

Chapter NR 417

CONTROL OF SULFUR EMISSIONS

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NR 417.07 Statewide sulfur dioxide emission limitations. (1) APPLICABILITY. This section applies to any direct source of sulfur dioxide, with the following exceptions:

(a) Any direct source which is subject to emission limitations specified in s. NR 417.04 or ch. NR 418; or

(b) Any direct source which is subject to an emission limitation for sulfur dioxide, imposed by statute, rule, permit, order or plan approval, which is more restrictive than an emission limitation under sub. (2) or (3).

(2) EMISSION LIMITS FOR EXISTING SOURCES. Except as provided under sub. (5) or (8), no person may cause, allow or permit sulfur dioxide to be emitted to the ambient air from any direct source constructed on or before February 1, 1985, in amounts greater than those specified in this subsection.

(a) All steam generating units and other fuel burning equipment firing solid fossil fuel, alone or in combination with fuel burning equipment Register, September, 1986, No. 369

firing other fuels, at a facility which has a total heat input capacity on solid fossil fuel of greater than or equal to 250 million BTU per hour may not emit more than 3.2 pounds of sulfur dioxide per million BTU heat input to any stack.

(b) Any steam generating unit or other fuel burning equipment firing solid fossil fuel at a facility which has a total heat input capacity on solid fossil fuel of less than 250 million BTU per hour may not emit more than 5.5 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

(c) Any steam generating unit or other fuel burning equipment firing residual fuel oil at a facility which has a total heat input capacity on residual fuel oil of greater than or equal to 250 million BTU per hour may not emit more than 1.5 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

(d) Any steam generating unit or other fuel burning equipment firing residual fuel oil at a facility which has a total heat input capacity on residual fuel oil of less than 250 million BTU per hour may not emit more than 3.0 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

(g) Any petroleum refinery shall comply with the following emission limitations:

1. The sulfur dioxide emissions from any process heater firing residual fuel oil may not exceed 0.8 pounds of sulfur dioxide per million BTU heat input from the process heater.

2. The sulfur dioxide emissions from any fuel burning equipment firing residual fuel oil may not exceed 0.8 pounds of sulfur dioxide per million BTU heat input to any stack.

3. The sulfur dioxide emissions from any Claus sulfur recovery plant may not exceed 6,743 pounds of sulfur dioxide in any 24-hour period or 843 pounds of sulfur dioxide in any 3-hour period.

4. The sulfur dioxide emissions from all other process units may not exceed 1,035 pounds of sulfur dioxide in any 1-hour period.

(3) EMISSION LIMITS FOR NEW SOURCES. No person may cause, allow or permit sulfur dioxide to be emitted to the ambient air from any direct source constructed after February 1, 1985 in amounts greater than those specified in this subsection.

(a) Any steam generating unit or other fuel burning equipment firing solid fossil fuel may not emit more than 3.2 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

(b) Any steam generating unit or other fuel burning equipment firing residual fuel oil may not emit more than 1.5 pounds of sulfur dioxide per million BTU heat input from the fuel burning equipment to any stack.

(c) Any kraft mill producing pulp may not emit more than 10.0 pounds of sulfur dioxide per ton of air dried unbleached pulp from all process sources at the kraft mill. Process sources do not include equipment which derives more than 50% of its annual heat input from solid fossil fuel, residual fuel oil, wood or wood waste.

(d) Any sulfite mill producing pulp may not emit more than 20.0 pounds of sulfur dioxide per ton of air dried unbleached pulp from all process sources at the sulfite mill. Process sources do not include equipment which derives more than 50% of its annual heat input from solid fossil fuel, residual fuel oil, wood or wood waste.

(e) Any petroleum refinery shall comply with the following emission limitations:

1. The sulfur dioxide emissions from any process heater firing residual fuel oil may not exceed 1.5 pounds of sulfur dioxide per million BTU heat input from the process heater.

2. The sulfur dioxide emissions from any fuel burning equipment firing residual fuel oil may not exceed 1.5 pounds of sulfur dioxide per million BTU heat input to any stack.

3. The sulfur dioxide emissions from any Claus sulfur recovery plant may not exceed:

a. 0.025% by volume of sulfur dioxide at zero percent oxygen on a dry basis, if emissions are controlled by an oxidation control system or a reduction control system followed by incineration; or

b. 0.030% by volume of reduced sulfur compounds and 0.0010% by volume of hydrogen sulfide calculated as sulfur dioxide at zero percent oxygen on a dry basis, if emissions are controlled by a reduction control system not followed by incineration.

(4) **MORE RESTRICTIVE EMISSION LIMITS.** The department may require a source to meet a more restrictive emission limitation than an applicable emission limitation provided under sub. (2) or (3) if the department determines that a more restrictive emission limitation is required to ensure that the source will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.

(5) **ALTERNATE EMISSION LIMITS.** The department may grant an alternate emission limitation to a source which is subject to an emission limitation in sub. (2) (a), (c), (e), (f) or (g) if the following conditions are met:

(a) The owner or operator of the source submits a written request for an alternate emission limitation which outlines the specific conditions or special circumstances which prevent the source from complying with the applicable emission limitation in sub. (2) and which contains a proposed alternate emission limitation for the source.

(b) The owner or operator of the source demonstrates that the proposed alternate emission limitation will not delay attainment or prevent maintenance of an ambient air quality standard for sulfur dioxide, as demonstrated by air quality modeling acceptable to the department.

(c) If the source is subject to the emission limitation in sub. (2) (a) or (c), the proposed alternate emission limitation may not exceed 5.5 pounds of sulfur dioxide per million BTU heat input for any fuel burning equipment firing solid fossil fuel; or 3.0 pounds of sulfur dioxide per million BTU heat input for any fuel burning equipment firing residual fuel oil.

(d) The alternate emission limitation of 5.5 pounds of sulfur dioxide per million BTU heat input for solid fossil fuel burning equipment may be calculated on a 30-day rolling average for a source, if there is one or more other sulfur dioxide emission limitations applicable to the source which would assure the attainment and maintenance of the ambient air quality standards for sulfur dioxide.

(e) The owner or operator of the source demonstrates that there is a substantial cost difference between the costs required for the source's compliance with the applicable emission limitation in sub. (2) and the costs required for the source's compliance with the proposed alternate emission limitation.

(f) The owner or operator of the source demonstrates that the ambient air quality impact of the emissions from the source while emitting at the proposed alternate emission limitation, when added to the background concentration of sulfur dioxide in the vicinity of the source, does not exceed 75% of the ambient air quality standards for sulfur dioxide. In calculating the 75% figure, sulfur dioxide emissions from sources which are regulated under ch. NR 440 shall not be considered. The condition in this paragraph may be waived by the department if a public hearing is held on the proposed alternate emission limitation and the public comments on the proposed alternate emission limitation indicate that there is no significant opposition to waiving this condition.

(g) The projected annual emissions of sulfur dioxide from the source, resulting from the proposed alternate emission limitation, will not exceed the annual sulfur dioxide emissions from the source in calendar years 1979 to 1983, either in terms of the highest total tons of sulfur dioxide per calendar year or in terms of the highest annual average emission rate, as expressed in pounds of sulfur dioxide per million BTU for steam generating units or fuel burning equipment or in pounds of sulfur dioxide per ton of air dried unbleached pulp for process sources at a kraft mill or sulfite mill. This condition does not apply to a source which is authorized by statute to increase its annual emissions of sulfur dioxide, to a major utility which is subject to s. 144.385, Stats., to fuel burning equipment which had the capability of firing residual fuel oil but which derived more than 50% of its annual heat input from natural gas for each calendar year from 1979 to 1983, or to fuel burning equipment which had the capability of firing coal but which derived more than 50% of its annual heat input from wood or wood waste for each calendar year from 1979 to 1983.

(h) The owner or operator of the source submits an application for and receives an elective operation permit or a modification to an operation permit for the source.

(6) COMPLIANCE SCHEDULES. (a) When a source is subject to the emission limitations of sub. (2), the owner or operator shall meet the following deadlines in achieving compliance with those emission limitations:

1. Submit plans for achieving compliance on or before July 1, 1985;
2. Award any necessary contracts on or before October 1, 1985;
3. If physical alteration of the source is necessary to achieve compliance, commence construction on or before May 1, 1986 and complete construction on or before October 1, 1987;
4. If only fuel modification or switching is necessary to achieve compliance, commence operation using new fuel on or before October 1, 1986;
5. Achieve final compliance with the applicable emission limitation in sub. (2) and so certify to the department on or before December 31, 1987.

(b) If the owner or operator of a source subject to the emission limitations of sub. (2) requests an alternate emission limitation under sub. (5), the owner or operator shall meet the following deadlines:

1. Submit request for alternate emission limitation under sub. (5) on or before March 1, 1985;
2. Submit plans for achieving compliance with the applicable emission limitation on or before December 31, 1985;
3. Award any necessary contracts on or before February 1, 1986;
4. If physical alteration of the source is necessary to achieve compliance, commence construction on or before May 1, 1986 and complete construction on or before October 1, 1987;
5. If only fuel modification or switching is necessary to achieve compliance, commence operation using the new fuel and achieve compliance on or before January 1, 1987;
6. Achieve final compliance with the applicable emission limitation and so certify to the department on or before December 31, 1987.

(c) If the owner or operator of a source requests an alternate emission limitation under sub. (5) and the department does not grant the request, the owner or operator of the source shall meet the following deadlines:

1. Submit plans for achieving compliance on or before September 1, 1985;
2. Award any necessary contracts on or before December 1, 1985;
3. If physical alteration of the source is necessary to achieve compliance, commence construction on or before May 1, 1986 and complete construction on or before October 1, 1987.
4. If only fuel modification or switching is necessary to achieve compliance, commence operation using the new fuel and achieve compliance on or before October 1, 1986;
5. Achieve final compliance with the applicable emission limitation in sub. (2) and so certify to the department on or before December 31, 1987.

(d) The department shall notify the owner or operator of a source which requests an alternate emission limit under sub. (5) or submits a compliance plan under par. (a) 1., (b) 2. or (c) 1. whether the request is granted or the plan is approved not later than 55 business days after the department receives the request or submittal.

(7) **COMPLIANCE DEMONSTRATIONS.** (a) For purposes of determining compliance with the emission limitations of sub. (2) or the alternate emission limitations of sub. (5), the owner or operator of the source shall outline the specific methods for demonstrating compliance with the emission limitations, to the satisfaction of the department, in the compliance plans submitted under sub. (6) (a) 1., (b) 2. or (c) 1. The compliance demonstrations shall consist of one or more of the following:

1. Installation, calibration, maintenance and operation of a continuous emission monitor, utilizing equipment and procedures reviewed and approved by the department.

2. Collection and analysis of fuel used, utilizing equipment and procedures reviewed and approved by the department;

3. Stack emissions testing, utilizing equipment and procedures reviewed and approved by the department; and

4. Other appropriate methods reviewed and approved by the department.

(b) An owner or operator of a source subject to the emission limitations of sub. (2) or the alternate emission limitations of sub. (5), shall maintain complete records of emissions data and calculations used to verify emissions data at the premises of the source and shall make such records available for inspection upon request by authorized representatives of the department during regular business hours.

(8) **VARIANCE FROM EMISSION LIMITS.** (a) The department may grant a source-specific variance from an emission limitation provided in sub. (2), an alternate emission limitation authorized under sub. (5) or a compliance schedule in sub. (6) if compliance with the emission limitations of subs. (2) and (5) or the compliance schedule of sub. (6) are shown to be technologically or economically infeasible. A variance may be granted, by setting alternate emission limitations or alternate compliance schedules, or both, provided that:

1. The variance will not delay attainment or prevent maintenance of an ambient air quality standard for sulfur dioxide, as determined by methods acceptable to the department;

2. The owner or operator of the source for which a variance is requested demonstrates that all direct or portable sources owned or operated in the state by such person are in compliance with all applicable requirements of chs. NR 400 to 499 or are on a schedule for complying with such requirements.

3. The owner or operator submits to the department on or before December 31, 1985 a request for a source-specific variance which demonstrates, to the department's satisfaction, that compliance with the applicable emission limitation or compliance schedule from which a variance is sought is technologically or economically infeasible.

(b) A request for a source-specific variance under this subsection shall be signed by the principal executive officer, sole proprietor, principal governmental executive or elected official or a duly authorized representative of the source and shall contain the following information:

1. The specific conditions or special circumstances which make compliance with the applicable emission limitation or compliance schedule by the source technologically or economically infeasible.

2. If a variance from an emission limitation is sought, the owner or operator shall submit proposed emission limitations.

3. If a variance from a compliance schedule is sought, the owner or operator shall submit a proposed compliance schedule which demonstrates reasonable further progress toward final compliance and contains a date for final compliance as soon as practicable.

4. Other relevant information as required by the department.

(c) The department, in acting upon any request for a variance under this subsection, shall:

1. Act on a request for a variance within 65 business days of the filing of a completed request;

2. Offer, through public notice, the opportunity for public comments including, if requested, a public hearing.

3. State in writing the reasons for denying, or granting, or for granting in modified form, any request for a variance.

(d) The department may, after notice and opportunity for hearing, revoke or modify any variance if:

1. Any term or condition of the variance has been violated;

2. Changes in ambient air quality indicate that the source has a significant adverse impact on the attainment or maintenance of any ambient air quality standard for sulfur dioxide; or

3. The owner or operator did not act in good faith in demonstrating the technological or economic infeasibility of compliance with the applicable emission limitation or compliance schedule or in submitting other relevant information in support of the variance request.

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