

**§ 52.2588**

**40 CFR Ch. I (7–1–14 Edition)**

**§ 52.2588 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

(a) The owner and operator of each SO<sub>2</sub> source located within the State of Wisconsin and for which requirements are set forth under the Federal CAIR SO<sub>2</sub> Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Wisconsin State Implementation Plan as meeting the requirements of CAIR for PM<sub>2.5</sub> relating to SO<sub>2</sub> under § 51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.124(r) of this chapter.

(b) Notwithstanding any provisions of paragraph (a) of this section and subparts AAA through III of part 97 of this chapter and any State's SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions of paragraph (a) of this section relating to SO<sub>2</sub> emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR SO<sub>2</sub> allowances allocated for 2012 or any year thereafter.

(c)(1) The owner and operator of each source and each unit located in the State of Wisconsin and Indian country within the borders of the State and for which requirements are set forth under the TR SO<sub>2</sub> Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Wisconsin's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation

Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Wisconsin's SIP.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of Wisconsin's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62357, Nov. 2, 2007, as amended at 76 FR 48378, Aug. 8, 2011]

**§ 52.2589 Wisconsin construction permit permanency revision.**

This plan was originally submitted as Wis. Stat. 144.396 by Wisconsin on July 12, 1979 and approved into Wisconsin's SIP on June 25, 1986 (51 FR 23056). Wis. Stat. 144.396 was renumbered Wis. Stat. 285.66 in 1995 Wisconsin Act 227, effective January 1, 1997. On December 8, 2005, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to Wis. Stats. 285.66(1), as amended in 2005 Wisconsin Act 25, effective July 26, 2005. This revision makes all conditions in Wisconsin's construction permits permanent. EPA has determined that this statutory revision is approvable under the Act.

[71 FR 9936, Feb. 28, 2006]

**§ 52.2590 Operating permits.**

For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter NR 407 of the Wisconsin Administrative Code concern the treatment of sources of greenhouse gas emissions as major

sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO<sub>2</sub> equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[75 FR 82266, Dec. 30, 2010]

**§ 52.2591 Section 110(a)(2) infrastructure requirements.**

(a) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011 and March 28, 2011, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS. EPA is not finalizing its proposed approval of the submission from the State of Wisconsin with respect to two narrow issues that relate to section 110(a)(2)(C): The requirement for consideration of NO<sub>x</sub> as a precursor to ozone; and (ii) the definition of “major modification” related to fuel changes for certain sources. EPA will address these issues in a later action.

(b) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011 and March 28, 2011, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 PM<sub>2.5</sub> NAAQS. EPA is not finalizing its proposed approval of the submission from the State of Wisconsin with respect to two narrow issues that relate to section 110(a)(2)(C): The requirement for consideration of NO<sub>x</sub> as a precursor to ozone; and the definition of “major modification” related to fuel changes for certain sources. EPA will address these issues in a later action.

(c) *Disapproval.* EPA is disapproving the portions of Wisconsin’s infrastructure SIP for the 1997 ozone NAAQS with respect to two narrow issues that relate to section 110(a)(2)(C):

(1) The requirement for consideration of NO<sub>x</sub> as a precursor to ozone; and

(2) The definition of “major modification” related to fuel changes for certain sources.

(d) *Disapproval.* EPA is disapproving the portions of Wisconsin’s infrastruc-

ture SIP for the 1997 PM<sub>2.5</sub> NAAQS with respect to two narrow issues that relate to section 110(a)(2)(C):

(1) The requirement for consideration of NO<sub>x</sub> as a precursor to ozone; and

(2) The definition of “major modification” related to fuel changes for certain sources.

(e) *Approval and Disapproval*—In a January 24, 2011, submittal, supplemented on March 28, 2011, and June 29, 2012, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2006 24-hour PM<sub>2.5</sub> NAAQS. We are not finalizing action on (D)(i)(I), the visibility protection requirements of (D)(i)(II), and the state board requirements of (E)(ii). We will address these requirements in a separate action. We are disapproving narrow portions of Wisconsin’s infrastructure SIP submission addressing the relevant prevention of significant deterioration requirements of the 2008 NSR Rule (identifying PM<sub>2.5</sub> precursors and the regulation of PM<sub>2.5</sub> and PM<sub>10</sub> condensables in permits) with respect to section 110(a)(2)(C), (D)(i)(II), and (J).

[76 FR 41086, July 13, 2011, as amended at 77 FR 35873, June 15, 2012; 77 FR 65488, Oct. 29, 2012]

**§ 52.2592 Review of new sources and modifications.**

*Disapproval*—On May 12, 2011, the Wisconsin Department of Natural Resources submitted a proposed revision to its State Implementation Plan to update its rules to match the 2008 New Source Review Implementation Rule for PM<sub>2.5</sub>. The State supplemented the submittal on March 5, 2012. EPA determined that this submittal was not approvable because the revisions did not explicitly identify the precursors to PM<sub>2.5</sub> and did not contain the prescribed language to ensure that gases that condense to form PM, known as condensables, are regulated within PM<sub>2.5</sub> and PM<sub>10</sub> emission limits.

[78 FR 44884, July 25, 2013]