

Copies of the State's submittal and USEPA's technical support documents are available for inspection during normal business hours at the following locations:

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AT-18J), Chicago, Illinois 60604; and

Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

A copy of this SIP revision is also available at the following location:

Office of Air and Radiation, Docket and Information Center (Air Docket 6102), room M1500, USEPA, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, USEPA (AT-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0671.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning requirements for nonattainment new source review are set out in part D of subchapter I of the ACT. USEPA issued a "General Preamble" describing USEPA's preliminary views on how USEPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment area new source review (NSR) SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because USEPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of part D advanced in this action and the supporting rationale.

II. The Wisconsin New Source Review Rules

Section 110(k) of the ACT sets out provisions governing USEPA's review of SIP submittals (see 57 FR 13565-13566).

A. Analysis of State Submission

1. Submittal Information

Wisconsin's initial NSR plan in response to the 1990 Amendments to the ACT was submitted to USEPA on November 15, 1992 as a proposed revision to the SIP. This submittal consisted of a set of statutory changes, and a temporary rule which was in effect for 180 days from November 15, 1992 and a draft of a permanent rule. The State of Wisconsin held a public hearing on December 1, 1992 to entertain public comment on this submittal. On January 15, 1993,

Wisconsin submitted materials related to the public comments it received. On July 28, 1993, Wisconsin submitted its permanent NSR rule, Natural Resources (NR) 408, Wisconsin Administrative Code, Nonattainment Area Major Source Permits superseding the temporary rule previously submitted. On January 14, 1994, Wisconsin submitted changes and revisions to NR 400, Air Pollution Control Definitions, NR 406, Construction Permits, and NR 490, Procedures for Noncontested Case Public Hearings. USEPA is approving statutory changes as well as NR 400, 406, 408, and 490. These are discussed further as follows and in the technical support documents for this SIP revision.

USEPA reviewed the November 15, 1992 and July 28, 1993 SIP revision submittals to determine completeness, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). These submittals were found to be complete on August 31, 1993, and USEPA forwarded a letter dated August 31, 1993 to the Wisconsin Department of Natural Resources (WDNR) Bureau of Air Management Director indicating the completeness of the submittals and the next steps to be taken in the review process.

2. General Nonattainment NSR Requirements

The statutory requirements for nonattainment new source review SIPs and permitting are found at sections 172 and 173. A listing of these provisions and how Wisconsin's rules meet them follows.

a. Provisions to assure that new source growth does not interfere with reasonable further progress (RFP) for the area and that calculation of emissions offsets are based on the same emissions baseline used in the demonstration of RFP. Wisconsin has met this requirement in NR 408.05 and NR 408.06(f).

b. Provisions according to section 173(c)(1) to allow offsets to be obtained in another nonattainment area if: the area in which the offsets are obtained has an equal or higher nonattainment classification; and emissions from the nonattainment area in which the offsets are obtained contribute to a NAAQS violation in the area in which the source would construct. Wisconsin has met this requirement in NR 408.06(2).

c. Provisions to assure, pursuant to section 173(c)(1), that any emissions offsets obtained in conjunction with the issuance of a permit to a new or modified source are in effect and enforceable by the time the new or

modified source is to commence operation. Wisconsin has met this requirement in NR 408.06(g).

d. Provisions to assure that emissions increases from new or modified major stationary sources are offset by reductions in actual emissions as required by section 173(c)(1). Wisconsin has met this requirement in NR 408.06(3).

e. Provisions, pursuant to section 173(c)(2), to prevent emissions reductions otherwise required by the ACT from being credited for purposes of satisfying the part D offset requirements. Wisconsin has met this requirement in NR 408.06(1)(g) NR 408.06(9).

f. Provisions reflecting changes in growth allowances, pursuant to sections 172(c)(4), 173(a)(1)(B) and 173(b); specifically, the elimination of existing growth allowances in any nonattainment area that received a notice prior or subsequent to the Amendments that the SIP was substantially inadequate; and the restrictions of growth allowances to only those portions of nonattainment areas formally targeted as special zones for economic growth. Wisconsin does not have any growth allowances.

g. Provisions, pursuant to section 173(a)(5), that, as a prerequisite to issuing any part D permit, require an analysis of alternative sites, sizes, production processes, and environmental control techniques for proposed sources that demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. Wisconsin has met this requirement in NR 408.08(2).

h. Provisions for supplying control technology information from nonattainment new source review permits to USEPA for inclusion in the Reasonably Available Control Technology (RACT)/Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) clearinghouse, pursuant to section 173(d). WDNR has met this requirement in NR 408.04(7) and has committed to report determinations to the RACT/BACT/LAER clearinghouse in the annual WDNR Air Management Program Workplan.

i. Provisions pursuant to section 173(e) that allow any existing or modified source that tests rocket engines or motors to use alternative or innovative means to offset emissions increases from firing and related cleaning, if the four conditions set forth therein are met. Wisconsin has no such sources or activities in the State.