



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711

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Susan Hedman  
Administrator, USEPA Region 5  
77 West Jackson Boulevard  
Mail Code: R-19J  
Chicago, IL 60604-3507

Subject: Implementing Provisions of Federal Tailoring Rule

Dear Dr. Hedman:

Provided below are Wisconsin Department of Natural Resource's (WDNR) responses to the questions posed in *Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule*, [EPA-HQ-OAR-2009-0517; FRL-9152-8], published June 3, 2010.

**Question:** Will WDNR apply the meaning of the term "subject to regulation" established by EPA in the referenced action in implementing both its PSD and part 70 Title V permitting programs, and if so, does the state intend to do so without undertaking a regulatory or legislative process?

**Response:** Yes. WDNR intends to apply the meaning of the term "subject to regulation" established by EPA in the referenced action in implementing both its PSD and part 70 title V permitting programs. WDNR intends to do this by revising chapters NR 400, 405 and 407 of its state rules to incorporate the provisions of the final federal rule. WDNR also intends to submit a revision to its State Implementation Plan to EPA once the final state rules are promulgated.

**Question:** If WDNR must revise its statutes or regulations to implement the final rule, what is WDNR's estimate of the time it will take to complete the process?

**Response:** WDNR estimates that it will take nine to twelve months to finalize permanent state rules. However, WDNR intends to promulgate emergency state rules that will be identical to the final state rule, effective no later than January 2, 2011. Promulgating the emergency rules will allow WDNR to implement the provisions of the above referenced action in both its PSD and part 70 Title V permitting programs consistent with federal regulations during the time it will take to complete the rule making process.

Please feel free to contact Andrew Stewart, Chief, Permits and Stationary Source Modeling in the Bureau of Air Management at 608.266.6876, [andrew.stewart@wisconsin.gov](mailto:andrew.stewart@wisconsin.gov) or Margaret Hoefler in the Bureau of Legal Services at 608.266.7588, [margaret.hoefler@wisconsin.gov](mailto:margaret.hoefler@wisconsin.gov) with questions on this matter.

Sincerely,

Matthew J. Frank  
Secretary