

Industrial sources subject to s. NR 415.075, Wis. Adm. Code, such as ledge rock quarries and industrial sand mines, are required to operate an air monitoring system, unless the facility requests and is granted a variance by the Wisconsin Department of Natural Resources (DNR). Each request for a variance is handled on a case-by-case basis and is evaluated based on established criteria.

Requesting the Shutdown of an Existing Monitor

A facility that operates a particulate matter (PM) monitor to meet s. NR 415.075, Wis. Adm. Code, must formally request a variance to shut down the monitor. The facility must have historical site-specific monitoring data to show that the criteria in s. NR 415.075(4)(b), Wis. Adm. Code, are met. The DNR may grant a variance if review of the facility's request demonstrates that the general public will not be exposed to significant levels of particulate matter from the source, and the emissions units and processes are controlled to a level which meets all applicable requirements.

The following elements may be considered when DNR receives a variance request:

- Facility compliance history, including citizen and municipality complaints and DNR compliance surveillance findings, indicate a facility operating without significant non-compliance issues.
- The ambient air monitoring system has monitored particulate for previous two years (24 months) with greater than 75% valid data capture (i.e., 3 of 4 quarters each year). This requirement is included because it is the standard air monitoring agencies are held to, as required under federal rule.
- Quality assured monitoring data for previous 24 months that shows no cause of source-driven exceedances of the applicable National Ambient Air Quality Standard (NAAQS). This presumes at least 24 months of data collection that meet the data capture criteria specified above, as well as the successful completion of at least two annual audits.
- The source commits to follow appropriate ambient monitor shut-down processes:
 - ✓ Determination of final sampling event.
 - ✓ Final shutdown verification of the monitor.
 - ✓ Submission of final monitoring report. The variance may be revoked if the final report is not received by the department within 90 days of the variance approval letter.

Process for Request and Approval of a Variance

Submit a letter via mail or email detailing the request for a variance to the facility's assigned air compliance inspector, including as much of the supporting information outlined above as possible. DNR will review the submittal and approve or deny the variance. A recommendation will be made within 30 days of receipt of the request. A final decision letter will be prepared for signature within 60 days of receipt of the request.

Once the final decision letter has been signed, the document will be posted with other facility documents on DNR's website at the Air Permit Database http://dnr.wi.gov/cias/am/amexternal/AM_PermitTrackingSearch.aspx.

If you have questions, contact the West Central Region air program supervisor at 608-999-0978.

DISCLAIMER —This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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