Discussion of Potential Rule Approaches

Agriculture Waste Air Emissions Advisory Group
April 7, 2010
Presentation

• Existing rule language in NR 445, Wis. Adm. Code
• New section in NR 445, Wis. Adm. Code
• New chapter in NR 400 series
• Rule Development
• Permits
Existing Language in NR 445

• Background
  – Applicability thresholds and standards for hazardous air pollutants
  – Regulates both carcinogens and non-carcinogens
  – Preventive in nature
  – Identifies endpoint, provides flexibility in how compliance is achieved
Existing Language in NR 445

• Current Status
  – Hydrogen sulfide & ammonia are primary hazardous air pollutants associated with agricultural waste
  – Emissions from agricultural waste are exempt from meeting standards until July 31, 2011
  – Sources of emissions after July 31, 2011 would be required to demonstrate compliance with emission standards in Table A if over table thresholds
Existing Language in NR 445

• Current Status (cont.) – Table A
  – Hydrogen sulfide:
    • Threshold - 0.749 lbs/hr
    • Standard (24 hr ave) - 418 micrograms/meter$^3$
    • Threshold - 17,769 lbs/yr
    • Standard (annual) -100 micrograms/meter$^3$
  – Ammonia:
    • Threshold - 0.935 lbs/hr
    • Standard (24 hr ave) - 335 micrograms/meter$^3$
  – Alternative means of compliance:
    • Best management practices as approved by the department
New Section in NR 445

• Concept
  – Move all language related to emissions from agricultural sources into a stand alone section within NR 445
  – Create new language to allow compliance alternatives not currently listed in rule

• Potential Advantages
  – Schedules, standards and compliance language in one place
  – Allows use of existing regulatory framework in NR 445 where appropriate
New Chapter in NR 400 Series

• Concept
  – Move all language related to emissions and permitting for agricultural sources into a new chapter
  – Create new language to allow compliance alternatives not currently listed in rule

• Potential Advantages
  – Schedules, standards, compliance and permitting language in one place
  – Makes future changes to air regulation for agricultural sources easier to make and understand
Rule Development

• Anticipate changes will need to be made to current language
• Any change will follow existing rule development procedures allowing for full public participation
  – Proposal
  – Public hearings
  – Public comment
Permits - Construction & Operation

• Exemptions:
  – Specific (based on type of operation)
  – General (based on emissions)

• Types:
  – Registration (standard permit for sources with low annual emissions)
  – General (standard permit for specific industry or process)
  – Source specific (individual permit for significant sources of emissions)
Take Home Message

• Existing regulatory language
  – can provide a framework for future requirements
  – is not the only alternative that can be considered

• Rule development is not part of advisory group’s charge

• Any/all changes to existing requirements will go through full public process
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