canister in accordance with subd. (4) ~~(e)~~ (d) 1. d.

7. On page 24, s. NR 419.045 (6) (b) changed as follows:

Achieve final compliance with the requirements of this section no later than ~~18~~ 12 months after the effective date of this section ... [LRB insert date].

In SECTION 37.:

8. On page 35, s. NR 422.05 (4) (am) created to read as follows:

For each operation that is exempt under sub. (1m) (c), the name, identification, and monthly quantity in gallons of VOC-containing solvent or solvent solutions used for industrial cleaning operations. In addition, monthly information demonstrating the exempt solvent or solvent solution is being used exclusively for performance testing on coatings or inks, research and development programs, or quality assurance testing.

In SECTION 67t.:

9. On page 56, s. NR 422.143 (6) (d) amended as follows:

For each batch of blanket or roller wash prepared, the percent by weight VOC content ~~as applied~~ or the VOC composite partial vapor pressure, as appropriate, in measurement units consistent with the applicable emission limitation and the date and time the batch was prepared.

In SECTION 95g.:

10. On page 69, s. NR 423.037 (9) (a) renumbered and amended as follows:

To determine applicability under sub. (1), each owner or operator of an industrial cleaning operation at a facility located in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county shall maintain records of ~~actual emissions of VOCs from industrial cleaning operations from the facility with all control equipment inoperative.~~ all of the following for solvent and solvent solutions used for cleaning activities:

In SECTION 95r.:

11. On page 69, s. NR 423.039 (9) (a) 1. to 4. are created to read as follows:

1. The VOC content of each solvent or solvent solution used.
2. The volume of each solvent or solvent solution used per month.
3. The total emissions, before consideration of controls, for each month from all solvents or solvent solutions.
4. The total emissions, before consideration of controls, for each consecutive 12 month period from all solvents or solvent solutions.

In SECTION 98.:

12. On page 70, s. NR 439.04 (4) (d) amended as follows:

The total VOC emissions from all coating or printing lines ~~or~~ , including cleaning operations if necessary, meeting the same applicability statement at the facility before the application of capture systems and control devices in units of pounds per day, or per month and per 12 consecutive month period, consistent with and depending on the units in the applicability statement.

In SECTION 98m.:

13. On page 71, s. NR 439.04 (4) (g) 3. and 4., changed as follows:

3. The total emissions, before consideration of controls, for each month from all solvents or solvent solutions.
4. The total emissions, before consideration of controls, for each consecutive 12 month period from all solvents or solvent solutions.

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

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 419.02 (1), (6g), (6r), (10m), (14g), (15m), (19), (20) and (21); 422.02 (84); 422.03 (3), (4), (4m), (6), (8), and (9); 422.095 (6); 422.132 (1) (a); 422.135 (1) (a); 422.145 (2) (d); 422.15 (1) (i); 423.037 (2) (a) 4. j., m., o., t., v., y., z., zb., zc. and zd., and 5., (b) 2. and 4., and (g), and (9) (b) 2. and 4., and (c) 1. and 3.; to **renumber** NR 422.127 (2) (intro.), (a), (b), and (c); 422.132 (1) (b) and (c); 422.15 (1) (a), (b), (c), (d), (e), (h), and (k); and 423.02 (1), (8), (8L), (8t), (9c), (9n), and (9r); to **renumber and amend** NR 422.05 (1); 422.06 (1); 422.08 (1); 422.085 (1); 422.09 (1); 422.095 (1); 422.125 (1); 422.132 (1) (intro.); 422.135 (1) (intro.); 422.14 (1); 422.143 (3) (c); 422.145 (1); 422.15 (1) (intro.); 422.155 (1); and 423.037 (9) (a); to **amend** NR 419.02 (22); 420.02 (31); 421.05 (1) (a) and (b) (intro.) and (3) (a) (intro.); 421.06 (1) (a) and (b) (intro.), and (3) (a) (intro.); 421.07 (1) (a) and (5); 422.02 (12), (34g), (34r), and (83); 422.03 (1) and (3); 422.075 (3) (b); 422.083 (1) (a) and (b), and (3); 422.095 (2) (a); 422.105 (5) (b); 422.115 (5) (b); 422.127 (4) (a) (intro.), and (b); 422.135 (1) (b); 422.142 (5) (d); 422.143 (6) (d); 423.035 (2) (a) 1., and (4) (intro.) and (a); 423.037 (1), (2) (a) 1. and 4. b., d., g., i., k., w., (3) Table 1, (4) (intro.) and (a), (5), and (9) (c) (intro.), and 2.; 439.04 (4) (intro.) and (d); 439.06 (3) (b); 484.04 (intro.), (13), (17), (19), (20), and (25); 484.05 (1); 484.06 (4) (e), 484.10 (6) and (39m), and 484.11 (5) Table 9E; to **repeal and recreate** NR 419.045, and 422.145 (4); and to **create** NR 400.02 (54m), 419.02 (1e), (1m), (1s), (3e), (3m), (3s), (6m), (7m), (8e), (10g), (10r), (11m), (12m), (14b), (14e), (14h), (14L), (14p), (14u), (14y), (15d), (15h), (15p), (15t), (16m), (18e), (18m), (18s), and (23); 421.02 (18m) and (23); 421.05 (1) (c), (2m), (3) (c), and (4); 421.06 (1) (c), (2m), (3) (c), and (4); 421.07 (1) (a) 1. and 2., (3) (a) 5., and (4) (a) 5.; 422.02 (90r); 422.05 (1) (a) 1. and 2. and (b), (1m), (3), and (4); 422.06 (1) (a) 1. and 2. and (b), (1m), (3), and (4); 422.08 (1) (a) 1. and 2. and (b), (1m), (3), and (4); 422.083 (1) (bm), and (3m); 422.085 (1) (a) and (b); 422.09 (1) (b) to (d), and (6); 422.095 (1) (b), (2) (c) to (i), (7), and (8); 422.125 (1) (b), and (4m); 422.127 (2) (bm), and (3m); 422.132 (1) (am) 1. and 2. and (bm) (intro.); 422.135 (1) (am) 1. and 2.; 422.14 (1) (a) 1. and 2. and (b), (1m), (4), and (5); 422.143 (3) (c) 1. and 2.; 422.144; 422.145 (1) (a) 1. and 2. and (b), (1m), and (2m); 422.15 (1) (am) 1. to 3. and (bm) and (cm) (intro.), and (9); 422.155 (1) (a) 1. to 3. and (b), and (5); 423.035 (2) (h); 423.037 (2) (a) 4. ze., zf., zg., and zi., (cg) and (cr), and (9) (a), 1. to 4., and (c) 1g. and 1r.; 439.04 (4) (f) and (g), and (6); 484.04 (20e) and (27s); 484.06 (4) (Note), (f) and (g); 484.10 (55b), (55bg) and (55br), and 484.11 (12); relating to the revision of the state's reasonably available control technology emission limitations for volatile organic compound to address deficiencies identified by the U.S. Environmental Protection Agency, and affecting small business.

AM-44-10

Analysis Prepared by the Department of Natural Resources

1. Statute interpreted: Section 285.11(1) and (6), Stats. The State Implementation Plan (SIP) developed under s. 285.11(6), Stats., is revised.

2. Statutory authority: Sections 227.11(2)(a) and 285.11(1) and (6), Stats.

3. Explanation of agency authority:

Section 227.11(2)(a), Stats., gives state agencies general rule-making authority. Section 285.11(1), Stats., gives the Department the authority to promulgate rules implementing and consistent with ch. 285, Stats. Section 285.11(6), Stats., requires the Department to develop a plan for the prevention, abatement and control of air pollution. The plan must conform with the Clean Air Act and federal regulations for ozone control. These proposed rule revisions are necessary for federal approval of Wisconsin's SIP and consistent with s. 285.11(6), Stats.

4. Related statute or rule: There are no related statutes that are not identified above.

5. Plain language analysis:

The Department is required to implement VOC RACT regulations in moderate or worse ozone nonattainment areas to comply with the federal Clean Air Act. Wisconsin's moderate ozone nonattainment counties include Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha. VOC RACT rules were previously adopted by the Board on March 25, 2009 based on U.S. EPA Control Techniques Guideline (CTG) documents. The Bureau of Air Management understood that these rules would satisfy the federal requirements. However, on April 22, 2010, the U.S. EPA notified the Department of outstanding deficiencies. The U.S. EPA identified these deficiencies based on a comparison of the rules with their CTGs for various RACT categories.

Federally approved VOC RACT rules are required for Wisconsin's ozone SIP and are a prerequisite for redesignation of the state's remaining nonattainment areas for the 1997 8-hour ozone national ambient air quality standards (NAAQS) to attainment. The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha constitute the current ozone nonattainment areas. In addition to a delay in the redesignation of these counties, an incomplete SIP could result in federal sanctions, including withholding of federal highway funds and the potential implementation of a federal air management plan.

In order to avoid federal sanctions and ensure timely redesignation of the state's remaining ozone nonattainment areas, the Department is proposing rule revisions for a portion of the current synthetic organic chemical manufacturing (SOCMI), industrial wastewater collection and treatment (IWCT) and industrial solvent cleaning VOC RACT rules. The Bureau of Air Management has convened stakeholder groups, including representatives from the potentially affected industrial sectors and the U.S. EPA, to discuss the need to revise the rules and the feasibility of complying with the proposed revisions.

6. Summary of, and comparison with, existing or proposed federal regulation:

The Clean Air Act requires the Department to implement RACT for major VOC emission source categories in areas classified as moderate or worse for nonattainment of the ozone NAAQS. The U.S. EPA has published CTGs for several VOC RACT source categories. The Department is required to ensure the state's VOC RACT rules are consistent with these CTGs.

7. Comparison with similar rules in adjacent states (Illinois, Iowa, Michigan and Minnesota):

VOC RACT rules are only required in states that have areas classified as moderate or worse for the ozone NAAQS. Iowa and Minnesota have no nonattainment areas and Michigan does not have any areas that are classified as moderate or worse. Illinois is in a similar situation as Wisconsin. The U.S. EPA has identified deficiencies with Illinois' current VOC RACT rules and they must be corrected to meet the requirements of the Clean Air Act.

8. Summary of factual data and analytical methodologies used and how any related findings support the regulatory approach chosen:

The proposed rule revisions are based on the following U.S. EPA CTGs: (1) Automobile and Light-Duty Truck Assembly Coatings; (2) Flat Wood Paneling Coatings; (3) Flexible Package Printing; (4) Industrial Cleaning Solvents; (5) Industrial Wastewater Collection and Treatment Operations; (6) Large Appliance Coatings; (7) Metal Furniture Coatings; (8) Miscellaneous Industrial Adhesives; (9) Miscellaneous Metal and Plastic Parts Coatings; (10) Offset Lithographic Printing and Letterpress Printing; (11) Paper, Film,

and Foil Coatings; and (12) Reactor Processes and Distillation Operations in SOCMI.

9. Analysis and supporting documents used to determine the effect on small business or in preparation of an economic impact report:

Based on the control requirements, the applicability threshold for the rules and the relatively small number of facilities that will be subject to revised VOC RACT rules, there should be minimal, if any, impact on small businesses.

An economic impact report was not requested.

10. Effect on small business:

The Department does not believe that the proposed rule revisions will have a significant economic impact for individual small businesses. For industrial solvent cleaning operations, the applicability threshold is 3 tons of actual VOC emissions from a facility on a 12 consecutive month rolling basis, with all control equipment inoperative. The Department believes that this threshold will not affect the majority of small businesses. Due to the nature and complexity of IWCT and SOCMI, facilities it is highly unlikely that a small business, as defined in 227.114(1), Stats., would have an operation that triggers the emission reduction requirements for those source categories in the proposed rule.

11. Agency contact person: Joseph Hoch; P.O. Box 7921, Madison, WI 53707-7921; Telephone number: (608) 267-7543; e-mail address: joseph.hoch@wisconsin.gov

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

SECTION 1m. NR 400.02 (54m) is created to read:

NR 400.02 (54m) "Digital printing" means the transfer of electronic files directly from a computer to an electronically driven output device that prints the image directly on the selected substrate. Printing using home and office equipment is excluded from this definition.

SECTION 1. NR 419.02 (1) is repealed.

SECTION 2. NR 419.02 (1e), (1m), (1s), (3e), (3m), and (3s) are created to read:

NR 419.02 (1e) "Affected residual" means any liquid or solid material containing affected VOC that is removed from a wastewater stream by a waste management unit or treatment process that does not destroy organic compounds.

Note: Examples of materials which are affected residuals from non-destructive wastewater management units are the organic layer and bottom residue removed by a decanter or organic-water separator and the overheads from a steam stripper or air stripper. Examples of materials that are not affected residuals are silt; mud; leaves; bottoms from a steam stripper or air stripper; and sludge, ash, or

other materials removed from wastewater being treated by destructive devices such as biological treatment units and incinerators.

(1m) "Affected VOC" means VOC with a Henry's law constant greater than or equal to 1.8×10^{-6} atm m³/gmole fraction (0.1 y/x) at 25°C.

(1s) "Affected VOC wastewater stream" means a process wastewater stream from a process unit at an affected industrial category with either an annual average concentration of affected VOC greater than or equal to 10,000 parts per million by weight (ppmw) or an annual average concentration of affected VOC greater than or equal to 1,000 ppmw and an annual average flow rate greater than or equal to 10.0 liters per minute (2.64 gallons per minute), as determined in accordance with s. NR 419.045 (8) (b). The following are excluded from this definition:

- (a) Maintenance wastewaters.
- (b) Stormwater from segregated sewers.
- (c) Water from fire-fighting and deluge systems, including testing of such systems.
- (d) Spills.
- (e) Water from safety showers.
- (f) Samples necessary for the analytical method used.
- (g) Equipment leaks.
- (h) Wastewater drips from procedures such as disconnecting hoses after cleaning lines.
- (i) Noncontact cooling water.

(3e) "Continuous seal" means a seal that forms a continuous closure that completely covers the space between the wall of a storage vessel and the edge of a floating roof.

(3m) "Continuously monitor and record" means to measure data values of a parameter at least once every 15 minutes and to record either each measured data value or block average values for a 15-minute or shorter time period. A block average value is the average of all measured data values during the time period; or if data values are measured more frequently than once per minute, the average of measured data values taken at least once per minute during the time period.

(3s) "Control device" means any combustion device, recovery device for vapor vents, or recapture device. Control device includes absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. A steam stripper's primary condenser is not a control device.

SECTION 3. NR 419.02 (6g) is repealed.

SECTION 4. NR 419.02 (6m) is created to read:

NR 419.02 (6m) "Cover" means a device or system which is placed on or over a waste

management unit containing wastewater or residuals so that the entire surface area is enclosed to minimize emissions of affected VOC.

Note: Examples of covers include a fixed roof installed on a wastewater tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit.

SECTION 5. NR 419.02 (6r) is repealed.

SECTION 6. NR 419.02 (7m), (8e), and (10g) are created to read:

NR 419.02 (7m) "Fuel gas system" means the off-site and on-site piping and control system that gathers gaseous streams generated by on-site operations, which may be blended with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

(8e) "Individual drain system" means the stationary system used to convey wastewater streams or residuals to a waste management unit or to discharge or disposal. "Individual drain system" includes hard-piping, all process drains and junction boxes, together with their associated sewer lines and other junction boxes, manholes, sumps, and lift stations conveying wastewater streams or residuals. A segregated storm water sewer system, which is a drain and collection system designed and operated for the sole purpose of collecting rainfall runoff at a facility, and which is segregated from all other individual drain systems, is excluded from this definition.

(10g) "Liquid-mounted seal" means a foam or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel or waste management unit and the floating roof with the seal mounted continuously around the circumference of the vessel or unit.

SECTION 7. NR 419.02 (10m) is repealed.

SECTION 8. NR 419.02 (10r), (11m), (12m), (14b), and (14e) are created to read:

NR 419.02 (10r) "Maintenance wastewater" means wastewater generated by the draining of process fluid from components in the process unit into an individual drain system prior to or during maintenance activities. Any generation of wastewater that is routine or is generated by designed manufacturing processes is not maintenance wastewater.

Note: Examples of activities that can generate maintenance wastewaters include descaling heat exchanger tubing bundles, cleaning distillation column traps, draining low legs and high point bleeds, draining pumps into an individual drain system and draining portions of the process unit for repair.

(11m) "Mechanical shoe seal" means metal sheets that are held vertically against the wall of the storage vessel by springs, weighted levers, or other mechanisms and connected to a floating roof by braces or other means. A flexible coated fabric spans the annular space between the metal sheet and the floating roof.

(12m) "Oil-water separator" or "organic-water separator" means a waste management unit, used to separate oil or organics from water. An oil-water or organic-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional treatment units such as an air flotation unit, clarifier, or biological treatment unit.

Note: Examples of an oil-water or organic-water separator include an American Petroleum Institute separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.

(14b) "Pressure relief valve" means a valve used only to release an unplanned, non-routine discharge.

(14e) "Process unit" means the smallest set of process equipment that can operate independently and includes all operations necessary to achieve its process objective.

SECTION 9. NR 419.02 (14g) is repealed.

SECTION 10. NR 419.02 (14h), (14L), (14p), (14u), (14y), 15d), and (15h) are created to read:

NR 419.02 (14h) "Process wastewater" means wastewater which, during manufacturing or processing, comes into direct contact with, or results from, the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Note: Examples of process wastewater are product tank drawdown or feed tank drawdown; water formed during a chemical reaction or used as a reactant; water used to wash impurities from organic products or reactants; water used to cool or quench organic vapor streams through direct contact; and condensed steam from jet ejector systems pulling vacuum on vessels containing organics.

(14L) "Recapture device" means an individual unit of equipment capable of and used for the purpose of recovering chemicals for disposal, but not normally for recycling, reuse, or sale. For purposes of the monitoring, recordkeeping, and reporting requirements of this chapter, recapture devices are considered recovery devices.

Note: For example, a unit of equipment that would be considered a recapture device is one used for the recovery of chemicals for disposal. Recapture devices may include absorbers, carbon adsorbers, and condensers.

(14p) "Recovery device" means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value, use, reuse or for sale for fuel value, use, or reuse.

Note: Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units.

(14u) "Single-seal system" means a floating roof having one continuous seal that completely covers the space between the wall of the storage vessel and the edge of the floating roof.

(14y) "Steam stripper" means a column, including associated stripper feed tanks, condensers, or heat exchangers, used to remove compounds from wastewater.

(15d) "Surface impoundment" means a waste management unit which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials, but which may be lined with manmade materials, which is designed to hold an accumulation of liquid wastes or waste containing free liquids. A surface impoundment is used for the purpose of treating, storing, or disposing of process wastewater or affected residuals, and is not an injection well.

Note: Examples of surface impoundments are equalization, settling, and aeration pits, ponds, and lagoons.

(15h) "Tank drawdown" means any material or mixture of materials discharged from a product tank, feed tank, or intermediate tank for the purpose of removing water or other contaminants from the tank.

SECTION 11. NR 419.02 (15m) is repealed.

SECTION 12. NR 419.02 (15p), (15t), (16m), (18e), (18m), and (18s) are created to read:

NR 419.02 (15p) "Temperature monitoring device" means equipment used to monitor temperature and having a minimum accuracy of plus or minus one per cent of the temperature being monitored expressed in degrees Celsius or plus or minus 0.5 degrees Celsius, whichever has the highest absolute value.

(15t) "Treatment process" means a specific technique, usually conducted in a tank, that removes or destroys the VOC in a wastewater stream or affected residuals such as a steam stripping unit, thin-film evaporation unit, waste incinerator, biological treatment unit, or any other process applied to wastewater streams or affected residuals to comply with s. NR 419.045 (2) (f) or (3).

(16m) "Vapor-mounted seal" means a continuous seal that completely covers the annular space between the wall of the storage vessel or waste management unit and the edge of a floating roof and is mounted so that there is a vapor space between the stored liquid and the bottom of the seal.

(18e) "Waste management unit" means the equipment, structure, or device used to convey, store, treat, or dispose of wastewater streams or affected residuals. Equipment used for recovery is part of a process unit and is not a waste management unit.

Note: Examples of waste management units are wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be considered waste management units are containers, air flotation units, oil-water separators and organic-water separators, and organic removal devices such as decanters, strippers, or thin-film evaporation units.

(18m) "Wastewater stream" means a stream that contains process wastewater.

(18s) "Wastewater tank" means a stationary waste management unit that is designed to contain an accumulation of process wastewater or affected residuals and is constructed primarily of non-earthen materials such as wood, concrete, steel, or plastic.

SECTION 13. NR 419.02 (19), (20), and (21) are repealed.

SECTION 14. NR 419.02 (22) is amended to read:

NR 419.02 (22) "Water seal" means any seal pot, p-leg trap, or other type of trap filled with a liquid ~~not containing organic compounds in order to create~~ water that creates a barrier between the ~~sewer water level of the seal~~ and the atmosphere. The water level of the seal must be maintained in the vertical leg of a drain in order to be considered a water seal.

SECTION 15. NR 419.02 (23) is created to read:

NR 419.02 (23) "Wet weather retention basin" means an impoundment or tank that is used to store rainfall runoff that would exceed the capacity of the wastewater treatment system until it can be returned to the wastewater treatment system or, if the water meets the applicable discharge limits, discharged without treatment.

SECTION 16. NR 419.045 is repealed and recreated to read:

NR 419.045 Industrial wastewater operations. (1) APPLICABILITY AND EXEMPTIONS.

(a) *Applicability.* This section applies to any facility that generates process wastewater and that meets all of the following criteria:

1. Is located in Milwaukee, Waukesha, Washington, Ozaukee, Racine, Kenosha, or Sheboygan county.
2. Has combined total maximum theoretical emissions of VOC equal to or greater than 100 tons per calendar year from all of the following:

a. Industrial wastewater sources (waste management units).

b. Any emissions unit that is not subject to an emission limitation under s. NR 419.05, 419.06, or 419.08; ch. NR 421, 422, or 423; or s. NR 424.04, or 424.05 ch. NR 420; s. NR 421.03, 421.04, and 421.07; s. NR 422.05 to 422.08, 422.09, 422.10 to 422.125, 422.13, 422.131, 422.14, 422.141, and 422.143 to 422.16; and s. NR 423.03, 423.037, and 423.05, except if the emissions unit is regulated under 40 CFR part 60, subpart BBB, III, NNN, or RRR, or 40 CFR part 63, subpart T.

3. Has any of the following operations:

a. As described by the four-digit industry codes 2821, 2823, 2824, 2865, or 2869 listed in the Standard Industrial Classification (SIC) Manual, 1987, incorporated by reference in s. NR 484.05 (1), for the organic chemicals, plastics, and synthetic fibers manufacturing industries.

b. As described by the four-digit industry codes 2833, 2834, or 2836 listed in the SIC Manual, 1987, for the pharmaceuticals manufacturing industry.

c. Pesticide manufacturing.

e. Hazardous waste treatment, storage, or disposal.

(b) *Exemptions.* 1. Wet weather retention basins are exempt from this section.

2. Any facility with an annual affected VOC loading in wastewater, as determined in accordance with sub. (8) (e), less than or equal to ten mega grams (11.03 tons) is exempt from the control requirements of sub. (2).

3. If compliance with the control requirements of sub. (2) would create a safety hazard in a waste management unit, the owner or operator may request the department exempt the waste management unit from the control requirements of sub. (2). The department, with written concurrence from EPA, may approve the request if it is justified by the likelihood and magnitude of the potential injury and if the department determines that reducing or eliminating the hazard is technologically or economically unreasonable.

(2) EMISSION CONTROL REQUIREMENTS. Except as provided in sub. (3), the owner or operator of a facility subject to this section shall comply with the control requirements of this subsection for any waste management unit that receives, manages, or treats an affected VOC wastewater stream or affected residual. The control requirements apply from the point where an affected VOC wastewater stream exits a process unit to the point the affected VOC wastewater stream, including any affected residual, is either returned to a process unit or treated in accordance with par. (g) (f).

(a) *Drains.* For each individual drain system that receives or manages an affected VOC wastewater stream or an affected residual, the owner or operator shall either comply with subd. 1. or with subds. 2. to 6.

1. Operate and maintain a cover on each opening in the individual drain system, and if the cover is vented, route the vapors to a process or through a closed vent system to a control device and meet all of the following requirements:

a. Maintain the cover and all openings in a closed position at all times that an affected VOC wastewater stream or an affected residual is in the drain system except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

b. Design and operate the control device to reduce the affected VOC vented to the device by at least 90% by weight.

c. Design and operate the individual drain system to segregate the vapors within the system from other drain systems and the atmosphere.

2. Equip each drain with a water seal or a tightly fitting cap or plug.

3. If a water seal is used on a drain receiving an affected VOC wastewater stream or an affected residual, extend the pipe discharging the wastewater below the liquid surface in the water seal of the receiving drain, or install a flexible shield, or other enclosure which restricts wind motion across the open area between the pipe and the drain, that encloses the space between the pipe discharging the wastewater to the drain receiving the wastewater. A water seal which is used on a hub receiving a wastewater stream that is not an affected VOC wastewater stream or an affected residual for the purpose of eliminating cross ventilation to drains carrying an affected VOC wastewater stream or an affected residual is not required to have an extended subsurface discharging pipe or a flexible shield.

4. Equip each junction box with a tightly fitting solid cover that has no visible gaps, cracks, or holes and which is kept in place at all times except during inspection and maintenance.

5. If the junction box is vented, vent the box to a process or through a closed vent system to a control device that is designed and operated to reduce the VOC vented to it by at least 90% by weight, except that if the junction box is filled and emptied by gravity flow or is operated with no more than slight fluctuations in the liquid level, the owner or operator may vent the junction box to the atmosphere provided both of the following conditions are met:

a. The junction box has a vent pipe of at least 90 centimeters in length and no greater than 10.2 centimeters in nominal inside diameter.

b. Water seals are installed and maintained at all wastewater entrances to, or exits from, the junction box restricting ventilation in the individual drain system and between components in the individual drain system.

6. Ensure that each sewer line is not open to the atmosphere by covering or enclosing the line so that no visible gaps or cracks in joints, seals, or other emission interfaces are visible.

(b) *Surface impoundments.* For each surface impoundment that receives, manages, or treats an affected VOC wastewater stream or an affected residual, the owner or operator shall comply with either subd. 1. or 2.

1. Equip the surface impoundment with a cover and a closed vent system which routes the VOC vapors vented from the surface impoundment to a control device and meet all of the following requirements:

a. Maintain each opening in a closed position whenever an affected VOC wastewater stream or an affected residual is in the surface impoundment except when it is necessary to use the opening for sampling, removal, or for equipment inspection, maintenance, or repair.

b. Use the cover whenever an affected VOC wastewater stream or an affected residual is in the surface impoundment except during removal of treatment residuals in accordance with 40 CFR 268.4 or closure of the surface impoundment in accordance with 40 CFR 264.228.

c. Design and operate the control device to reduce the affected VOC vented to it by at least 90% by weight.

2. Equip the surface impoundment with a floating flexible membrane cover and meet all of the following requirements:

a. Design the flexible membrane cover to float on the liquid surface during normal operations, and to form a continuous barrier over the entire surface area of the liquid.

b. Fabricate the flexible membrane cover from a synthetic membrane material that is either a high density polyethylene with a thickness no less than 2.5 millimeters (100 mils) or a material, or a composite of different materials, determined to have both organic permeability properties that are equivalent to those of the high density polyethylene material, and chemical and physical properties that maintain the material integrity for the intended service life of the material.

c. Install the flexible membrane cover so that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

d. Equip each opening in the flexible membrane cover with a closure device that is designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. Notwithstanding the requirements of this subd. 2. d., the flexible membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

e. Whenever an affected VOC wastewater stream or an affected residual is in the surface impoundment, the flexible membrane cover shall float on the liquid and each closure device shall be secured in the closed position. Closure devices may be opened or the flexible membrane cover may be removed to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations or to remove accumulated sludge or other residues from the bottom of the surface impoundment.

(c) *Oil-water separator.* For each oil-water separator that receives, manages, or treats an affected VOC wastewater stream or an affected residual, the owner or operator shall comply with either subd. 1. or 2.:

1. Equip the oil-water separator with a fixed roof and a closed vent system that route the vapors vented from the oil-water separator to a control device and meet all of the following requirements:

a. Maintain each opening in the fixed roof in a closed, sealed position at all times that the oil-water separator contains an affected VOC wastewater stream or an affected residual, except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

b. Design and operate the control device to reduce the VOC vented to it by at least 90% by weight.

2. Equip the oil-water separator with a floating roof that meets all of the following requirements:

a. Except as provided in this subd. 2. a., the floating roof shall have a closure device between the floating roof and the wall of the oil-water separator. For portions of the oil-water separator where it is infeasible to construct and operate a floating roof, such as over the weir mechanism, the owner or operator shall operate and maintain a fixed roof, closed vent system, and control device that meet the requirements specified in subd. 1.

b. The closure device shall consist of a primary seal and a secondary seal. The primary seal shall be a liquid-mounted seal or a mechanical shoe seal. The secondary seal shall be above the floating roof and cover the annular space between the floating roof and the wall of the separator.

c. The floating roof shall be floating on the liquid at all times and may not be resting on the roof supports, except during abnormal conditions such as low flow rate.

d. Each opening in the floating roof shall be equipped with a cover, seal or lid fitted with a gasket, which shall be maintained in the closed position at all times, except during inspection and maintenance. Notwithstanding the requirements of this subd. 2. d., the floating roof may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

(d) *Portable containers.* For each portable container that receives, manages, or treats an affected VOC wastewater stream or an affected residual, the owner or operator shall operate and maintain a cover on the portable container according to all of the following requirements:

1. Maintain the cover in place and maintain all openings in a closed position at all times that an affected VOC wastewater stream or an affected residual is in the portable container, except when it is necessary to use the opening for filling, removal, inspection, sampling, or pressure relief events related to safety considerations to prevent physical damage or permanent deformation of the portable container or cover.

2. For portable containers with a capacity greater than or equal to 110 gallons, use a submerged fill pipe when a container is being filled by pumping with an affected VOC wastewater stream or an affected residual. The submerged fill pipe outlet shall extend to no more than six inches or within two fill pipe diameters of the bottom of the container while the container is being filled.

3. During treatment of an affected VOC wastewater stream or an affected residual, including aeration, thermal or other treatment, in a portable container, whenever it is necessary for the container to be open, place the container within an enclosure with a closed-vent system that routes the VOC vapors vented from the container to a control device. The control device shall be designed and operated to reduce the VOC vented to it by at least 90% by weight.

(e) *Wastewater tanks.* For each wastewater tank that receives, manages, or treats an affected VOC wastewater stream or an affected residual, the owner or operator shall operate and maintain a fixed roof for the wastewater tank. However, if the wastewater tank is used for either heating wastewater or for treating by means of an exothermic reaction, or the contents of the tank is sparged, or the wastewater tank has a capacity equal to or greater than 40,000 gallons and the maximum vapor pressure of the stored material is equal to or greater than 1.5 pounds per square inch absolute, the owner or operator shall operate and maintain one of the emission control techniques described in subd. 1., 2., or 3.

1. A fixed roof and a closed-vent system that route the VOC vapors vented from the wastewater tank to a control device that complies with both of the following requirements:

a. Each opening in the fixed roof shall be maintained in a closed position at all times that the wastewater tank contains an affected VOC wastewater stream or an affected residual, except when it is necessary to use the opening for wastewater sampling, removal, or for equipment inspection, maintenance, or repair.

b. The control device shall be designed and operated to reduce the VOC vented to it by at least 90% by weight.

2. A fixed roof and an internal floating roof that meet all of the following requirements:

a. The internal floating roof shall be floating on the liquid surface at all times, except when the floating roof must be supported by the leg supports during initial fill, after the tank has been completely emptied and degassed, and when the tank is completely emptied before being subsequently refilled.

b. When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

c. The internal floating roof shall be equipped with a closure device between the wall of the tank and the roof edge. The closure device shall consist of a liquid-mounted seal, or a metallic shoe seal, or two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous seals.

d. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off of, or is being landed on, the roof leg supports.

e. Each opening in a noncontact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and rim space vents, is to provide a projection below the liquid surface.

f. Each opening in the internal floating roof, except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains, shall be equipped with a cover or lid. The cover or lid shall be equipped with a gasket.

g. Each penetration of the internal floating roof for the purposes of sampling shall be a sample well. Each sample well shall have a slit fabric cover that covers at least 90% of the opening.

h. Each automatic bleeder vent shall be fitted with a gasket.

i. Each rim space vent shall be fitted with a gasket.

j. Each penetration of the internal floating roof that allows for passage of a ladder shall have a sliding cover fitted with a gasket.

k. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a sliding cover fitted with a gasket.

L. Each cover or lid on any opening in the internal floating roof shall be closed so that there are no visible gaps, except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened to be air-tight when they are closed. Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

3. An external floating roof that meets all of the following requirements:

a. Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device shall consist of two seals, one above the other. The

lower seal (primary seal) shall be either a metallic shoe seal or a liquid-mounted seal. The upper seal (secondary seal) shall be a rim-mounted or shoe-mounted seal.

b. Except during inspections, both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion.

c. Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in the noncontact external floating roof shall provide a projection below the liquid surface.

d. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a cover, seal or lid fitted with a gasket ~~and which~~ . The cover, seal, or lid shall be maintained in a closed position so there are no visible gaps at all times, except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened to be air-tight when they are closed.

e. Automatic bleeder vents shall be closed at all times when the roof is floating, except when the roof is being floated off of, or is being landed on, the roof leg supports.

f. Rim space vents shall be set to open only when the roof is being floated off of the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

g. Automatic bleeder vents and rim space vents shall be fitted with a gasket.

h. Each roof drain that empties into the stored liquid shall be provided with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

i. Each unslotted guide pole well shall have a sliding cover fitted with a gasket or a flexible fabric sleeve seal.

j. Each unslotted guide pole shall have a cap fitted with a gasket on the end of the pole, which is closed at all times except when gauging the liquid level or taking liquid samples.

k. Each slotted guide pole well shall have a sliding cover fitted with a gasket or a flexible fabric sleeve seal.

L. Each slotted guide pole shall have a float fitted with a gasket or other device that closes off the liquid surface from the atmosphere.

m. Each gauge hatch or sample well shall have a cover fitted with a gasket which is closed at all times except when the hatch or well must be open for access.

n. The external floating roof shall be floating on the liquid surface at all times except when the floating roof must be supported by the leg supports during any period of an initial fill, after the tank has been completely emptied and degassed, or when the tank is completely emptied before being subsequently refilled.

o. When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

(f) *Treatment processes.* For each treatment process managing an affected VOC wastewater stream or an affected residual, the owner or operator shall comply with the requirements as specified in this paragraph. Once an affected VOC wastewater stream or an affected residual has been treated in accordance with the requirements of this paragraph, the affected VOC wastewater stream or the affected residual is no longer subject to the requirements of this subsection.

1. Each component of the treatment process shall meet the applicable requirements of pars. (a) to (e).

2. Gases vented from a treatment process shall be routed by means of a closed vent system to a control device which is designed and operated to reduce the VOC vented to it by at least 90% by weight. Vents from anaerobic biological treatment processes may be routed through hard-piping to a fuel gas system.

3. For each of the affected VOC wastewater streams that are treated in a nonbiological treatment process, or a combination of nonbiological treatment processes, the owner or operator shall, by removal or destruction, reduce the mass flow rate of affected VOC by 90% or more while reducing the affected VOC concentration to less than 1,000 parts per million by weight. Dilution may not be used to achieve compliance with this subdivision. This requirement does not apply to affected wastewater or affected residuals that comply with the requirements for Resource Conservation and Recovery Act (RCRA) (42 USC 6921 to 6939e) treatment options specified in subd. 6.

4. The owner or operator using a closed biological treatment process for at least one affected VOC wastewater stream shall reduce the mass flow rate for all affected VOC from all wastewater streams entering the biological treatment process by at least 90%.

5. The owner or operator shall operate and maintain a steam stripper that meets all of the following requirements:

a. Minimum active column height of five meters.

b. Countercurrent flow configuration with a minimum of ten actual trays.

c. Minimum steam flow rate of 0.04 kilograms of steam per liter of wastewater feed within the column.

d. Minimum wastewater feed temperature to the steam stripper of 95°C, or minimum column operating temperature of 95°C.

e. Maximum liquid loading of 67,100 liters per hour per square meter.

f. Operate at nominal atmospheric pressure.

6. The owner or operator may elect to treat the affected VOC wastewater stream or affected residual in a unit identified in, and complying with any of the following RCRA treatment options:

a. The affected VOC wastewater stream or affected residual is discharged to a hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O, or has certified compliance with the interim status requirements of 40 CFR part 265, subpart O.

b. The affected VOC wastewater stream or affected residual is discharged to a process heater or boiler burning hazardous waste for which the owner or operator has either been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

c. The affected VOC wastewater stream or affected residual is discharged to an underground injection well for which the owner or operator has been issued a final permit under 40 CFR part 270 or 40 CFR part 144 and complies with the requirements of 40 CFR part 122. The owner or operator shall comply with all applicable requirements of this subsection prior to the point where the wastewater enters the underground portion of the injection well.

7. For each affected residual, the owner or operator shall control for air emissions by complying with pars. (a) to (e) and one of the following requirements:

a. Recycle the affected residual to a production process on-site or transfer the affected residual off-site for the purpose of recycling. Once an affected residual is returned to a production process, the affected residual is no longer subject to this subsection.

b. Return the affected residual to the treatment process.

c. Treat the affected residual to destroy the total combined mass flow rate of affected VOC by 99% or more in a nonbiological treatment process.

d. Comply with the requirements for treatment options specified in subd. 6.

(3) ALTERNATIVE METHODS OF CONTROL. The following alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be utilized if approved by the department with written concurrence from EPA:

(a) As an alternative to the control requirements of sub. (2), the owner or operator of waste management units may elect to ensure that the overall control of VOC emissions at the facility from wastewater from affected industrial categories is at least 90% less than the 2011 calendar year baseline emissions for VOC emissions to the ambient air from process wastewater, provided that adequate documentation is submitted to the department which supports the accuracy of the calendar year baseline emissions and the following requirements are met:

1. The owner or operator of a waste management unit shall submit a control plan to the department which demonstrates that the overall control of VOC emissions at the facility from wastewater from affected industrial categories will be at least 90% less than the calendar year baseline emissions. Any control plan submitted shall be approved by the department in writing before the owner or operator may use the control option available under this paragraph for compliance. At a minimum, the control plan shall include the applicable emissions units' identification; the facility identification number; the calendar year baseline emission rates of VOC from wastewater from affected industrial categories consistent with the calendar year baseline emissions; a plot plan showing the location, the emissions units' identification, and facility identification number associated with a waste management unit; the VOC emission rates for each emissions unit for the preceding calendar year; and an explanation of the recordkeeping procedure and calculations which will be used to demonstrate compliance. The VOC emission rates shall be calculated in a manner consistent with the calendar year baseline emissions.

2. The owner or operator shall submit an annual report no later than March 31 of each calendar year to the department which demonstrates that the overall control of VOC emissions from wastewater from affected industrial categories during the preceding calendar year is at least 90% less than the baseline emissions. At a minimum, the report shall include the facility identification number; the emissions units' identification; the throughput of wastewater from affected industrial categories; a plot plan showing the location; the emissions units' identification; and the facility identification number associated with waste management units; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the calendar year baseline emissions.

3. All control plans and reports shall include documentation that the overall reduction of VOC emissions from wastewater from affected industrial categories continues to be at least 90% less than the calendar year baseline emissions. The emission rates shall be calculated in a manner consistent with the calendar year baseline emissions.

(b) The owner or operator of an affected industrial category which is subject to and complies with the provisions of 40 CFR part 63, subpart G, subpart JJJ, or subpart FFFF, or any other emission standard promulgated under 40 CFR part 63 that references the wastewater control requirements set forth in 40 CFR part 63, subpart G, shall be deemed to be in compliance with this section, provided that all of the following are met:

1. The term "affected VOC" is substituted each place that 40 CFR part 63, subpart G, subpart JJJ, and subpart FFFF, and any other 40 CFR part 63 emission standard references the term "organic hazardous air pollutant" or "organic HAP".

2. For affected VOC not specifically listed in table 9 of 40 CFR part 63, subpart G, the corresponding fraction removed value shall be based on one of the following:

a. The procedures in 40 CFR part 60, appendix J as proposed on December 9, 1998 in the Federal Register.

b. An assigned value of 0.99.

c. Use of WATER9, Version 2.0, a wastewater treatment model, incorporated by reference in s. NR 484.06 (4) (f).

3. Before implementing the option available under this paragraph, the owner or operator provides written notice of the intent to utilize this option to the department.

(4) INSPECTION AND MONITORING. The owner or operator of a waste management unit that is subject to requirements under sub. (2) or (3) shall comply with the following inspection and monitoring requirements, except that an owner and operator subject to and in compliance with a subpart in 40 CFR part 63 as provided in sub. (3)(b), may comply with the inspection, monitoring, and record keeping requirements of that subpart instead of the requirements of this subsection.

(a) All seals, covers, closed vent systems, and other equipment used to comply with sub. (2) or (3) shall be visually inspected for leaks and improper conditions semiannually and upon repair as specified in this paragraph. If any seal, cover, closed vent system, or other equipment is found to have a leak or be in improper condition, the equipment shall be repaired as soon as possible, but no later than 15 calendar days after detection, unless the repair or correction is technically infeasible without requiring a process unit shutdown, in which case the repair or correction shall be made during the next process unit shutdown.

1. For a wastewater tank equipped with a fixed roof and vapor control system, visually inspect the fixed roof, openings, and the closed vent system for leaks, except for a cover and closed vent system maintained under negative pressure, and take corrective action.

2. For a wastewater tank equipped with an internal or external floating roof, visually inspect for and correct the following improper conditions:

a. An access door or other opening is left open when not in use.

b. The floating roof is not resting on either the surface of the liquid or on the leg supports.

c. There is stored liquid on the floating roof.

d. A rim seal is detached from the floating roof.

e. There are holes, tears, cracks, or gaps in the rim seal or seal fabric of the floating roof.

f. There are visible gaps between the seal of an internal floating roof and the wall of the wastewater tank.

g. Where a metallic shoe seal is used on an external floating roof, one end of the metallic shoe does not extend into the stored liquid or one end of the metallic shoe does not extend a minimum vertical distance of 61 centimeters above the surface of the stored liquid.

h. A gasket, joint, lid, cover, or door has a crack or gap, or is broken.

3. For a surface impoundment, visually inspect the cover and all openings for leaks, except for a cover and closed vent system maintained under negative pressure, and take corrective action.

4. For a surface impoundment, visually inspect for and correct the following improper conditions:

a. An access hatch or other opening is left open when not in use.

b. A joint, lid, cover, or door has a crack or gap, or is broken.

5. For a portable container, visually inspect the cover and all openings for leaks and take corrective action.

6. For a portable container that is located within an enclosure that is vented by means of a closed vent system to a control device, visually inspect the enclosure and closed vent system for leaks, except for an enclosure and closed vent system maintained under negative pressure, and take corrective action.

7. For a portable container, visually inspect for and correct the following improper conditions:

a. An access hatch or other opening is left open when not in use.

b. A cover or door has a gap or crack, or is broken.

8. For an individual drain system, visually inspect for and correct the following improper conditions:

a. A joint, lid, cover, or door has a gap, crack, or hole or is broken.

b. An access hatch or other opening is left open when not in use for sampling or removal, or for equipment inspection, maintenance, or repair.

c. Sufficient water is not present to properly maintain integrity of water seals.

d. Drains using tightly-fitted caps or plugs have caps and plugs that are not in place or not properly installed.

e. Junction boxes do not have covers in place or covers have visible gaps, cracks, or holes.

f. Unburied portion of sewer lines have cracks or gaps.

9. For a junction box vented to a process or through a closed vent system to a control device, visually inspect for and correct leaks in the closed vent system.

10. For oil-water separators, visually inspect fixed roof and all openings for leaks and take corrective action.

11. For oil-water separators, visually inspect for and correct the following improper conditions:

a. An access door or other opening is left open when not in use, or not equipping the door or opening with a gasket.

- b. The floating roof is not resting on either the surface of the liquid or on the leg supports.
- c. There is stored liquid on the floating roof.
- d. A rim seal is detached from the floating roof.
- e. There are holes, tears, or other open spaces in the rim seal or seal fabric of the floating roof.
- f. A gasket, joint, lid, cover, or door has a gap or crack, or is broken.

~~(e)~~ **(b)** For a wastewater tank or oil-water separator equipped with an external floating roof having primary and secondary seals used to comply with sub. (2) or (3), the secondary seal shall be inspected for seal gaps and repaired as follows:

1. The secondary seal shall be measured for seal gaps annually and after repair as follows:

a. The width of any seal gap is the distance between the seal and the tank wall and shall be determined by using probes of various widths to accurately measure the actual distance from the seal to the tank wall.

b. The area of any seal gap shall be determined by multiplying the width of the seal gap, as determined in subd. 1. a., by the circumferential length of the gap.

c. The total seal gap area is the accumulated area of all gaps which are greater than 0.125 inch in width.

2. The accumulated area of gaps that exceed 0.125 inch in width between the secondary seal and tank wall may not exceed 1.0 square inch per foot (21 square centimeters per meter) of tank diameter.

3. If the seal gap requirement of subd. 2. is not being met, the secondary seal shall be repaired or replaced within 45 days after detection of the improper seal gap unless the repair or correction is technically infeasible without requiring a process unit shutdown, in which case the repair or correction shall be made at the next process unit shutdown.

~~(d)~~ **(c)** The following records shall be maintained on leaks, improper conditions, and improper seal gaps:

- 1. The date on which a leak, improper condition, or improper seal gap is discovered.
- 2. The date on which a first attempt at repair was made to correct the leak or improper condition.
- 3. The date on which a leak, improper condition, or improper seal gap is repaired.

~~(e)~~ **(d)** 1. Monitors shall be installed and maintained to measure operational parameters of any emission control device or other device installed to comply with sub. (2) or (3). Monitoring parameters shall be sufficient to demonstrate proper functioning of the devices to design specifications. Except as provided in subd. 2., the following monitoring and data recording shall be performed as applicable:

a. For an enclosed non-catalytic combustion device, continuously monitor and record the temperature of the gas stream either in the combustion chamber or immediately downstream before any substantial heat exchange.

b. For a catalytic incinerator, continuously monitor and record the temperature of the gas stream immediately before and after the catalyst bed.

c. For a condenser, continuously monitor and record the temperature of the gas stream at the condenser exit.

d. For a carbon adsorber, continuously monitor and record the VOC concentration of exhaust gas stream to determine if breakthrough has occurred. If the carbon adsorber does not regenerate the carbon bed directly in the control device, that is, a carbon canister is used, the exhaust gas stream shall be monitored daily or at intervals no greater than 20% of the design replacement interval, whichever is greater. As an alternative to conducting daily monitoring, the carbon may be replaced with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and the VOC concentration in the gas stream vented to the carbon adsorber.

e. For a flare, meet the requirements specified in 40 CFR 60.18 (b).

f. For a steam stripper, continuously monitor and record the steam flow rate, the wastewater feed mass flow rate, and either the wastewater feed temperature, or the column operating temperature as measured in the column top tray liquid phase at the downcomer.

g. For vapor control systems other than those specified in subds. 1. a. to 1. f., continuously monitor and record the appropriate operating parameters.

2. In lieu of the monitoring in subd 1., other monitoring may be approved or required by the department with written concurrence from EPA.

~~(f)~~ (e) For a closed-vent system that is used to comply with sub. (2) or (3), and that is designed to operate at a pressure below atmospheric pressure, the closed-vent system shall be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

(5) APPROVED TEST METHODS. Compliance with the emission specifications, vapor control system efficiency, and certain control requirements, inspection requirements, and exemption criteria of subs. (2) to (4) and (1) (b), relating to control requirements, alternate control requirements, inspection and monitoring requirements, and exemptions, shall be determined by applying one or more of the test methods and procedures, as appropriate, in this subsection. Minor modifications to test methods and procedures may be used, if approved by the department with written concurrence from EPA. Test methods other than those specified in this subsection may be used if validated by Method 301 in 40 CFR part 63, Appendix A, incorporated by reference in s. NR 484.04 (25). The test methods are:

(a) Methods 1, 2, 3 and 4, in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (13), for determining gas flow rates, as necessary.

(b) Methods 18, 25, 25A, or 25B in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (13), for determining organic compound emission concentrations or emission rates.

(c) 1. For control devices other than flares, the VOC control efficiency shall be determined in accordance with s. NR 439.07, where the flow rate and VOC concentration of the inlet and outlet gas streams of the control device are measured as specified under pars. (a) and (b).

2. For flares, the performance test requirements of 40 CFR 60.18 (b) shall apply. Compliance with the requirements of 40 CFR 60.18 (b) will be considered to represent 98% control of the VOC in the flare inlet.

(d) ASTM D323-08, D2879-10, D4953-06, D5190-07, or D5191-10b , adjusted for actual storage temperature in accordance with American Petroleum Institute publication 2517, incorporated by reference in s. NR 484.11 (5), for the measurement of vapor pressure. The ASTM methods are incorporated by reference in s NR 484.10 (6), (39m), (55b), (55bg), and (55br), respectively .

(e) Method 21 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (17), for monitoring a carbon canister in accordance with subd. (4) (e) (d) 1. d.

(f) For determining the VOC concentration of wastewater samples, any of the methods in subds. 1. to 6., except that in the event of any conflicts, subd. 6. shall take precedence.

1. Method 5030B followed by Method 8015C with a DB-5 boiling point (or equivalent column), and flame ionization detector, with the detector calibrated with benzene as required by 40 CFR part 261. Methods 5030B and 8015C are published in EPA Publication SW-846 “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, incorporated by reference in s. NR 484.06 (4) (e).

2. Methods 5021A, 5030B followed by 8021B, 8260B, and 9060A as required by 40 CFR part 261, as published in EPA Publication SW-846 “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, incorporated by reference in s. NR 484.06 (4) (e).

3. Methods 602, 624, 625, 1624B, 1625B of 40 CFR part 136, Appendix A, incorporated by reference in s. NR 484.04 (27s)

4. Method 305 of 40 CFR part 63, Appendix A, incorporated by reference in s. NR 484.04 (25).

5. Method 5310(B) in Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998, incorporated by reference in s. NR 484.11 (12).

6. Method 25D in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (20e). In the event of any conflict, Method 25D takes precedence.

(g) The measurement of wastewater flow rate shall be determined with flow measurement devices. Flow rate measurements shall be taken at the same time as the concentration measurements.

(6) COMPLIANCE SCHEDULE. The owner or operator of any facility subject to this section shall do all of the following:

(a) Notify the department's bureau of air management in writing by 60 days after the effective date of this section ... [LRB insert date] that the facility is subject to the requirements of this section. The notification shall provide the name and location of the affected facility.

(b) Achieve final compliance with the requirements of this section no later than ~~18~~ 12 months after the effective date of this section ... [LRB insert date].

(7) RECORDKEEPING. The owner or operator of a facility subject to this section shall do all of the following:

(a) Maintain complete and up-to-date records needed to demonstrate compliance with sub. (2) or (3) which are sufficient to demonstrate the characteristics of wastewater streams and the qualification for any exemptions claimed under sub. (1) (b).

(b) Maintain records of the results of any inspection or monitoring conducted in accordance with sub. (4). Records shall be sufficient to demonstrate proper functioning of applicable control equipment to design specifications to ensure compliance with sub. (2) or (3).

(c) Maintain records of the results of any testing conducted in accordance with sub. (5).

(d) Maintain all records at the facility for at least five years and make all records available upon request to EPA and the department.

(8) DETERMINATION OF WASTEWATER CHARACTERISTICS. The determination of the characteristics of a wastewater stream for purposes of this section shall be made as follows:

(a) The characteristics shall be determined at a location between the point where the process wastewater exits a process unit and before the process wastewater is exposed to the atmosphere, treated for VOC removal, or mixed with another wastewater stream. For wastewater streams at a facility meeting the applicability requirements under sub. (1) (a) 1. and 2. and which, prior to the effective date of this section ...[LRB insert date], were either actually being mixed, or construction had commenced which would result in the wastewater streams being mixed, the mixing does not establish a limit on where the characteristics may be determined.

(b) The flow rate of a wastewater stream shall be determined on the basis of an annual average by one of the following methods:

1. The highest annual quantity of wastewater managed, based on historical records for the most recent five years of operation, or for the entire time the wastewater stream has existed if less than five years, but at least one year.

2. The maximum design capacity of the waste management unit.

3. The maximum design capacity to generate wastewater of the process unit generating the wastewater stream.

4. Measurements that are representative of the actual, normal wastewater generation rates.

(c) The VOC concentration of a wastewater stream shall be determined on the basis of a flow-weighted annual average by one of the methods in this paragraph, or by a combination of the methods. If the department determines, with written concurrence from EPA, that the VOC concentration cannot be adequately determined by the method in subd.1. or 2., the VOC concentration shall be determined in accordance with subd. 3., or by a combination of the methods in subds. 1., 2., and 3. VOC with a Henry's Law Constant less than 1.8×10^{-6} atm-m³/mole (0.1 y/x) at 25°C may not be included in the determination of VOC concentration.

1. Sufficient information to document the VOC concentration.

Note: Examples of sufficient information include material balances, records of chemical purchases, or previous test results.

2. Sufficient information to demonstrate that the bench-scale or pilot-scale test concentration data are representative of the actual VOC concentration.

3. Collect a minimum of three representative samples from the wastewater stream and determine the affected VOC concentration for each sample in accordance with sub. (5). The affected VOC concentration of the wastewater stream shall be the flow-weighted average of the individual samples.

(d) The annual affected VOC loading in wastewater for a wastewater stream shall be the annual average flow rate determined in par. (b) multiplied by the annual average affected VOC concentration determined in par. (c).

(e) The annual VOC loading in wastewater for a facility shall be the sum of the annual VOC loading in wastewater for each affected VOC wastewater stream.

(9) MAINTENANCE WASTEWATER REQUIREMENTS. Each owner or operator of a source subject to this section shall comply with the following requirements for maintenance wastewaters containing volatile organic compounds:

(a) The owner or operator shall prepare a description of maintenance procedures for management of wastewaters generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair and during periods which are not shutdowns. The descriptions shall specify all of the following:

1. The process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities.

2. The procedures that will be followed to properly manage the wastewater and control VOC emissions to the atmosphere.

3. The procedures to be followed when clearing materials from the process equipment.

(b) The owner or operator shall modify and update the information required by par. (a) as needed following each maintenance procedure based on the actions taken and the wastewaters generated in the preceding maintenance procedure.

(c) The owner or operator shall maintain a record of the information required under this subsection.

SECTION 16m. NR 420.02 (31) is amended to read:

NR 420.02 (31) "Reid vapor pressure" means the absolute vapor pressure of volatile crude petroleum and volatile nonviscous petroleum liquids except liquefied petroleum gases as determined by ASTM ~~D323-99a~~ D323-08, incorporated by reference in s. NR 484.10 (6)

SECTION 17. NR 421.02 (18m) and (23) are created to read:

NR 421.02 (18m) "Tote tank" means any transportable container used to convey coatings, inks, adhesives, or any other related materials, with a capacity equal to or greater than 209 liters (55 gallons).

(23) "Wipe cleaning" means cleaning which utilizes a material such as a rag wetted with a solvent, prior to a physical rubbing process to remove contaminants from surfaces.

SECTION 18. NR 421.05 (1) (a) and (b) (intro.) are amended to read:

NR 421.05 (1) (a) Effective October 1, 1986, ~~this section applies~~ subs. (2) and (3) (a) and (b) apply to reaction tanks, thinning tanks, blending tanks and other process vessels used in any synthetic resin manufacturing facility which has maximum theoretical emissions of VOCs from the processes greater than or equal to 100 tons per year and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha.

(b) (intro.) Effective January 1, 1994, ~~this section applies~~ subs. (2) and (3)(a) and (b) apply to reaction tanks, thinning tanks, blending tanks and other process vessels used in any synthetic resin manufacturing facility which has maximum theoretical emissions of VOCs from the processes greater than or equal to one of the following:

SECTION 19. NR 421.05 (1) (c) and (2m) are created to read:

NR 421.05 (1) (c) Subsections (2m), (3)(c) and (4) apply to facilities with synthetic resin manufacturing operations as described in par. (a) located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(2m) INDUSTRIAL CLEANING OPERATIONS. (a) Except as provided in par. (b), the owner or operator of a facility subject to this subsection shall use any of the following methods when cleaning mixing vats, high dispersion mills, grinding mills, tote tanks, and roller mills:

1. Use a solvent or solvent solution that either contains less than 0.20 kilograms of VOC per liter (1.67 pounds per gallon) or has a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C. The solvent or solvent solution shall be collected and stored in closed containers.

2. Implement the following work practices:

a. Maintain the equipment being cleaned as leak free.

b. Drain VOC-containing cleaning materials from the cleaned equipment upon completion of cleaning.

c. Store or dispose of VOC-containing cleaning materials, including waste solvent, in a manner that will prevent evaporation into the atmosphere.

d. Store all VOC-containing cleaning materials in closed containers.

3. Collect and vent the emissions from equipment cleaning to an emission control system that has an overall control efficiency of 80% or more on a mass basis. If incineration is used to control emissions, at least 90% of the organic carbon shall be oxidized to carbon dioxide.

4. Use no more than 228 liters (60 gallons) of virgin solvent per month. Solvent or solvent solution that is reused or recycled (either onsite or offsite), for further use in equipment cleaning or the manufacture of coating is not included in this limit.

(b) The owner or operator of a facility engaged in wipe cleaning may not use open containers for the storage of solvent or solvent solution used for cleaning or for the storage or disposal of any material impregnated with solvent or solvent solution used for cleaning.

SECTION 20. NR 421.05 (3) (a) (intro.) is amended to read:

NR 421.05 (3) COMPLIANCE SCHEDULE. (a) (intro.) ~~This subsection~~ Paragraph (b) applies only to a synthetic resin manufacturing facility which is in existence on January 1, 1994 and which meets one of the following criteria:

SECTION 21. NR 421.05 (3) (c) and (4) are created to read:

NR 421.05 (3) (c) The owner or operator of a synthetic resin manufacturing facility subject to sub. (2m) shall achieve final compliance with sub. (2m) no later than 12 months after the effective date of this paragraph ... [LRB insert date].

(4) RECORDKEEPING. (a) Except as provided in par. (c) and in addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of a synthetic resins manufacturing

facility subject to sub. (2m) shall collect and record the following information, as applicable:

1. Total volume of virgin solvent used per month.
2. VOC content in kilograms per liter or pounds per gallon.
3. VOC composite partial vapor pressure in mm of Hg at 20°C.

(b) The owner or operator of a synthetic resins manufacturing facility shall maintain the information under par. (a) at the facility for a minimum of 5 years and shall make the information available to an authorized department representative at any time during normal working hours.

(c) The provisions of par. (a) do not apply to solvent or solvent solution which is used to clean or flush a mill or vat during the manufacture of a synthetic resin and which is subsequently incorporated into the same batch.

SECTION 22. NR 421.06 (1) (a) and (b) (intro.) are amended to read:

NR 421.06 (1) (a) Effective October 1, 1986, ~~this section applies~~ subs. (2) and (3)(a) and (b) apply to pigment dispersion chambers, thinning tanks, tinting, straining, blending tanks and other process vessels used in any coatings manufacturing facility which has maximum theoretical emissions of VOCs from the processes greater than or equal to 100 tons per year and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha.

(b) (intro.) Effective January 1, 1994, ~~this section applies~~ subs. (2) and (3)(a) and (b) apply to pigment dispersion chambers, thinning tanks, tinting, straining, blending tanks and other process vessels used in any coatings manufacturing facility which has maximum theoretical emissions of VOCs from the processes greater than or equal to one of the following:

SECTION 23. NR 421.06 (1) (c) and (2m) are created to read:

NR 421.06 (1) (c) Subsections (2m), (3) (c) and (4) apply to facilities with coatings manufacturing operations as described in par. (a) located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(2m) INDUSTRIAL CLEANING OPERATIONS. (a) Except as provided in par. (b), the owner or operator of a facility subject to this subsection shall use any of the following methods when cleaning mixing vats, high dispersion mills, grinding mills, tote tanks, and roller mills:

1. Use a solvent or solvent solution that either contains less than 0.20 kilograms of VOC per liter (1.67 pounds per gallon) or has a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C. The solvent or solvent solution shall be collected and stored in closed containers.

2. Implement the following work practices:

- a. Maintain the equipment being cleaned as leak free.
 - b. Drain VOC-containing cleaning materials from the cleaned equipment upon completion of cleaning.
 - c. Store or dispose of VOC-containing cleaning materials, including waste solvent, in a manner that will prevent evaporation into the atmosphere.
 - d. Store all VOC-containing cleaning materials in closed containers.
3. Collect and vent the emissions from equipment cleaning to an emission control system that has an overall control efficiency of 80% or more on a mass basis. If incineration is used to control emissions, at least 90% of the organic carbon shall be oxidized to carbon dioxide.
4. Use no more than 228 liters (60 gallons) of virgin solvent per month. Solvent or solvent solution that is reused or recycled (either onsite or offsite), for further use in equipment cleaning or the manufacture of coating is not included in this limit.
- (b) The owner or operator of a facility engaged in wipe cleaning using a solvent or solvent solution may not do either of the following:
- 1. Use open containers for the storage or disposal of cloth or paper impregnated with solvent or solvent solution that is used for cleanup, or coating removal.
 - 2. Store solvent or solvent solutions for cleanup or coating removal in open containers.

SECTION 24. NR 421.06 (3) (a) (intro.) is amended to read:

NR 421.06 (3) COMPLIANCE SCHEDULE. (a) (intro.) ~~This subsection~~ Paragraph (b) applies only to a coatings manufacturing facility which is in existence on January 1, 1994 and which meets one of the following criteria:

SECTION 25. NR 421.06 (3) (c) and (4) are created to read:

NR 421.06 (3) (c) The owner or operator of a coatings manufacturing facility subject to sub. (2m) shall achieve final compliance with sub. (2m) no later than 12 months after the effective date of this paragraph ... [LRB insert date].

(4) RECORDKEEPING. (a) Except as provided in par. (c) and in addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of a synthetic resins manufacturing facility subject to sub. (2m) shall collect and record the following information, as applicable:

- 1. Total volume of virgin solvent used per month.
- 2. VOC content in kilograms per liter or pounds per gallon.
- 3. VOC composite partial vapor pressure in mm of Hg at 20°C.

(b) The owner or operator of a synthetic resins manufacturing facility shall maintain the

information under par. (a) at the facility for a minimum of 5 years and shall make the information available to an authorized department representative at any time during normal working hours.

(c) The provisions of par. (a) do not apply to solvent or solvent solution which is used to clean or flush a mill or vat during the manufacture of a synthetic resin and which is subsequently incorporated into the same batch.

SECTION 26. NR 421.07 (1) (a) is renumbered NR 421.07 (1) (a) (intro.) and is amended to read:

NR 421.07 (1) (a) (intro.) This section applies to the owner or operator of any facility that is located in the county of Milwaukee, Waukesha, Washington, Ozaukee, Racine, Kenosha, or Sheboygan, and that ~~has maximum theoretical emissions of VOCs greater than or equal to 100 tons per year from processes or from~~ operates an air oxidation unit processes or from, distillation ~~operations and operation, or~~ reactor processes, as those activities are defined in ss. NR 440.675 (2) (c), 440.686 (2) (e) and 440.705 (2) (o), respectively, to produce any chemical as a product, coproduct, byproduct, or intermediate that is identified as follows:

SECTION 27. NR 421.07 (1) (a) 1. and 2., (3) (a) 5., and (4) (a) 5. are created to read:

NR 421.07 (1) (a) 1. For any reactor process or distillation operation, any chemical listed in Table A-1 of Appendix A of Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/4-91-031, incorporated by reference in s. NR 484.06 (4) (g), for which an x appears in the column titled Reactor and distillation CTG.

2. For any oxidation unit, any chemical listed in s. NR 440.675 (8).

(3) (a) 5. Notwithstanding s. NR 440.686 (8), the chemicals affected by this subsection are those identified in sub. (1) (a) 1.

(4) (a) 5. Notwithstanding s. NR 440.705 (8), the chemicals affected by this subsection are those identified in sub. (1) (a) 1.

SECTION 28. NR 421.07 (5) is amended to read:

NR 421.07 (5) COMPLIANCE EMISSION TESTING. The owner ~~of~~ or operator of a facility subject to this section shall conduct compliance emission testing in accordance with s. NR 439.075 (2) (c) 3. j.

SECTION 29. NR 422.02 (12), (34g), (34r), and (83) are amended to read:

NR 422.02 (12) "Blanket or roller wash" means any cleaning solvent or solution used to remove

excess inks, oils, and debris from lithographic or letterpress printing press equipment, including rollers, plates, and cylinders. Cleaning solvent or solution used as a rubber rejuvenator or to remove excess inks, oils, and debris from the outside of the press or areas immediately around the press is also considered to be blanket or roller wash.

(34g) “Flexible packaging press” means a printing press that performs either flexible packaging flexographic printing or flexible packaging rotogravure printing.

(34r) “Flexible packaging printing” means ~~the performance of packaging flexographic printing or packaging rotogravure printing~~ printing on any package or part of a package the shape of which can be readily changed such as bags, pouches, liners, and wraps utilizing paper, plastic, aluminum foil, metalized or coated paper or film, or any combination of these materials using a flexible packaging press.

(83) “Screen printing unit” means a printing application station and its associated flashoff area, ovens or dryers, conveyors or other equipment operating as part of the screen printing process. ~~Screen reclamation is~~ Industrial cleaning operations, including screen reclamation, are considered to be part of the screen printing process.

SECTION 30. NR 422.02 (84) is repealed.

SECTION 31. NR 422.02 (90r) is created to read:

NR 422.02 (90r) “Sterilization indicating ink” means an ink that changes color to indicate that sterilization has occurred.

SECTION 32. NR 422.03 (1) is amended to read:

NR 422.03 (1) Any surface coating process line which meets the specific applicability requirements of ~~ss. NR 422.04 to 422.09 and 422.10 to 422.155~~ s. NR 422.07, 422.10, 422.11, 422.12, or 422.13 within a facility when actual emissions of VOCs from all surface coating process lines meeting the same applicability requirements within the facility are never greater than 6.8 kilograms (15 pounds) in any one day with all emission control equipment inoperative.

SECTION 33. NR 422.03 (2) is repealed.

SECTION 34. NR 422.03 (3) is amended to read:

NR 422.03 (3) Surface coating facilities as described under ~~ss. NR 422.05 to 422.08, 422.09, 422.10 to 422.13, 422.15 and 422.155~~ s. NR 422.07, 422.10, 422.11, 422.12, or 422.13 which are located outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha,

Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago and which have total emissions of VOCs from the facility, with all emission control equipment inoperative, of less than 100 tons per year.

SECTION 35. NR 422.03 (4), (4m), (6), (8), and (9) are repealed.

SECTION 36. NR 422.05 (1) is renumbered NR 422.05 (1) (a) (intro.) and amended to read:

NR 422.05 (1) APPLICABILITY. (a) (intro.) ~~This section applies, subject to the provisions of s. NR 425.03, Subsections (2) and (4) apply~~ to coating applicators and ovens of sheet, can or end coating lines involved in sheet basecoat (exterior and interior) and overvarnish; 2-piece can exterior (basecoat and overvarnish); 2- and 3-piece can interior body spray; 2-piece can exterior end (spray or roll coat); 3-piece can side-seam spray and end sealing compound operations. ~~This section does not apply to sources exempted under s. NR 422.03, at a facility that is either of the following:~~

SECTION 37. NR 422.05 (1) (a) 1. and 2. and (b), (1m), (3), and (4) are created to read:

NR 422.05 (1) (a) 1. Located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, or Winnebago and which has VOC emissions from all can coating lines at the facility, before consideration of controls, exceeding 6.8 kilograms (15 pounds) in any one day.

2. Located outside of the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago and which has total VOC emissions from the facility, before consideration of controls, equal to or exceeding 100 tpy.

(b) Except as provided in sub. (1m), subs. (3) and (4) apply to a facility with coating operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(1m) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions are applicable to various provisions of this section:

(a) Subsection (3) does not apply to the stripping of cured coatings or cured inks.

(b) Subsection (3) (a) 4. in Table 1 does not apply to facilities using less than a total of 1.5 gallons per day of VOC-containing solvents and solvent solutions to clean sterilization indicating ink application equipment.

(c) Subsection (3) (a) does not apply to cleaning conducted in conjunction with performance testing on coatings or inks, research and development programs, and quality assurance testing. This exemption is limited to the use of up to a total of 110 gallons of solvents and solvent solutions per year on a 12 consecutive month rolling basis.

(d) Subsection (3) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations per facility.

(e) Subsection (3) (a), (d), (e), and (f) do not apply to digital printing.

(f) Subsection (3) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in sub. (3) (b) 2.

(g) Subsection (3) (e) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

(3) INDUSTRIAL CLEANING OPERATIONS. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall meet the requirements of this subsection:

(a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to the applicable VOC content listed in Table 1 for the respective cleaning operation. For the purposes of this subsection, VOC content shall have the meaning given in s. NR423.02(11r).

Table 1
VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity	VOC Content of Solvent or Solvent Solution in kilograms per liter (pounds per gallon)
1. Product cleaning or surface preparation during manufacturing process	0.05 (0.42)
2. Repair cleaning or maintenance cleaning	0.05 (0.42)
3. Cleaning of coatings (excluding adhesives) application equipment	
a. General	0.05 (0.42)
b. Heptane-containing end sealant application equipment lines	0.70 (5.8)
4. Cleaning of ink application equipment	
a. General	0.05 (0.42)
b. Metal can identification ink application equipment	0.89 (7.4)

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage, disposal and transport.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers. VOC-containing cleaning materials shall be conveyed in closed containers or pipes.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the

industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06 (3) (am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06 (3) (a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure that is less than or equal to the applicable VOC composite partial vapor pressure listed in Table 1A for the respective cleaning operation.

Table 1A
VOC Composite Partial Vapor
Pressure for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity	VOC Composite Partial Vapor Pressure for Solvents and Solvent Solutions in mm of Hg at 20°C
1. Product cleaning or surface preparation during manufacturing process	8.0
2. Repair cleaning or maintenance cleaning	8.0
3. Cleaning of coatings (excluding adhesives) application equipment	
a. General	8.0
b. Heptane-containing end sealant application equipment lines	10.0
4. Cleaning of ink application equipment	8.0

(4) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any can coating line shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (1m) (d), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(am) For each operation that is exempt under sub. (1m) (c), the name, identification, and monthly quantity in gallons of VOC-containing solvent or solvent solutions used for industrial cleaning operations. In addition, monthly information demonstrating the exempt solvent or solvent

solution is being used exclusively for performance testing on coatings or inks, research and development programs, or quality assurance testing.

(b) For each operation that is exempt under sub. (1m) (b), the daily quantity in gallons of VOC-containing solvents or solvent solutions used to clean sterilization indicating ink application equipment.

(c) For each operation that is subject to sub. (3), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material as employed, or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to par. (3) (d), the results of any testing conducted as required under par. (3) (d).

SECTION 38. NR 422.06 (1) is renumbered NR 422.06 (1) (a) (intro.) and amended to read:

NR 422.06 (1) APPLICABILITY. (a) (intro.) ~~This section applies, subject to the provisions of s. NR 425.03, Subsections (2) and (4) apply~~ to the coating applicators, ovens and quench areas of coil coating lines involved in prime and topcoat or single coat operations. ~~This section does not apply to sources exempted under s. NR 422.03.~~ at a facility that is either of the following:

SECTION 39. NR 422.06 (1) (a) 1. and 2. and (b), (1m), (3) and (4) are created to read:

NR 422.06 (1) (a) 1. Located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha or Winnebago, and which has VOC emissions from all coil coating lines at the facility, before consideration of controls, exceeding 6.8 kilograms (15 pounds) in any one day.

2. Located outside of the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago, and which has total VOC emissions from the facility, before consideration of controls, equal to or exceeding 100 tpy.

(b) Except as provided in sub. (1m), subs. (3) and (4) apply to a facility with coating operations as described in par. (a) and which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(1m) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions

are applicable to various provisions of this section:

(a) Subsection (3) does not apply to the stripping of cured coatings or cured inks.

(b) Subsection (3) does not apply to industrial adhesives or adhesive primers.

(c) Subsection (3) (a) does not apply to cleaning conducted in conjunction with performance laboratory tests on coatings or inks, research and development programs, and laboratory tests in quality assurance laboratories.

(d) Subsection (3) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations per facility.

(e) Subsection (3) (a), (d), (e) and (f) do not apply to digital printing.

(f) Subsection (3) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in subd. (3) (b) 2.

(g) Subsection (3) (e) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

(3) INDUSTRIAL CLEANING OPERATIONS. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall meet the requirements of this subsection.

(a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to 0.05 kilograms of VOC per liter (0.42 pounds per gallon). For the purposes of this subsection, VOC content shall be defined as in s. NR423.02 (11r).

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage and disposal.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06 (3) (am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06 (3) (a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations

which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

(4) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any coil coating line shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (1m) (d), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(b) For each operation that is subject to sub. (3), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to par. (3) (d), the results of any testing conducted as required under par. (3) (d).

SECTION 39m. NR 422.075 (3) (b) is amended to read:

NR 422.075 (3) (b) Close mixing and storage vessels used for VOC-containing coatings and other materials except when ~~in direct use~~ depositing or removing these materials.

SECTION 40. NR 422.08 (1) is renumbered to NR 422.08 (1) (a) (intro.), and amended to read:

NR 422.08 (1) APPLICABILITY. (a) (intro.) ~~This section applies, subject to the provisions of s. NR 425.03~~ Subsections (2) and (4) apply to the coating applicators, including but not limited to blade, roll, rotogravure or dip coaters, and drying ovens of fabric and vinyl coating lines. This section does not apply to sources exempted under s. NR 422.03. at a facility that is either of the following:

SECTION 41. NR 422.08 (1) (a) 1. and 2. and (b), and (1m), (3) and (4) are created to read:

NR 422.08 (1) (a) 1. Located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha or Winnebago, and which has VOC emissions from all fabric and vinyl coating lines at the facility, before consideration of controls, exceeding 6.8 kilograms (15 pounds) in any one day.

2. Located outside of the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac,

Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Outagamie, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago, and which has total VOC emissions from the facility, before consideration of controls, equal to or exceeding 100 tpy.

(b) Except as provided in sub. (1m), subs. (3) and (4) apply to a facility with coating operations as described in par. (a) located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(1m) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions are applicable to various provisions of this section:

(a) Subsection (3) does not apply to the stripping of cured coatings or cured inks.

(b) Subsection (3) (a) does not apply to cleaning conducted in conjunction with performance laboratory testing on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories.

(c) Subsection (3) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations per facility.

(d) Subsection (3) (a), (d), (e) and (f) do not apply to digital printing.

(e) Subsection (3) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in subd. (3) (b) 2.

(f) Subsection (3) (e) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

(3) INDUSTRIAL CLEANING OPERATIONS. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall meet the requirements of this subsection.

(a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to 0.05 kilograms of VOC per liter (0.42 pounds per gallon). For the purposes of this subsection, VOC content shall be defined as in s. NR423.02 (11r).

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage and disposal.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06 (3) (am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06 (3) (a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

(4) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any fabric and vinyl coating line shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (1m) (c), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(b) For each operation that is subject to sub. (3), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to sub. (3) (d), the results of any testing conducted as required under sub. (3) (d).

SECTION 42. NR 422.083 (1) (a) and (b) are amended to read:

NR 422.083 (1) (a) Except as provided in sub. (4), ~~this section applies~~ subsections (3) and (4) apply to plastic parts coating at facilities which are located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha ~~county~~ and which have maximum theoretical emissions of VOCs from the facility, excluding any maximum theoretical emissions of VOCs specifically subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420 or 421, ss. NR 422.05 to 422.08 or 422.085 to 422.17, or s. NR 423.03, 423.035, 423.05, 424.04 or 424.05, of 25 tons per year or more.

(b) Except as provided in sub. (4), ~~this section applies~~ subsections (3) and (4) apply to plastic parts coating at facilities that are located in the county of Kewaunee, Manitowoc, or Sheboygan ~~county~~

and which have maximum theoretical emissions of VOCs from the facility, excluding any maximum theoretical emissions of VOCs specifically subject to s. NR 419.05, 419.06 or 419.08, ch. NR 420 or 421, ss. NR 422.05 to 422.08 or 422.085 to 422.17, or s. NR 423.03, 423.035, 423.05, 424.04 or 424.05, of 100 tons per year or more.

SECTION 43. NR 422.083 (1) (bm) is created to read:

NR 422.083 (1) (bm) Subsection (3m) applies to the owner or operator of a plastic parts coating line located at a facility in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all plastic parts coating operations and related cleaning activities at the facility, before consideration of controls, equal or exceed 3 tons on a 12 consecutive month rolling basis.

SECTION 43g. NR 422.083 (3) including the title for Table 1 is amended to read:

NR 422.083 (3) After December 31, 2002, no owner or operator of a plastic parts coating operation may cause, allow or permit the emission of any VOCs in excess of the limitations specified in Table ~~1~~ 1B. If more than one VOC content limitation in Table ~~1~~ 1B applies to a coating, the lowest VOC content limitation shall be satisfied.

Table 4 1B
VOC Content Limitations for Coating Used in
Plastic Parts Coating
[kilogram/liter (pounds/gallons) of coating,
excluding water, as applied]

SECTION 43r. NR 422.083 (3m) is created to read:

NR 422.083 (3m) **CLEANING MATERIAL WORK PRACTICES**. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this section shall do all of the following:

- (a) Store all VOC-containing cleaning materials and shop towels used for cleaning in closed containers.
- (b) Ensure that storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing material.
- (c) Convey VOC-containing cleaning materials in closed containers or pipes.
- (d) Minimize spills of VOC-containing cleaning materials.
- (e) Minimize emissions of VOC during cleaning of coating application, storage, mixing, and

conveying equipment by ensuring that cleaning is performed without atomizing any VOC-containing cleaning material and that the used material is captured and contained.

SECTION 44. NR 422.085 (1) is renumbered NR 422.085 (1) (intro.), and amended read:

NR 422.085 (1) APPLICABILITY. (intro.) Effective February 1, 1987, this section applies to coating applications at leather coating facilities. ~~This section does not apply to sources exempted under s. NR 422.03 (6), which are either of the following:~~

SECTION 45. NR 422.085 (1) (a) and (b) are created to read:

NR 422.085 (1) (a) Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha, and which have maximum theoretical emissions of VOC from the facility greater than or equal to 25 tons per year.

(b) Located in the county of Door, Kewaunee, Manitowoc, Sheboygan, or Walworth, and which have maximum theoretical emissions of VOC from the facility greater than or equal to 100 tons per year.

SECTION 46. NR 422.09 (1) is renumbered NR 422.09 (1) (a) and amended to read:

NR 422.09 (1) (a) This section applies, ~~subject to the provisions of s. NR 425.03 (6),~~ to the application areas, flashoff areas and ovens of automobile and light-duty truck manufacturing plants involved in prime, topcoat and final repair coating of metallic front end and main body parts at any facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from the prime, topcoat and final repair coating and related cleaning activities at the facility, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis. This section does not apply to the coating of wheels, trunk interiors, steering columns or nonmetallic parts; to sealers or nonpriming anti-rust coatings; or to sources exempted under s. NR 422.03.

SECTION 47. NR 422.09 (1) (b) to (d) and (6) are created to read:

NR 422.09 (1) (b) Subsections (2) to (5) apply to the coating operations described in par. (a) at any automobile and light-duty truck manufacturing facility located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kewaunee, Manitowoc, Outagamie, Rock, Walworth, and Winnebago if VOC emissions from all coating operations described in par. (a) at the facility, before consideration of controls, equal or exceed 6.8 kilograms (15 pounds) in any one day.

(c) Subsections (2) to (5) apply to coating operations as described in par. (a) at any automobile and light-duty truck manufacturing facility not subject to par. (a) or (b) if total VOC emissions from the

facility, before consideration of controls, equal or exceed 100 tpy.

(d) Subsections (2) to (5) do not apply to the coating of wheels, trunk interiors, steering columns, or nonmetallic parts; sealers; nonpriming anti-rust coatings; or processes, coatings, or inks described in s. NR 422.03 (5) and (7).

(6) WORK PRACTICES. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this section shall do all of the following:

(a) Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

(b) Develop and implement a work practice plan to minimize VOC emissions from cleaning and purging of equipment associated with all coating operations. The plan shall specify practices and procedures for the following operations, at a minimum:

1. Vehicle body wiping.
2. Coating line purging.
3. Flushing of coating systems.
4. Cleaning of spray booth grates.
5. Cleaning of spray booth walls.
6. Cleaning of spray booth equipment.
7. Cleaning of external spray booth areas.

SECTION 48. NR 422.095 (1) is renumbered NR 422.095 (1) (a) and amended to read:

NR 422.095 (1) (a) ~~This section applies~~ Subsections (3) to (5) apply to automobile refinishing operations performed in the following types of facilities in the counties of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha: auto body and repair shops; production paint shops; new and used motor vehicle dealer repair and paint shops; fleet operator repair and paint shops; and any facility which coats vehicles and is classified under standard industrial classification code 7532, as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05 (1), including dock repair of imported vehicles and dealer repair of vehicles damaged in transit.

SECTION 49. NR 422.095 (1) (b) is created to read:

NR 422.095 (1) (b) Subsections (7) and (8) apply to the owner or operator of a facility specified in par. (a) which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha if VOC emissions from all industrial cleaning operations associated with automobile refinishing operations at the facility, before consideration of controls, equal or exceed 3 tons

on a 12 consecutive month rolling basis.

SECTION 50. NR 422.095 (2) (a) is amended to read:

NR 422.095 (2) (a) Automobile refinishing operations at facilities which use less than 20 gallons per year of coatings are exempt from the equipment requirements in ~~subs. sub. (5) and (6)-(e)~~.

SECTION 51. NR 422.095 (2) (c) to (i) are created to read:

NR 422.095 (2) (c) Subsection (7) does not apply to the stripping of cured coatings or cured inks.

(d) Subsection (7) does not apply to industrial adhesives or adhesive primers.

(e) Subsection (7) (a) does not apply to cleaning conducted in conjunction with performance laboratory tests on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories.

(f) Subsection (7) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations per facility.

(g) Subsection (7) (a), (d), (e) and (f) do not apply to digital printing.

(h) Subsection (7) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in subd. (7) (b) 2.

(i) Subsection (7) (e) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

SECTION 52. NR 422.095 (6) is repealed.

SECTION 53. NR 422.095 (7) and (8) are created to read:

NR 422.095 (7) INDUSTRIAL CLEANING OPERATIONS. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall meet the requirements of this subsection.

(a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to 0.05 kilograms of VOC per liter (0.42 pounds per gallon). For the purposes of this subsection, VOC content shall be defined as in s. NR423.02 (11r).

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage and disposal.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers. Waste paint, spent solvent and sludge from spray gun cleaners or in-house distillation units shall be stored in closed containers until properly disposed. Proper disposal includes releasing wastes to a reclaiming or hazardous waste management facility licensed under ch. NR 670, or recycling with an in-house distillation unit.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06 (3) (am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06 (3) (a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

(8) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any automobile refinishing operation shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (2) (f), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(b) For each operation that is subject to sub. (7), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to par. (7) (d), the results of any testing conducted as required under par. (7) (d).

SECTION 53g. NR 422.105 (5) (b) is amended to read:

NR 422.105 (5) (b) Close mixing and storage vessels used for VOC-containing coatings and other materials except when ~~in direct use~~ depositing or removing these materials.

SECTION 53r. NR 422.115 (5) (b) is amended to read:

NR 422.115 (5) (b) Close mixing and storage vessels used for VOC-containing coatings and other materials except when ~~in direct use~~ depositing or removing these materials.

SECTION 54. NR 422.125 (1) is renumbered NR 422.125 (1) (a), and amended to read;

NR 422.125 (1) (a) This section applies to the wood furniture finishing operations of any wood furniture manufacturing facility which is located in the county of Kenosha, ~~Kewaunee, Manitowoc,~~ Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha, and whose maximum theoretical emissions of VOCs from all wood furniture finishing operations at the facility, including any related cleaning activities, is greater than or equal to 25 tons per year.

SECTION 55. NR 422.125 (1) (b) and (4m) are created to read:

NR 422.125 (1) (b) This section applies, except for sub. (4m), to any wood furniture manufacturing facility which is located in the county of Kewaunee or Manitowoc, and whose maximum theoretical emissions of VOCs from all wood furniture finishing operations at the facility is greater than or equal to 25 tons per year.

(4m) CLEANING MATERIAL WORK PRACTICES. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall do all of the following:

(a) Use cleaning materials containing no more than 8.0% by weight VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal or plastic filters.

(b) Store VOC-containing cleaning materials in closed containers.

(c) Collect all VOC-containing cleaning material used to clean spray guns and spray gun lines in a container and keep the container covered except when adding or removing material.

(d) Control emissions of VOC-containing cleaning material from washoff operations by doing both of the following:

1. Equipping the tank used for washoff operations with a cover and keeping the cover closed whenever the tank is not being used.

2. Minimizing dripping by tilting or rotating the part to drain as much cleaning material as possible into the tank.

(e) Use strippable spray booth materials containing no more than 0.8 pound of VOC per pound of solids, as applied.

SECTION 56. NR 422.127 (2) (intro.), (a), (b), and (c) are renumbered NR 422.127 (2) (am) (intro.), 1., 2., and 3.

SECTION 57. NR 422.127 (2) (bm) and (3m) are created to read:

NR 422.127 (2) (bm) The cleaning material work practice requirements in sub. (3m) do not apply to any of the following:

1. A facility which is located outside the counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha.

2. A facility which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha and which has VOC emissions from all industrial cleaning operations associated with use of adhesives or adhesive primers and related cleaning activities at the facility, before consideration of controls, less than 3 tons on a 12 consecutive month rolling basis.

(3m) CLEANING MATERIAL WORK PRACTICES. Beginning of the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall do all of the following:

(a) Store all VOC-containing cleaning materials and shop towels used for cleaning in closed containers.

(b) Ensure that storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing material.

(c) Convey VOC-containing cleaning materials in closed containers or pipes.

(d) Minimize spills of VOC-containing cleaning materials.

(e) Minimize emissions of VOC during cleaning of coating application, storage, mixing, and conveying equipment by ensuring that cleaning is performed without atomizing any VOC-containing cleaning material and that the used material is captured and contained.

SECTION 57m. NR 422.127 (4) (a) (intro.) and (b) are amended to read:

NR 422.127 (4) (a) (intro.) The owner or operator of any facility that is exempt under ~~sub. (2) (b)~~ sub. (2) (am) 2. shall collect and record the following information to support the exemption:

(b) The owner or operator of any facility that claims an exemption under ~~sub. (2) (e)~~ sub. (2) (am) 3. shall collect and record the volume of adhesives applied per day for each emissions unit for which an exemption is claimed.

SECTION 58. NR 422.132 (1) (intro.) is renumbered NR 422.132 (1) (am) (intro.), and amended to read:

NR 422.132 (1) APPLICABILITY. (am) (intro.) Except as provided in ~~pars. (a) to (e)~~ par. (bm),

this section applies to the wood entry or passage door coating lines of any wood entry or passage door coating facility. ~~This section does not apply to any~~ that is either of the following:

SECTION 59. NR 422.132 (1) (a) is repealed.

SECTION 60. NR 422.132 (1) (am) 1. and 2. and (bm)(intro.) are created to read:

NR 422.132 (1) (am) 1. Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha and which has maximum theoretical emissions of VOC from all wood entry or passage door coating at the facility greater than or equal to 25 tons per year.

2. Located in the county of Kewaunee, Manitowoc, or Sheboygan and which has maximum theoretical emissions of VOC from all wood entry or passage door coating at the facility greater than or equal to 100 tons per year.

(bm) (intro.) This section does not apply to either of the following:

SECTION 61. NR 422.132 (1) (b) and (c) are renumbered NR 422.132 (1) (bm) 1. and 2.

SECTION 62. NR 422.135 (1) (intro.) is renumbered NR 422.135 (1) (am) (intro.), and amended to read:

NR 422.135 (1) APPLICABILITY. (am) (intro.) Except as provided in ~~pars. (a) and par.~~ (b), this section applies to molded wood parts or products coating lines of any molded wood parts or products coating facility. ~~This section does not apply to~~ that is either of the following:

SECTION 63. NR 422.135 (1) (a) is repealed.

SECTION 64. NR 422.135 (1) (am) 1. and 2. are created to read:

NR 422.135 (1) (am) 1. Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha and which has maximum theoretical emissions of VOC from all wood entry or passage door coating at the facility greater than or equal to 25 tons per year.

2. Located in the county of Kewaunee, Manitowoc, or Sheboygan and which has maximum theoretical emissions of VOC from all wood entry or passage door coating at the facility greater than or equal to 100 tons per year.

SECTION 65. NR 422.135 (1) (b) is amended to read:

NR 422.135 (b) ~~The~~ This section does not apply to the use of topcoats which are applied as a stripe not more than 1/2 inch in width to croquet balls and whose use in aggregate never exceeds 500

gallons ~~per~~ in a year , as applied.

SECTION 66. NR 422.14 (1) is renumbered NR 422.14 (1) (a) (intro.), and amended to read:

NR 422.14 (1) APPLICABILITY. (a) (intro.) ~~This section applies, subject to the provisions of s. NR 425.03, Subsections (2), (3), and (5) apply to the printing lines of all packaging rotogravure, publication rotogravure, and flexographic printing facilities. This section does not apply to sources exempted under s. NR 422.03. that are either of the following:~~

SECTION 67. NR 422.14 (1) (a) 1. and 2. and (b), (1m), (4), and (5) are created to read:

NR 422.14 (1) (a) 1. Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha and which have maximum theoretical emissions of VOC from the facility greater than or equal to 25 tons per year.

2. Located outside of the counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha and which have maximum theoretical emissions of VOC from the facility greater than or equal to 100 ton per year.

(b) Except as provided in sub. (1m), subs. (4) and (5) apply to the owner or operator of any rotogravure printing press, except flexible packaging rotogravure, or any flexographic printing press, except flexible packaging flexographic, at a facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha, if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(1m) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions are applicable to various provisions of this section:

(a) Subsection (4) does not apply to the stripping of cured coatings or cured inks.

(b) Subsection (4) (a) does not apply to cleaning conducted in conjunction with performance laboratory testing on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories.

(c) Subsection (4) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations per facility.

(d) Subsection (4) (a), (d), (e) and (f) do not apply to digital printing.

(e) Subsection (4) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in subd. (4) (b) 2.

(f) Subsection (4) (e) does not apply to the cleaning of the nozzle tips of automated spray

equipment systems, except for robotic systems that are programmed to spray into a closed container.

(4) INDUSTRIAL CLEANING OPERATIONS. Beginning of the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall meet the requirements of this subsection:

(a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to the applicable VOC content listed in Table 4 for the respective cleaning operation. For the purposes of this subsection, VOC content shall be defined as in s. NR 423.02 (11r).

Table 4
VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity	VOC Content of Solvent or Solvent Solution in kilograms per liter (pounds per gallon)
1. Product cleaning or surface preparation during manufacturing process	0.05 (0.42)
2. Repair cleaning or maintenance cleaning	0.05 (0.42)
3. Cleaning of ink application equipment	
a. Flexographic except flexible packaging and except ultraviolet	0.05 (0.42)
b. Non-flexible packaging rotogravure except ultraviolet	0.05 (0.42)
c. Publication rotogravure except ultraviolet	0.10 (0.83)
d. Ultraviolet	0.65 (5.4)

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by

using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks. Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage and disposal.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06 (3) (am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06 (3) (a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the

owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

(5) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any packaging rotogravure, publication rotogravure or flexographic printing facility shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (1m) (c), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(b) For each operation that is subject to sub. (4), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to par. (4) (d), the results of any testing conducted as required under par. (4) (d).

SECTION 67d. NR 422.142 (5) (d) is amended to read:

NR 422.142 (5) (d) The vapor of each VOC in blanket or roller wash shall be determined by ASTM ~~D2879-97~~ D2879-10, incorporated by reference in s. N R 484.10 (39m).

SECTION 67h. NR 422.143 (3) (c) is renumbered NR 422.143 (3) (c) (intro) and amended to read:

NR 422.143 (3) (c) (intro.) *Blanket or roller wash.* Except as provided in sub. (2) (a), ~~on and after May 1, 2010,~~ no owner or operator of a lithographic printing press may use, or cause, allow or permit the use of a blanket or roller wash unless ~~the VOC content of the wash is less than or equal to 30% by weight or has a composite partial vapor pressure of less than or equal to 10 mm of Hg at 68°F. ;~~

SECTION 67p. NR 422.143 (3) (c) 1. and 2. are created to read:

NR 422.143 (3) (c) 1. On and after May 1, 2010, for non-ultraviolet ink application equipment, the VOC content of the wash is less than or equal to 30% by weight or has a composite partial vapor pressure of less than or equal to 10 mm of Hg at 68°F.

2. On and after the effective date of this subdivision ... [LRB insert date], for ultraviolet ink application equipment, the VOC content of the wash is less than 70% by weight or has a composite partial

vapor pressure of less than or equal to 10 mm of Hg at 68°F.

SECTION 67t. NR 422.143 (6) (d) is amended to read:

NR 422.143 (6) (d) For each batch of blanket or roller wash prepared, the percent by weight VOC content ~~as applied~~ or the VOC composite partial vapor pressure, as appropriate, in measurement units consistent with the applicable emission limitation and the date and time the batch was prepared.

SECTION 68. NR 422.144 is created to read:

NR 422.144 **Letterpress printing.** (1) APPLICABILITY. (a) This section applies to the owner or operator of a printing facility that operates a letterpress printing press in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if actual VOC emissions from all letterpress printing presses, including related letterpress cleaning activities at the facility, before consideration of controls, equal or exceed 3 tons on a 12 consecutive month rolling basis. When determining the VOC emissions for applicability under this paragraph, the VOC emissions from the cleaning of electronic components of a letterpress printing press, pre-press and post-press cleaning operations and the use of janitorial supplies used to clean around a letterpress printing press are excluded. The VOC emissions from solvents used in cold cleaners are excluded for applicability purposes.

Note: Janitorial supplies are cleaners, such as detergent-based products, used to clean the floor or for other general cleaning purposes, for example, areas not contaminated with spilled ink.

(b) To determine VOC emissions under par. (a), the VOC content of a letterpress ink shall be multiplied by 0.8 for a heatset ink, or multiplied by 0.05 for a non-heatset ink, to account for VOC retention on the substrate.

(2) RETENTION FACTORS AND CAPTURE EFFICIENCIES. For purposes of determining VOC emissions from letterpress printing operations, the following retention factors and capture efficiencies may be used:

(a) A 20% VOC retention factor for heatset petroleum oil inks printed on absorptive substrates, meaning 80% of the VOC in the ink is emitted during the printing process and is available for capture and control by an add-on pollution control device.

(b) A 95% VOC retention factor for sheet-fed and non-heatset web petroleum oil inks printed on absorptive substrates, meaning 5% of the VOC in the ink is emitted during the printing process.

(c) A 50% VOC retention factor for cleaning solution in shop towels where the composite partial vapor pressure of the VOC in the cleaning solution is less than 10 mm of Hg at 20°C (68°F) and the cleaning solution and contaminated shop towels are kept in closed containers, meaning 50% of the VOC

used on the shop towels is emitted during the cleaning process.

(d) A 100% VOC capture efficiency for inks. All the VOC in the ink that is not retained is assumed to be volatilized in the press dryer. Capture efficiency testing for heatset dryers is not required if it is demonstrated that pressure in the dryer is negative relative to the surrounding press room and the airflow is into the dryer.

(e) A 40% VOC capture efficiency for automatic blanket or roller wash where the VOC composite partial vapor pressure of the blanket or roller wash is less than 10 mm of Hg at 20°C (68°F).

(3) EXEMPTIONS. The following exemptions apply to letterpress printing operations in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha counties:

(a) Up to 110 gallons of blanket or roller wash, on a 12-consecutive month rolling basis, which do not meet the low VOC composite partial vapor pressure or low VOC content requirements as stated in this section, are exempt from the requirements of this section.

(b) The printing of books on a heatset letterpress press is exempt from the requirements of sub. (4)(a).

(c) Heatset letterpress presses with a maximum web width of up to 22 inches are exempt from the requirements of sub. (4)(a).

(4) EMISSION LIMITATIONS. (a) *Dryer exhaust*. 1. Beginning on the first day of the 13th month after the effective date of this section...[LRB insert date], no owner or operator of a heatset web letterpress printing press may operate, or cause, allow or permit the operation of a letterpress press that has maximum theoretical emissions of VOCs, from the dryer, equal to or greater than 25 tons per year from heatset inks, unless the owner or operator installs and operates an emission control device and meets the applicable emission limitation as follows:

a. If the emission control device was first installed prior to the effective date of this section...[LRB insert date], the owner or operator shall reduce VOC emissions from the letterpress press dryer exhaust by 90% by weight as carbon, minus methane and ethane, or maintain a maximum dryer exhaust outlet VOC concentration of 120 ppmv, as carbon, minus methane and ethane.

b. If the emission control device was first installed after the effective date of this section...[LRB insert date], the owner or operator shall reduce VOC emissions from the letterpress press dryer exhaust by 95% by weight as carbon, minus methane and ethane, or maintain a maximum dryer exhaust outlet VOC concentration of 120 ppmv, as carbon, minus methane and ethane.

2. The first installation date for a control device for purposes of subd. 1. is the date the device was first ever installed. The first installation date does not change if the device is later moved to a new location.

3. If a combined dryer and control device is a part of the press design, a 100% capture at the

control inlet may be assumed for purposes of meeting the emission reduction limits in subd. 1.

(b) *Blanket or roller wash.* Except as provided in sub. (3)(a), on and after May 1, 2012, no owner or operator of a letterpress printing press may use, or cause, allow or permit the use of a blanket or roller wash with a VOC composite vapor pressure of greater than or equal to 10 mm of Hg at 68°F or greater than or equal to 70% by weight.

(5) **WORK PRACTICES.** (a) Beginning on the effective date of this section...[LRB insert date], the owner or operator of a letterpress press subject to this subsection shall store all solvents, solvent solutions and any shop towels or other applicator moistened with solvents or solvent solutions that are used in cleaning operations related to letterpress printing in covered non-absorbent, non-leaking containers, except when filling or emptying the container.

(6) **RECORDKEEPING REQUIREMENTS.** In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any letterpress printing press shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For a heatset web letterpress printing press using a control device, for each day of operation:

1. Control device monitoring data in accordance with s. NR 439.055.
2. A log of the operating time for the control device, control device monitoring equipment, and the associated printing line or operation.
3. A maintenance log for the control device and control device monitoring equipment detailing all routine and non-routine maintenance performed and including the dates and duration of any outages.

(b) For each blanket or roller wash batch, monthly records of the percent by weight VOC content or the composite partial vapor pressure, as applied, and the date and time the batch was prepared.

(c) For each month of operation, the volume of all blanket or roller wash used which does not meet either of the emission limitations in sub. (4)(b).

(7) **COMPLIANCE TESTING.** (a) The owner or operator of a heatset web letterpress printing press shall demonstrate compliance with the appropriate destruction efficiency or emission rate in sub. (4)(a) by performing compliance emission tests on each control device. The initial emission tests shall be performed by the compliance deadline in sub. (8)(a)1. or (b)1. or 2. Each emission test shall follow the methods and procedures listed in s. NR 439.07. Method 25 or 25A in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(19) and (20), shall be used to determine the VOC concentration at the sampling points, including the exhaust stream entering and existing the control device. When determining the VOC concentration, the probe shall be heated during testing to at least the exhaust gas stream temperature. In cases where the anticipated outlet VOC concentration of the control

device is less than 50 ppmv as carbon, Method 25A shall be used.

(b) The owner or operator of a heatset web letterpress printing press shall perform the compliance emission tests required under par. (a) according to one of the following applicable test schedules:

1. Any facility with allowable VOC emissions from letterpress printing presses of 100 tons or more per year shall perform an emission test which demonstrates compliance with sub. (4)(a) every 24 months. Each biennial test shall be performed within 90 days of the anniversary date of the initial emission test.

2. Any facility with allowable VOC emissions from letterpress printing presses of less than 100 tons per year shall perform an emission test which demonstrates compliance with sub. (4)(a) every 48 months. Each test shall be performed within 90 days of the anniversary date of the initial emission test.

(c) The VOC content of heatset web, sheet-fed and cold set web letterpress inks and blanket or roller wash shall be determined by Method 24 of 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04(13).

(8) COMPLIANCE SCHEDULE AND CERTIFICATION REQUIREMENTS. (a) *Existing sources*. 1. The owner or operator of a letterpress printing press shall comply with the applicable emission limitations for the dryer exhaust in sub. (4) (a) by 12 months after the effective of this section...[LRB insert date].

2. The owner or operator of a heatset web letterpress printing press shall submit to the department, no later than July 1, 2012, written certification that the press is in compliance with the applicable requirements of subs. (4) and (5) and shall provide a demonstration of compliance in accordance with subs. (6) and (7). A compliance emission test performed in accordance with s. NR 439.07 no more than 2 years prior to the compliance deadline, which demonstrates compliance with sub. (4)(a), is acceptable as a demonstration of compliance in accordance with sub. (7).

(b) *New sources* 1. The owner or operator of a heatset web letterpress printing press which is installed after May 1, 2012 shall perform a compliance emission test within 180 days after installation of the press and shall submit to the department no later than 60 days after the test written certification that the press is in compliance with the applicable requirements of subs. (4) and (5) and a demonstration of compliance in accordance with subs. (6) and (7).

2. The owner or operator of any letterpress printing press, other than a heatset web press, which is installed after May 1, 2012 shall submit to the department, no later than 180 days after installation of the press, written certification that the press is in compliance with the applicable requirements of subs. (4) and (5) and a demonstration of compliance in accordance with subs. (6) and (7).

SECTION 69. NR 422.145 (1) is renumbered NR 422.145 (1) (a) (intro.), and amended to read:

NR 422.145 (1) APPLICABILITY. (a) (intro.) ~~This section applies to all screen printing units at screen printing facilities which are not exempt facilities under s. NR 422.03 (4m).~~ Subsections (2), (3) (a), and (4) apply to all screen printing units at screen printing facilities that are either of the following:

SECTION 70. NR 422.145 (1) (a) 1. and 2. and (b), and (1m) are created to read:

NR 422.145 (1) (a) 1. Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington, or Waukesha and which have maximum theoretical emissions of VOCs from all screen printing units at the facility equal to or greater than 25 tons per year.

2. Located in the county of Kewaunee, Manitowoc, or Sheboygan and which have maximum theoretical emissions of VOCs from all screen printing units at the facility equal to or greater than 100 tons per year.

(b) Except as provided in sub. (1m), subs. (2m), (3) (b), and (4) apply to the owner or operator of a screen printing facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all industrial cleaning operations, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month basis.

(1m) EXEMPTIONS. If any exemption in this subsection is based on an exemption threshold and that threshold is exceeded, the exemption will no longer apply to the facility. The following exemptions are applicable to various provisions of this section:

(a) Subsection (2m) does not apply to the stripping of cured coatings or cured inks.

(b) Subsection (2m) (a) does not apply to cleaning conducted in conjunction with performance laboratory testing on coatings or inks; research and development programs; and laboratory tests in quality assurance laboratories.

(c) Subsection (2m) (a) and (e) do not apply to cleaning with aerosol products if 160 fluid ounces or less of VOC-containing aerosol products are used per day for industrial cleaning operations, per facility.

(d) Subsection (2m) (a), (d), (e), and (f) do not apply to digital printing.

(e) Subsection (2m) (e) does not apply to cleaning with solvents or solvent solutions in spray bottles or containers described in sub. (2m) (b) 2.

(f) Subsection (2m) (e) does not apply to the cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that are programmed to spray into a closed container.

SECTION 70g. NR 422.145 (2) (d) is repealed.

SECTION 70r. NR 422.145 (2m) is created to read:

NR 422.145 (2m) INDUSTRIAL CLEANING OPERATIONS. (a) *Solvent and solvent solution requirements.* Except as provided under par. (d), no owner or operator of a facility may cause, allow or permit the use of a solvent or solvent solution for industrial cleaning operations unless the VOC content of the solvent or solvent solution is less than or equal to the applicable VOC content listed in Table 5 for the respective cleaning operation. For the purposes of this subsection, VOC content shall be defined as in s. NR 423.02(11r).

Table 5
VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity	VOC Content of Solvent or Solvent Solution in kilograms per liter (pounds per gallon)
1. Product cleaning or surface preparation during manufacturing process	0.05 (0.42)
2. Repair cleaning or maintenance cleaning	0.50 (4.2)
3. Cleaning of ink application equipment	0.50 (4.2)

(b) *Cleaning devices and methods requirements.* Except as provided under par. (d), the owner or operator of a facility shall comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

1. Physically rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

2. Closed containers or hand held spray bottles from which solvents or solvent solutions are applied without a propellant-induced force.

3. Cleaning equipment which has a solvent or solvent solution container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during non-operation with the exception of maintenance and repair to the cleaning equipment itself.

4. A remote reservoir cleaner operated in compliance with all of the following requirements:

a. Solvent vapors are prevented from escaping from the solvent or solvent solution container by using devices such as a cover or a valve when the remote reservoir is not being used, cleaned or repaired.

b. Flow is directed in a manner that prevents solvent or solvent solution from splashing outside of the remote reservoir cleaner.

c. The cleaner is not used for cleaning porous or absorbent materials, such as cloth, leather, wood or rope.

d. Only solvent or solvent solution containers free of all liquid leaks are used. Auxiliary equipment, such as pumps, pipelines or flanges, may not have any liquid leaks, visible tears or cracks.

Any liquid leak, visible tear or crack detected shall be repaired within one calendar day, or the leaking section of the remote reservoir cleaner shall be drained of all solvents or solvent solutions and shut down until it is replaced or repaired.

5. A non-atomized flow method where the used solvents or solvent solutions are collected in a container or a collection system which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve.

6. A flushing method where the used solvents or solvent solutions are discharged into a container which is closed, except for the solvent or solvent solution collection openings that may be open when filling or emptying, or the opening caused by use of a pressure relief valve. The discharged solvents or solvent solutions shall be collected into containers without atomizing into the open air.

(c) *Storage and disposal.* The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers.

(d) *Control equipment.* In lieu of complying with the requirements in pars. (a) and (b), the owner or operator of a facility may use a VOC emission control system to control VOC emissions from the industrial cleaning operations at the facility provided one of the following requirements is met:

1. The emission control system has a minimum overall emission reduction efficiency of 85% for VOC emissions, as determined in accordance with s. NR 439.06(3)(am).

2. The emission control system has a minimum VOC capture efficiency of 90% and an output of VOC emissions of less than 50 ppm calculated as carbon, not including methane and ethane, with no dilution, as determined in accordance with s. NR 439.06(3)(a).

(e) *General prohibitions.* The owner or operator of a facility may not atomize any solvent or solvent solution unless the resulting VOC emissions are controlled by an air pollution control system that meets one of the requirements of par. (d).

(f) *Alternative compliance option.* In lieu of complying with the requirements in par. (a), the owner or operator of a facility may use solvents or solvent solutions for industrial cleaning operations which have a VOC composite partial vapor pressure of less than or equal to 8 mm of Hg at 20°C.

SECTION 71. NR 422 145 (4) is repealed and recreated to read:

NR 422.145 (4) RECORDKEEPING. In addition to the applicable recordkeeping requirements in s. NR 439.04, the owner or operator of any screen printing facility shall collect and record the applicable information specified in this subsection. The information shall be maintained at the facility for a

minimum of 5 years and shall be made available to a department representative at any time during normal working hours. The information required is:

(a) For each operation that is exempt under sub. (1m) (c), the daily quantity in fluid ounces of VOC-containing aerosol product used for industrial cleaning operations.

(b) For each operation that is subject to sub. (2m), the following information as appropriate:

1. The name and identification of each cleaning material and the associated solvent cleaning activity.

2. The VOC content of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations.

3. For any operation subject to sub. (2m) (d), the results of any testing conducted as required under sub. (2m) (d).

SECTION 72. NR 422.15 (1) (intro.) is renumbered NR 422.15 (1) (am) (intro.), and amended to read:

NR 422.15 (1) APPLICABILITY. (am) (intro.) ~~This section applies, subject to the provisions of s. NR 425.03, Except as provided in par. (cm), subs. (2) to (8) apply~~ to all coating line application areas, conveyors, flashoff areas, drying areas, forced air driers and ovens of any industry categorized under the 2-digit major groups of 33 to 39 as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05 (1), which are involved in the surface coating of miscellaneous metal parts and products with the following exceptions in the following counties and at the respective emission thresholds:

SECTION 73. NR 422.15 (1) (am) 1. to 3. and (bm) and (cm) (intro.) are created to read:

NR 422.15 (1) (am) 1. Any facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha and which has VOC emissions, before consideration of controls, from all miscellaneous metal parts and products coating lines are greater than 6.8 kilograms (15 pounds) in any one day.

2. Any facility located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Outagamie, Rock, or Winnebago and which has VOC emissions, before consideration of controls, from all miscellaneous metal parts and products coating lines, is greater than or equal to 10 tons per year.

3. Any facility located outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago and which has total emissions of VOC from the

facility, before consideration of controls, of greater than or equal to 100 tons per year.

(bm) Subsection (9) applies to any facility with coating operations as described in par. (am) which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all coating operations, including related cleaning activities, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(cm) (intro.) The following activities, materials, and coating lines are exempt from this section:

SECTION 74. NR 422.15 (1) (a), (b), (c), (d), (e), (g), and (h) are renumbered NR 422.15 (1) (cm) 1. to 7.

SECTION 74g. NR 422.15 (1) (i) is repealed.

SECTION 74r. NR 422.15 (1) (k) is renumbered NR 422.15 (1) (cm) 8.

SECTION 75. NR 422.15 (9) is created to read:

NR 422.15 (9) WORK PRACTICES. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall do all of the following:

- (a) Store all VOC-containing cleaning materials and shop towels used for cleaning in closed containers.
- (b) Ensure that storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing material.
- (c) Convey VOC-containing cleaning materials in closed containers or pipes.
- (d) Minimize spills of VOC-containing cleaning materials.
- (e) Minimize emissions of VOC during cleaning of coating application, storage, mixing, and conveying equipment by ensuring that cleaning is performed without atomizing any VOC-containing cleaning material and that the used material is captured and contained.

SECTION 76. NR 422.155 (1) is renumbered NR 422.15 (1) (a) (intro.), and amended to read:

NR 422.155 (1) APPLICABILITY (a) (intro.) ~~This section applies~~ Subsections (2) to (4) apply to coating operations of fire truck and emergency response vehicle manufacturing, where meeting applicable emission limits in s. NR 422.15 is not technologically or economically feasible and where total facility production of fire trucks and emergency response vehicles is less than 35 vehicles per day, in the following counties and at the respective emission thresholds:

SECTION 77. NR 422.155 (1) (a) 1. to 3. and (b), and (5) are created to read:

NR 422.155 (1) (a) 1. Any facility located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha and which has VOC emissions, before consideration of controls, from all coating operations of fire truck and emergency response vehicle manufacturing are greater than 6.8 kilograms (15 pounds) in any one day.

2. Any facility located in the county of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Outagamie, Rock, or Winnebago and which has VOC emissions, before consideration of controls, from all coating operations of fire truck and emergency response vehicle manufacturing, is greater than or equal to 10 tons per year.

3. Any facility located outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago and which have total emissions of VOC from the facility, before consideration of controls, of greater than or equal to 100 tons per year.

(b) Subsection (5) applies to any facility with coating operations as described in par. (a) which is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, or Waukesha if VOC emissions from all fire truck and emergency response vehicle manufacturing coating operations, including related cleaning activities, before consideration of controls, equal or exceed 3 tons per year on a 12 consecutive month rolling basis.

(5) WORK PRACTICES. Beginning on the first day of the 13th month after the effective date of this subsection ...[LRB insert date], the owner or operator of a facility subject to this subsection shall do all of the following:

(a) Store all VOC-containing cleaning materials and shop towels used for cleaning in closed containers.

(b) Ensure that storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing material.

(c) Convey VOC-containing cleaning materials in closed containers or pipes.

(d) Minimize spills of VOC-containing cleaning materials.

(e) Minimize emissions of VOC during cleaning of coating application, storage, mixing, and conveying equipment by ensuring that cleaning is performed without atomizing any VOC-containing cleaning material and that the used material is captured and contained.

SECTION 78. NR 423.02 (1), (8), (8L), (8t), (9c), (9n), and (9r) are renumbered NR 400.02 (26m), (85m), (93m), (107m), (133e), (133m), and (133s).

SECTION 79e. NR 423.035 (2) (a) 1. is amended to read:

NR 423.035 (2) (a) 1. Operations regulated under s. NR ~~421.06(2)(e), 422.095(6)~~ 421.05 (2m), 421.06 (2m), 422.05 (3), 422.06 (3), 422.075 (3), 422.08 (3), 422.083 (3m), 422.09 (6), 422.095 (7), 422.105 (5), 422.115 (5), 422.125 (4m), 422.127 (3m), 422.131 (3), 422.14 (4), 422.141 (3), 422.142 (2) (c), 422.145(2)(d), 422.15(8), 422.155(3) ~~422.143 (3) (c) and (4), 422.144 (4) (b) and (5), 422.145 (2m), 422.15 (9), 422.155 (5)~~, or 423.03.

SECTION 79m. NR 423.035 (4) (intro.) and (a) are amended to read:

NR 423.035 (4) (intro.) CLEANING DEVICES AND METHODS REQUIREMENTS. Except as provided under sub. (6), on or after January 1, 2002, the owner or operator of a facility shall ~~employ one or more of the following~~ comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

(a) Physically ~~rubbing~~ rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

SECTION 79s. NR 423.035 (2) (h) is created to read:

NR 423.035 (2) (h) Subsections (3), (6), (7), and (8) do not apply to digital printing.

SECTION 80. NR 423.037 (1), and (2) (a) 1. and 4. b., d., g., and i. are amended to read:

NR 423.037 (1) ~~On and after May 1, 2010~~ Beginning on the first day of the 13th month after the effective date of this subsection ... [LRB insert date], except as provided in sub. (9) (a), this section applies to industrial cleaning operations at facilities that are located in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county and having actual VOC emissions from industrial cleaning operations equal to or exceeding 3 tons on a 12 consecutive month rolling basis from the facility with all control equipment inoperative.

(2) (a) 1. Operations regulated under s. NR ~~421.06(2)(e), 422.075(3), 422.095(6), 422.105(4), 422.115(4), 422.131(3), 422.141(3), 422.142(2)(e), 422.143(4), 422.145(2)(d), 422.15(8), 422.155(3)~~ NR 422.127 (3m) or 423.03.

4. b. Wood furniture ~~and products~~ coating, ~~excluding laminated wood products~~.

d. ~~Flexible package~~ Flexographic printing.

g. ~~Surface coating of large appliances~~ Large appliance coating.

i. Paper, film, and foil coating.

SECTION 83. NR 423.037 (2) (a) 4. j. is repealed.

SECTION 84. NR 423.037 (2) (a) 4. k. is amended to read:

NR 423.037 (2) (a) 4. k. Fabric and vinyl coating.

SECTION 85. NR 423.037 (2) (a) 4. m., o., t., and v. are repealed.

SECTION 85m. NR 423.037 (2) (a) 4. w. is amended to read:

NR 423.037 (2) (a) 4. w. ~~Metal container and closure~~ Can coating.

SECTION 86. NR 423.037 (2) (a) 4. y., z., zb., zc., and zd. are repealed.

SECTION 89. NR 423.037 (2) (a) 4. ze., zf., zg., zh., and zi. are created to read:

NR 423.037 (2) (a) 4. ze. Screen printing.

zf. Letterpress printing.

zg. Rotogravure printing.

zh. Automobile refinishing.

zi. Synthetic resins manufacturing.

SECTION 90. NR 423.037 (2) (a) 5. is repealed.

SECTION 91. NR 423.037 (2) (b) 2. and 4. are repealed.

SECTION 92. NR 423.037 (2) (cg) and (cr) are created to read:

NR 423.037 (2) (cg) Subsections (3), (6), (7), and (8) do not apply to digital printing.

(cr) Subsections (3), (4), (6), (8), and (9) (c) do not apply to use of industrial adhesives and adhesive primers.

SECTION 93. NR 423.037 (2) (g) is repealed.

SECTION 94. Table 1 in NR 423.037 (3) is amended to read:

NR 423.037 (3) Table 1

Table 1

VOC Content Limits for Solvents and Solvent Solutions Used in Industrial Cleaning Operations

Cleaning Activity

**VOC Content of Solvent
or Solvent Solution in**

	kilograms per liter (pounds per gallon)
(a) Product cleaning during manufacturing process or surface preparation for coating, adhesive or ink application	
1. General	0.05 (0.42)
2. Electrical apparatus components and electronic components	
a. General	0.10 (0.83)
b. Cables	0.40 (3.3)
c. Touch-up performed on printed circuit boards where surface mounted devices have already been attached	0.80 (6.7)
3. Laminated wood products—removal of contact adhesives	
a. General	0.46 (3.8)
b. Polyvinylchloride surfaces	0.70 (5.8)
4. Medical devices and pharmaceuticals	0.80 (6.7)
5. Screen printing—removal of adhesives from plastic substrates	0.77 (6.4)
(b) Repair and maintenance cleaning	
1. General	0.05 (0.42)
2. Electrical apparatus components and electronic components	
a. General	0.10 (0.83)
b. Cables	0.40 (3.3)
3. Medical devices and pharmaceuticals	
a. Tools, equipment and machinery	0.80 (6.7)
b. General work surfaces	0.60 (5.0)
4. Screen printing—removal of oils and adhesives from cutting dies	0.55 (4.6)
5. Ink and adhesive manufacturing	<u>0.20 (1.7)</u>
(c) Cleaning of coatings (<u>excluding adhesives</u>) application equipment or adhesives application equipment	<u>0.05 (0.42)</u>
1. General	0.05 (0.42)
2. Architectural coatings	0.95 (7.9)
3. Ultraviolet coatings	0.80 (6.7)
(d) Cleaning of ink application equipment	
1. General	0.05 (0.42)
2. Flexographic printing—excluding packaging	
a. General	0.05 (0.42)
b. Plastics, coated papers and metal foils	0.89 (7.4)
3. Rotogravure printing—publication	0.10 (0.83)
4. Letterpress printing	
a. On-press components	*
b. Removable press components	0.05 (0.42)
5. Screen printing	0.77 (6.4)
6. Ultraviolet ink application equipment (except screen printing)	0.65 (5.4)
(e) Cleaning of polyester resin application equipment	0.05 (0.42)

* A maximum VOC content of 30% by weight.

[Drafter's note: The asterisk shown in the right-hand column of the table above for par. (d) 4. a. is struck out, although it may appear to be underscored]

SECTION 95. NR 423.037 (4) (intro.) and (a), and (5), are amended to read:

NR 423.037 (4) (intro.) CLEANING DEVICES AND METHODS REQUIREMENTS. Except as provided under sub. (6), by November 1, 2009, the owner or operator of a facility shall ~~employ one or more of the following~~ comply with the following requirements associated with the identified cleaning devices or methods when using solvents or solvent solutions:

(a) Physically ~~rubbing~~ rub a surface with a porous applicator such as a rag, paper, sponge or a cotton swab moistened with solvent or solvent solution.

(5) ~~STORAGE AND~~ DISPOSAL, AND TRANSPORT. The owner or operator of a facility shall store all solvents or solvent solutions used in industrial cleaning operations in non-absorbent, non-leaking containers which shall be kept covered except when filling or emptying. Cloth and paper moistened with solvents or solvent solutions shall be stored in covered, non-absorbent, non-leaking containers. VOC-containing cleaning materials shall be conveyed in closed containers or pipes.

SECTION 95g. NR 423.037 (9) (a) is renumbered NR 423.037 (9) (a) (intro.) and amended to read:

NR 423.037 (9) (a) (intro.) To determine applicability under sub. (1), each owner or operator of an industrial cleaning operation at a facility located in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county shall maintain records of ~~actual emissions of VOCs from industrial cleaning operations from the facility with all control equipment inoperative.~~ all of the following for solvent and solvent solutions used for cleaning activities:

SECTION 95r. NR 423.037 (9) (a) 1., 2., 3., and 4. are created to read:

- NR 423.037 (9) (a) 1. The VOC content of each solvent or solvent solution used.**
- 2. The volume of each solvent or solvent solution used per month.**
- 3. The total emissions, before consideration of controls, for each month from all solvents or solvent solutions.**
- 4. The total emissions, before consideration of controls, for each consecutive 12 month period from all solvents or solvent solutions.**

SECTION 96. NR 423.037 (9) (b) 2. and 4. are repealed.

SECTION 96m. NR 423.037 (9) (c) (intro.) is amended to read:

NR 423.037 (9) (c) (intro.) Each owner or operator of a facility that is subject to this section shall collect and record the information specified in ~~this paragraph as~~ subds. 1g. and 1r., and also in subd. 2. as appropriate:

SECTION 97. NR 423.037 (9) (c) 1g. and 1r. are created to read:

NR 423.037 (9) (c) 1g. The name and identification of each cleaning material and the associated solvent cleaning activity.

1r. The VOC content, based upon Method 24 in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (13), of each cleaning material, in pounds per gallon of material, as employed or the VOC composite partial vapor pressure of the solvents or solvent solutions used in industrial cleaning operations, depending on whether the cleaning material is subject to sub. (3) or (8).

SECTION 97e. NR 423.037 (9) (c) 1. is repealed.

SECTION 97m. NR 423.037 (9) (c) 2. is amended to read:

NR 423.037 (9) (c) 2. Any owner or operator subject to sub. (6) shall keep a record of the results of any testing conducted as required under sub. (6) and shall meet the requirements in s. NR 439.04 (6).

SECTION 97s. NR 423.037 (9) (c) 3. is repealed.

SECTION 98. NR 439.04 (4) (intro.) and (d) are amended to read:

NR 439.04 (4) (intro.) Any owner or operator of a coating or printing line or operation that is exempt from the emission limitations of ~~ss. NR 422.05 to 422.14, 422.15 or 422.155~~ s. NR 422.07, 422.10, 422.11, 422.12, or 422.13, under s. NR 422.03, or ~~is exempt from the emission limitations of s. NR 422.145 under s. NR 422.03 (4m) (b) or (c)~~ of a facility whose VOC emissions are below an applicability threshold of any section of ch. NR 422, shall collect and record the following information as appropriate to support the exemption or the applicability determination:

(d) The total VOC emissions from all coating or printing lines ~~or~~ , including cleaning operations if necessary, meeting the same applicability statement at the facility before the application of capture systems and control devices in units of pounds per day, or per month and per 12 consecutive month period, consistent with and depending on the units in the applicability statement.

SECTION 98m. NR 439.04 (4) (f) and (g), and (6) are created to read:

NR 439.04 (4) (f) For each heatset web lithographic or letterpress printing press, the maximum theoretical emissions of VOC from the dryer for heatset inks in units of tons per month and tons per year.

(g) For solvent and solvent solutions used for cleaning activities, all of the following:

1. The VOC content of each solvent or solvent solution used.

2. The volume of each solvent or solvent solution used per month.

3. The total emissions, before consideration of controls, for each month from all solvents or solvent solutions.

4. The total emissions, before consideration of controls, for each consecutive 12 month period from all solvents or solvent solutions.

(6) (a) If an owner or operator of a solvent cleaning operation employs a thermal incinerator or catalytic incinerator to achieve and maintain compliance as allowed in any section in ch. NR 422 or in s. NR 423.037, the owner or operator shall comply with the following requirements:

1. Continuous temperature monitoring and continuous temperature recording equipment shall be installed and operated to accurately measure the operating temperature for the control device.

2. The following information shall be collected and recorded each day of operation of the solvent cleaning operation and the control device, and the information shall be maintained at the facility for a period of 5 years:

a. A log or record of the operating time for the control device, monitoring equipment, and the associated solvent cleaning operation.

b. For thermal incinerators, all 3-hour periods of operation during which the average combustion temperature was more than 50 degrees Fahrenheit below the average combustion temperature during the most recent emission test that demonstrated that the solvent cleaning operation was in compliance.

c. For catalytic incinerators, all 3-hour periods of operation during which the average temperature of the dryer exhaust gases immediately before the catalyst bed was more than 50 degrees Fahrenheit below the average temperature of the dryer exhaust gases during the most recent emission test that demonstrated that the solvent cleaning operation was in compliance, and all 3-hour periods during which the average temperature difference across the catalyst bed was less than 80% of the average temperature difference during the most recent emission test that demonstrated that the solvent cleaning operation was in compliance.

(b) If an owner or operator of a solvent cleaning operation employs a carbon adsorption system to achieve and maintain compliance as allowed in any section in ch. NR 422 or in s. NR 423.037, the owner or operator shall comply with the following requirements:

1. One of the following types of monitoring and recording equipment shall be installed and operated for the carbon adsorption system:

a. A continuous emission monitoring and recording system that is capable of accurately measuring and recording the concentration of organic compounds in the exhaust gases from the carbon adsorption system.

b. Monitoring and recording equipment that are capable of accurately measuring and recording the total mass steam flow rate for each regeneration cycle of each carbon bed.

c. Monitoring and recording equipment that are capable of accurately measuring and recording the temperature of each carbon bed after each regeneration and cooling cycle.

2. The following information shall be collected and recorded each day of operation of the solvent cleaning operation and the carbon adsorption system, and the information shall be maintained at the facility for a period of 5 years:

a. A log or record of the operating time for the carbon adsorption system, monitoring equipment, and the associated solvent cleaning operation.

b. For a carbon adsorption system that employs a continuous emission monitoring and recording system to measure and record the concentration of organic compounds in the exhaust gases, all 3-hour periods of operation during which the average concentration level or reading in the exhaust gases is more than 20% greater than the exhaust gas organic compound concentration level or reading measured by the most recent performance test that demonstrated that the solvent cleaning operation was in compliance.

c. For a carbon adsorption system that employs monitoring and recording equipment to measure and record the total mass steam flow rate for each regeneration cycle of each carbon bed, all carbon bed regeneration cycles during which the total mass steam flow rate was more than 10% below the total mass steam flow rate during the most recent performance test that demonstrated that the solvent cleaning operation was in compliance.

d. For a carbon adsorption system that employs monitoring and recording equipment to measure and record the temperature of each carbon bed after each regeneration and cooling cycle, all carbon bed regeneration cycles during which the temperature of the carbon bed after the regeneration and cooling cycle was more than 10% greater than the carbon bed temperature during the most recent performance test that demonstrated that the solvent cleaning operation was in compliance.

SECTION 99. NR 439.06 (3) (b) is amended to read:

NR 439.06 (3) (b) Method 24 or 24A in 40 CFR part 60, Appendix A, incorporated by reference in s. NR 484.04 (13), shall be used to determine the organic solvent content, the volume of solids, the weight of solids, the water content and the density of surface coatings ~~and, inks, and cleaning materials.~~

SECTION 100. NR 484.04 (intro.), and (13), (17), (19), and (20) in Table 2 are amended to read:

NR 484.04 **Code of federal regulations appendices.** (intro.)The appendices to federal regulations in effect on ~~March 1, 2006~~ the effective date of this section ... [LRB insert date] listed in the first column of Table 2 are incorporated by reference for the corresponding sections of chs. NR 400 to

439 and 445 to 499 or code of federal regulations appendix method listed in the third column of Table 2. Since some of these materials are incorporated by reference for another appendix of the code of federal regulations and the other appendix is also incorporated by reference in this section, the materials listed in this section which are incorporated by reference for the other appendix are hereby also incorporated by reference and made a part of this chapter.

CFR Appendix Referenced	Title	Incorporated by Reference For
(13) 40 CFR part 60 Appendix A	Test Methods	NR 400.02(131) <u>NR 419.045 (5) (a) and (b)</u> <u>NR 423.037 (9) (c) 1r.</u> NR 428.25 (1) (b) 4. NR 439 NR 460 to 469
(17) 40 CFR part 60 Appendix A, Method 21	Determination of Volatile Organic Compounds Leaks	<u>NR 419.045 (5) (e)</u> NR 420.02 (39m) NR 421.02 (21) NR 421.05 (2) (e) NR 421.06 (2) (e)
(19) 40 CFR part 60 Appendix A, Method 25	Determination of Total Gaseous Nonmethane Organic Emissions as Carbon	NR 419.045(2)(a)2. NR 422.142 (5) (a) NR 422.143 (7) (a)
(20) 40 CFR part 60 Appendix A, Method 25A	Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer	NR 419.045(2)(a)2. NR 422.142 (5) (a) NR 422.143 (7) (a)

SECTION 101. NR 484.04 (20e) in Table 2 is created to read:

NR 484.04

CFR Appendix Referenced	Title	Incorporated by Reference For
(20e) 40 CFR part 60 Appendix A, Method 25D	Determination of the Volatile Organic Concentration of Waste Samples	NR 419.045 (5) (f) 6.

SECTION 102. NR 484.04 (25) in Table 2 is amended to read:

NR 484.04

CFR Appendix Referenced	Title	Incorporated by Reference For
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(25) 40 CFR part 63, Test Methods NR 400.02 (131)
 Appendix A NR 419.045 (5) (f) 4.
 NR 439
 NR 460 to 469

SECTION 103. NR 484.04 (27s) in Table 2 is created to read:

NR 484.04

	CFR Appendix Referenced	Title	Incorporated by Reference For
(27s)	40 CFR part 136, Appendix A	Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater	NR 419.045 (5) (f) 3.

SECTION 104. NR 484.05 (1) in Table 3 is amended to read:

NR 484.05

	Document Reference	Document Title	Incorporated by Reference For
(1)	NTIS Order No. PB 87-100012	Standard Industrial Classification Manual, 1987	NR 400.02 (74) NR 400.02 (86) NR 400.02 (91) NR 400.02 (149) NR 405.02 (8) NR 406.02 (1) NR 407.02 (3) NR 407.02 (4) (intro.) NR 407.05 (4) (b) NR 408.02 (5) NR 410.02 (4) <u>NR 419.045 (1) (a) 3.</u> NR 421.02 (3) NR 421.02 (17) NR 422.02 (112) NR 422.095 (1) NR 422.15 (1) (intro.) NR 437.07 (2) (a) 4. NR 438.02 (1) NR 445.11 (1) (intro.) NR 465.02 (51)

SECTION 105. NR 484.06 (4) (e) in Table 4D is amended to read:

NR 484.06 (4)

	Document Number	Title	Incorporated by Reference For
(e)	EPA, SW—846	Test Methods for Evaluating Solid Waste,	<u>NR 419.045 (5) (f) 1. and 2.</u>

Physical/Chemical Methods, Third Edition, September 1986, as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998) and IIIB (November 2004), IVA, and IVB

NR 462 Table 6
NR 463.22 (16)

SECTION 106. NR 484.06 (4) (Note) and (f) and (g) in Table 4D are created to read:

NR 484.06 (4) (**Note**) The wastewater treatment model listed in par. (f), along with supporting documentation, may be downloaded for personal use from <http://www.epa.gov/ttnchie1/software/water/index.html>. EPA contact information is also listed at this internet site.

Document Number	Title	Incorporated by Reference For
(f) N/A	WATER9, Version 2.0	NR 419.045 (3) (b) 2. c.
(g) EPA-450/4-91-031	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry	NR 421.07 (1) (a) 1.

SECTION 107. NR 484.10 (6) and (39m) in Table 5 are amended to read:

NR 484.10

Standard Number	Standard Title	Incorporated by Reference For
(6) ASTM D323-99a <u>D323-08</u>	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)	<u>NR 419.045 (5) (d)</u> NR 420.02 (31)
(39m) ASTM D2879-97 <u>D2879-10</u>	Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope	<u>NR 419.045 (5) (d)</u> NR 422.142 (5) (d)

SECTION 108. NR 484.10 (55b), (55bg) and (55br) in Table 5 are created to read:

NR 484.10

Standard Number	Standard Title	Incorporated by Reference For
(55b) ASTM D4953-06	Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)	NR 419.045 (5) (d)

- (55bg) ASTM D5190-07 Standard Test Method for Vapor Pressure of Petroleum Products (Automatic Method) NR 419.045 (5) (d)
- (55br) ASTM D5191-10b Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method) NR 419.045 (5) (d)

SECTION 109. Table 6E in NR 484.11 (5) is amended to read:

NR 484.11 (5)

Document Number	Title	Incorporated by Reference For
Publication 2517	Evaporative Loss from External Floating Roof Tanks, 3rd edition, February 1989	NR 419.045 (5) (d) NR 420.02 (33) NR 420.03 (3) (c)

SECTION 110. NR 484.11 (12) is created to read:

NR 484.11 (12) The following document is a joint publication of the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Note: Copies may be purchased for personal use from:

APHA
Publications Sales
PO Box 933019
Atlanta, GA 31193-3019
Telephone: (888) 361-2742
Website: <http://www.apha.org/publications/pubscontact/>

Table 6L
APHA Document Reference

Document Number	Title	Incorporated by Reference For
N/A	Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998	NR 419.045 (5) (f) 5.

SECTION 111. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 112. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary