

j. Provisions, pursuant to section 819, Public Law 101-549 (note to 42 U.S.C. 7511) that effectively exempt activities related to stripper wells from the new NSR requirements of new Subparts 2, 3, and 4 for particulate matter (PM), ozone, or carbon monoxide (CO) nonattainment areas classified as serious or less, and having a population of less than 350,000. No exclusion is provided for PM, ozone, or CO serious nonattainment areas having a population of 350,000 or more, or in severe and extreme ozone nonattainment areas. The general NSR provisions of sections 172 and 173 of part D still apply. There are no stripper well activities in Wisconsin.

k. Provisions, pursuant to section 328, to assure that sources located on the outer continental shelf (OCS) are subject to the same requirements as would be applicable if the source were located in the corresponding onshore area. Wisconsin is not located on the OCS.

l. A definition of "stationary source" reflecting Congressional intent, as set forth in section 302(z), that certain internal combustion engines subject to control under State programs, but excluding the newly defined category of "nonroad engines". Wisconsin has met this requirement in NR 400.02(96) and section 144.30(23), 91-92 Wisconsin Statutes.

m. Exemptions from nonattainment new source review provisions, pursuant to section 415(b)(2), for installation, operation, cessation, or removal of a temporary clean coal technology demonstration project. Such projects must still comply with any applicable SIP and all other requirements for the attainment and maintenance of NAAQS. Wisconsin has met this requirement in NR 408.02(20)(e)(9).

n. Provisions, pursuant to section 173(a)(3), to assure that owners or operators of each proposed new or modified major stationary source demonstrate that all other major stationary sources under the same ownership in the State are in compliance, or on a schedule for compliance, with the Clean Air Act. Wisconsin has met this requirement in NR 408.08(1).

3. Ozone Nonattainment NSR Requirements

According to section 172(c)(5), SIPs must require permits for the construction and operation of new or modified major stationary sources. The statutory permit requirements for ozone nonattainment areas are generally contained in revised section 173, and in subpart 2 of part D. These are the minimum requirements that States must include in an approvable

implementation plan. For all classifications of ozone nonattainment areas and for ozone transport regions, States must adopt the appropriate major source thresholds and offset ratios, and must adopt provisions to ensure that any new or modified major stationary source of nitrogen oxides (NO_x) satisfies the requirements applicable to any major source of volatile organic compounds (VOC), unless a special NO_x exemption is granted by the Administrator under the provision of section 182(f). For serious and severe ozone nonattainment areas, State plans must implement section 182(c)(6) and may implement sections 182(c) (7) and (8) with regard to modifications.

Wisconsin has established major source thresholds, and offset ratios, and has included provisions for VOC and NO_x major stationary sources as follows:

Area classification	Major source threshold	Offset ratio	NO _x provisions
Marginal	100 tons per year.	1.1 to 1	Included.
Moderate	100 tons per year.	1.15 to 1	Included.
Serious ..	50 tons per year.	1.2 to 1	Included.
Severe ..	25 tons per year.	1.3 to 1	Included.
Extreme ¹	10 tons per year.	1.5 to 1	Included.

¹ Wisconsin does not have an extreme ozone nonattainment area.

In addition, Wisconsin's plan submittal reflects appropriate modification provisions under in sections 182(c), (d), and (e), for serious and severe areas. NR 408.02(2)(c) sets the major modification threshold level ("de minimis level") in serious and severe areas at 25 tons per year (tpy) where the creditable emissions increases and decreases from the proposed modification is aggregated with all other net emissions increases from the source over a 5 consecutive calendar year period prior to, and including, the year of modification.

NR 408.03(6) and NR 408.04(6) provide that in serious and severe areas, major modifications to existing sources that have a potential to emit of less than 100 tpy shall substitute best available control technology for lowest achievable emission rate (LAER) and may avoid major source status by internally offsetting the emissions increase by a ratio of 1.3 to 1.

NR 408.04(5) provides the major modifications to existing sources that have a potential to emit of greater than 100 tpy may avoid LAER requirements

by internally offsetting the emissions increase by a ratio of 1.3 to 1.

4. Carbon Monoxide Nonattainment NSR Requirements

The statutory permit requirements for CO nonattainment areas are generally contained in section 173, and in subpart 3 of part D. These are the minimum requirements that States must include in an approvable implementation plan. States must adopt the appropriate major source threshold and offset ratio.

Wisconsin has established a major source threshold of 100 tpy in NR 408.02(21)(a) for moderate CO nonattainment areas, a modification significance level of 100 tpy in NR 408.02(32)(a)1, and an offset ratio of 1 to 1 in NR 408.06(3).

5. PM Nonattainment NSR Requirements

The statutory permit requirements for PM nonattainment areas are generally contained in revised section 173, and in subpart 4 of part D. These are the minimum requirements that States must include in an approvable implementation plan. States must adopt the appropriate major source threshold, offset ratio, significance level for modifications, and provisions for PM precursors (such as SO₂, NO_x, and VOC).

Wisconsin has established major source thresholds in NR 408.02(21)(a), offset ratios in NR 408.06(3), modification significance levels in NR 408.02(32)(a)5, and PM precursor provisions in NR 408.02(21)(a & d), NR 408.02(32)(g & h), and NR 408.03(4) as follows:

Area classification	Major source threshold	Offset ratio	Significance level	Pre-cursor provisions
Moderate.	100 tpy	1 to 1	15 tpy	yes
Serious ²	70 tpy ..	1 to 1	10 tpy	yes

² Wisconsin does not have a serious PM nonattainment area.

6. Sulfur Dioxide Nonattainment NSR Requirements

The statutory permit requirements for SO₂ nonattainment areas are generally contained in section 173, and in subpart 5 of part D. These are the minimum requirements that States must include in an approvable implementation plan. For SO₂ nonattainment areas, States must adopt the appropriate major source threshold, offset ratio, and significance level for modifications.

Wisconsin has established a major source threshold of 100 tpy in NR 408.02(21)(a), an offset ratio of 1 to 1 in