

PART II
General Permit Conditions For Construction Permits
Issued To Direct Stationary Sources

A. Scope

This permit is valid only for the structure, building, facility, equipment or operation specifically identified herein. All emissions authorized hereby shall be in compliance with the terms and conditions of Parts I and II of this permit. [s. 285.60(7), Wis. Stats.]

B. Emissions Prohibited

Unless the Department has approved an exception under s. NR 436.03(2), no person may cause, allow, or permit emissions of any air contaminant into the ambient air in excess of the limits set in chs. NR 400 to 499, Wis. Adm. Code. [s. NR 436.03(1), Wis. Adm. Code]

C. General Emission Limits

1. No person may cause, allow, or permit particulate matter to be emitted into the ambient air which substantially contributes to exceeding of an air standard, or creates air pollution. [s. NR 415.03, Wis. Adm. Code]
2. No person may cause, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming airborne. Nor may a person allow a structure, a parking lot, or a road to be used, constructed, altered, repaired, sand blasted or demolished without taking such precautions. Such precautions shall include, but not be limited to the following [s. NR 415.04, Wis. Adm. Code]:
 - a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, or construction operations.
 - b. Application of asphalt, oil, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem.
 - c. Installation and use of hoods, fans and air cleaning devices to enclose and vent the areas where dusty materials are handled.
 - d. Covering or securing of materials likely to become airborne while being moved on public roads, railroads, or navigable waters.
 - e. Conduct of agricultural practices such as tilling of land or application of fertilizers in such manner as not to create air pollution.
 - f. The paving or maintenance of roadway areas so as not to create air pollution.
3. No person may cause, allow or permit emission of sulfur or sulfur compounds into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 417.03, Wis. Adm. Code]
4. No person may cause, allow or permit organic compound emissions into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 419.03(1), Wis. Adm. Code]
5. No person may cause, allow or permit the disposal of more than 5.7 liters (1.5 gallons) of any liquid Volatile Organic Compound (VOC) waste, or of any liquid, semisolid or solid waste materials containing more than 5.7 liters (1.5 gallons) of any VOC, in any one day from a facility in a manner that would permit their evaporation into the ambient air during the ozone season. This includes, but is not limited

to, the disposal of VOC which must be removed from VOC control devices so as to maintain the control devices at their required operating efficiency. Disposal during the ozone season shall be by methods approved by the Department, such as incineration, recovery for reuse, or transfer in closed containers to an acceptable disposal facility, such that the quantity of VOC which evaporates into the ambient air does not exceed 15% (by weight) or 5.7 liters (1.5 gallons) in any one day, whichever is larger. [s. NR 419.04, Wis. Adm. Code]

6. No person may cause, allow or permit emissions of carbon monoxide to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 426.03, Wis. Adm. Code]
7. No person may cause, allow or permit emissions into the ambient air of lead or lead compounds which substantially contribute to the exceeding of an air standard or air increment, or which create air pollution. [s. NR 427.025, Wis. Adm. Code]
8. No person may cause, allow, or permit nitrogen oxides or nitrogen compounds to be emitted to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 428.03, Wis. Adm. Code]
9. No person may cause, allow or permit emission into the ambient air of any substance or combination of substances in such quantities that an objectionable odor is determined to result unless preventive measures satisfactory to the Department are taken to abate or control such emission. [s. NR 429.03(1), Wis. Adm. Code]
10. Open burning is prohibited except as provided in s. NR 429.04, Wis. Adm. Code. [s. NR 429.04, Wis. Adm. Code]

[Note: Under the Wisconsin Recycling Law, small businesses, commercial enterprises, and industries may not use burn barrels or engage in other kinds of open burning and may not be granted burning permits by municipalities. However, the prohibition on burn barrels does not apply to small businesses in which the owners reside at the same location and cannot separate their business waste from their household waste.]
11. No person may cause, allow or permit emissions into the ambient air from any direct or portable source in excess of one of the limits specified in ch. NR 431, Wis. Adm. Code. Where the presence of uncombined water is the only reason for failure to meet the requirements of ch. NR 431, Wis. Adm. Code, such failure is not a violation of the chapter. [s. NR 431.03, Wis. Adm. Code]
12. No person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration as to be injurious to human health, plant or animal life unless the purpose of that emission is for the control of plant or animal life. Hazardous substances include, but are not limited to, hazardous air contaminants listed in Tables A to C of s. NR 445.07, Wis. Adm. Code. [s. NR 445.03, Wis. Adm. Code]
13. Chapter NR 447, Wis. Adm. Code, applies to all air contaminant sources which may emit asbestos, to their owners and operators and to any person whose action causes the emission of asbestos to the ambient air, including demolition and renovation activities. Chapter NR 447, Wis. Adm. Code, establishes emission limitations for asbestos air contaminant sources, establishes procedures to be followed when working with asbestos materials and contains additional reporting and record keeping requirements for owners or

operators of asbestos air contaminant sources in order to protect air quality. [ch. NR 447, Wis. Adm. Code]

14. When the department requires instrumentation to monitor the operation of air pollution control equipment, or to monitor source performance, the instrument shall measure operational variables with the following accuracy: [s. NR 439.055(3), Wis. Adm. Code]
 - a. The temperature monitoring device shall have an accuracy of 0.5% of the temperature being measured in degrees Fahrenheit or $\pm 5^{\circ}\text{F}$ of the temperature being measured, or the equivalent in degrees Celsius (centigrade), whichever is greater.
 - b. The pressure drop monitoring device shall be accurate to within 5% of the pressure drop being measured or within ± 1 inch of water column, whichever is greater.
 - c. The current, voltage, flow or pH monitoring device shall be accurate to within 5% of the specific variable being measured.
15. All instruments used for measuring source or air pollution control equipment operational variables shall be calibrated yearly or at a frequency based on good engineering practice as established by operational history, whichever is more frequent. [s. NR 439.055(4), Wis. Adm. Code]

D. Reporting Requirements

1. The Department shall be notified of the following events:

<u>Event</u>	<u>Timing</u>
a. Hazardous substance air spill	Immediate call: 1-800-943-0003
b. Malfunction or other unscheduled event which causes or may cause any emission limitation to be exceeded [except certain visible emission limit exceedances - see s. NR 439.03(4), Wis. Adm. Code].	Notification by next business day of any such event at the source which is not reported in advance to the Department. Report the cause and duration of the exceedance, the period of time considered necessary for correction, and measures taken to minimize emissions during the period
c. Deviation from any other condition specified in this permit.	Notification by next business day identifying the deviation, cause, duration and steps taken to prevent recurrence.

[ss. 292.11(2) and 285.65(10), Wis. Stats., and ss. NR 439.03(4) and 445.16, Wis. Adm. Code]

2. The permittee shall report to the Department, in advance, schedules for planned shutdown and startup of air pollution control equipment and the measures to be taken to minimize the down time of the control equipment while the source is operating. Scheduled maintenance or any other scheduled event, including startup, shutdown or sootblowing procedures which have been approved by the Department under s. NR 436.03(2)(b), which causes an emission limit to be exceeded shall also be reported in advance to the Department. Advance reporting pursuant to this permit condition does not relieve any person from the duty to comply with any applicable emission limitations. [s. NR 439.03(6), Wis. Adm. Code]

3. Except for information determined to be confidential under s. 285.70(2), Wis. Stats., any information or reports obtained by the Department in the administration of ss. 285.01 to 285.87 and 299.15, Wis. Stats., will be available for public inspection at the offices of the Department. [s. 285.70(1), Wis. Stats.]

E. Right of Entry and Inspection

The permittee shall allow authorized representatives of the Department to enter upon the permittee's premises at any reasonable time, to have access to and examine any record relating to emissions or required to be kept, and to make any inspection necessary to ascertain compliance with air pollution control laws and the terms of this permit. The Department may, for the purpose of determining a source's compliance with applicable requirements, sample or monitor at reasonable times production materials or other substances or operational parameters. [ss. 285.13(6) and 285.19, Wis. Stats., and s. NR 439.05, Wis. Adm. Code]

F. Malfunction Prevention and Abatement Plans

The owner or operator of any direct or portable source which may emit hazardous substances or emits more than 15 pounds in any day or 3 pounds in any hour of any air contaminant for which emission limits have been adopted shall prepare a written malfunction prevention and abatement plan to prevent, detect, and correct malfunctions or equipment failures which may cause any applicable emission limitation to be violated or which may cause air pollution. Any such plan shall be carried out by the owner or operator. The plan shall be updated at least every 5 years. The Department may require the plan to be submitted for review and approval. [s. NR 439.11, Wis. Adm. Code]

G. Emission Control Action Plan

For source(s) covered by this permit which emit 0.25 tons or more per day of any air contaminant for which air standards have been adopted, the permittee shall prepare an emission control action program, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning or air pollution emergency declared under s. NR 493.03(2), Wis. Adm. Code. The emission control action program shall be in writing, available on the premises and is subject to review and approval by the Department on request. [s. NR 493.04, Wis. Adm. Code]

H. Construction, Reconstruction, Replacement, Relocation or Modification

1. Unless the replacement is authorized by a permit or is exempt under s. NR 406.04, Wis. Adm. Code, replacement of the source(s) covered by this permit is prohibited. [s. 285.60(1)(a), Wis. Stats.]
2. No person may commence construction, reconstruction, replacement, relocation or modification of a stationary source unless the person has a construction permit for the source or unless the source is exempt from the requirement to obtain a permit under s. 285.60(5), Wis. Stats., or under ch. NR 406, Wis. Adm. Code. Applications for the construction permit shall be submitted on forms which are available from the Department at its Madison headquarters and district offices. [s. 285.60(1)(a), Wis. Stats.]

Note: The address of the Madison headquarters is: Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison, WI 53707, Attention: Permit Application Forms.

3. For new or modified sources for which no construction permit is required, the application for an operation permit shall be filed before the source commences construction or modification. [s. NR 407.04, Wis. Adm. Code]

I. Payment of Construction Permit Application Fees

Any person who obtains a construction permit shall pay the application fee within thirty days of the date of the billing statement. [s. NR 410.03(4), Wis. Adm. Code]

J. Construction Permit Revision, Suspension, and Revocation

A construction permit may be suspended, revoked or revised, in whole or in part, for cause. [s. NR 406.11, Wis. Adm. Code]

K. Circumvention

1. The installation or use of any article, machine, equipment, process, or method which conceals an emission which would otherwise constitute a violation of an applicable rule is prohibited unless written approval has been obtained from the Department. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size. [s. NR 439.10, Wis. Adm. Code]
2. No one may render inaccurate any monitoring device or method required under ch. NR 439, Wis. Adm. Code, or in this permit. [s. NR 439.03(12), Wis. Adm. Code]

L. Violations

Any owner or operator who fails to construct a stationary source in accordance with the application as approved by the department; any owner or operator who fails to construct and operate a stationary source in accordance with conditions imposed by the department under s. 285.65, Wis. Stats.; any owner or operator who modifies a stationary source in violation of conditions imposed by the department under s. 285.65, Wis. Stats.; or any owner or operator who commences construction or modification of a stationary source without applying for and receiving a permit as required under this chapter or ch. NR 408 shall be considered in violation of s. 285.60, Wis. Stats. [s. NR 406.10, Wis. Adm. Code]

M. Duty to Comply

Approval to construct or modify does not relieve any owner or operator of the responsibility to comply with the emission limits of chs. NR 400 to 499, the air quality standards of ch. NR 404 or the control strategies of all local, state and federal regulations which are part of the state implementation plan. [s. NR 406.13, Wis. Adm. Code]

N. Recordkeeping Requirements

1. The permittee shall maintain the following records:
 - a. Records of all sampling, testing and monitoring conducted or required under chs. NR 400 to 499 or under this permit. Records of sampling, testing or monitoring shall include the following:
 - 1) The date, monitoring site and time and duration of sampling, testing, monitoring or measurements.
 - 2) The dates the analyses were performed.
 - 3) The company or entity that performed the analysis.

- 4) The analytical techniques or methods used, including supporting information such as calibration and maintenance records of all original recording charts for continuous monitoring instrumentation including emissions or equipment monitors.
- 5) The results of the analyses.
- 6) The relevant operating conditions that existed at the time of sampling, testing, monitoring or measurement.

- b. Records detailing all malfunctions which cause any applicable emission limitation to be exceeded, including logs to document the implementation of the plan required under s. NR 439.11, Wis. Adm. Code;
- c. Records detailing all activities specified in any compliance schedule approved by the Department under chs. NR 400 to 499, Wis. Adm. Code; and
- d. Any other records relating to the emission of air contaminants which may be requested in writing by the Department.

[s. NR 439.04, Wis. Adm. Code]

2. Copies of all records and reports required under this permit shall be retained by the permittee for a period of 5 years. [s. NR 439.04(2), Wis. Adm. Code]

O. Required Air Emission Inventory Reports

The permittee shall annually submit to the Department an emission inventory report of annual, actual emissions or throughput information in accordance with ch. NR 438, Wis. Adm. Code. [s. NR 438.03, Wis. Adm. Code]

P. Annual Emission Fees

The permittee shall pay an annual emissions fee to the Department at the rate specified in s. 285.69(2), Wis. Stats. [ss. NR 410.04 and NR 407.09(1)(e), Wis. Adm. Code]

Q. General Provisions for Hazardous Air Pollutant MACT Standards.

The general provisions in ch. NR 460, Wis. Adm. Code, apply to any permittee that is affected or becomes affected by a standard promulgated by EPA under section 112 of the act (42 USC 7412). [s. NR 460.01, Wis. Adm. Code]