



## FDM 22-50-1 Legal Requirements

February 15, 1988

If any transportation project meets the specified criteria under guidelines set forth in Wisconsin Administrative Code NR 406.04(1)(m) or NR 406.04(1)(n) a "Construction or Modification and New Operation Permit" must be submitted in writing to the Department of Natural Resources (DNR). The criteria requiring a permit include the following transportation projects:

### 1. Projects Located in a MSA

- Any new parking facility or other new indirect source with an associated parking area that has a parking capacity of 1,000 cars or more.
- Any modified parking facility or any modification of an associated parking area that increases the parking capacity by 500 cars or more.
- Any new highway project with an anticipated annual peak hour traffic volume of 1,200 or more vehicles per hour within ten years of construction.
- Any highway modification project that will increase the annual peak hour traffic volume by 1,200 or more vehicles per hour within ten years after modification.

### 2. Projects Located Outside All MSA's

- Any new parking facility or other new indirect source with an associated parking area that has a parking capacity of 1,500 cars or more.
- Any modified parking facility or any modification of an associated parking area that increases the parking capacity by 750 cars or more.
- Any new highway project that will carry four or more lanes of traffic and that has an anticipated annual peak hour traffic volume of 1,800 or more vehicles per hour within ten years of construction.
- Any highway modification project that will create an additional two or more lanes of traffic and that will increase the annual peak hour traffic volume by 1,800 or more vehicles per hour within ten years after modification.

DNR approval to construct or modify a highway project shall become invalid if the construction or modification is not started within six years of the date of the written approval. DNR can, at their discretion and upon written request, extend this time up to three years.

## FDM 22-50-5 Information Required

February 15, 1988

For projects meeting the criteria in [FDM 22-50-1](#), two copies of a written "Air Pollution Control Permit Application", Form 4500-1A (see [Attachment 5.1](#)), must be submitted which include the following information:

1. The name and address of the Department of Transportation (DOT) Region Office that is submitting the permit.
2. Type of project (parking facility or highway project).
3. The name and address of the DOT Central Office.
4. The Air Pollution contact person at the DOT.
5. The name to whom the permit should be issued.
6. A map showing the location of the project, including boundaries, buildings, roads, parking lots, nearby receptors, and any other air pollution sources.
7. Type of permit desired.
8. Description of the proposed project and air pollution sources. Description shall include:
  - The expected dates when construction will commence and when the completed project will be fully operational and open to vehicular traffic.
  - An estimate of the annual peak hour traffic volume, annual average eight hour traffic volume, and annual average daily traffic volume expected during the first and tenth years after the

expected date of completion for all the "build" alternates and the "no build" condition.

- An estimate of vehicle speeds for peak hour, average eight hour, and annual average daily traffic volume conditions.
- The maximum vehicular capacity of the highway project for the first and tenth years for all the "build" alternates and the "no build" condition.
- Tabulated summaries and detailed results showing the "worst case" carbon monoxide concentrations and the degradations for each alternate for the first and tenth year after construction for the peak hour and average eight hour. The analysis must show that there is no violation of the NAAQS and that sufficient degradation of CO concentrations does not occur in the ten years following construction. The concentrations and degradations should be provided for just the first and tenth years unless intermediate years will produce higher concentrations than either the first or tenth year.

Copies of the emission factors used, queue lengths, and excess emission quantities, if appropriate, a chart of wind angles investigated, other sample calculations, and the computer run for the concentrations for the most affected receptor should be appended to the permit.

## **LIST OF ATTACHMENTS**

[Attachment 5.1](#) Facility & Project Identification Air Pollution Control Permit

### **FDM 22-50-10 Reporting Construction or Modification & New Operation Permit** *February 15, 1988*

The method of reporting air quality for a "Construction or Modification and New Operation Permit" consists of a comparison of the CO concentration(s) for the most affected receptor for the worst wind angle(s) to the NAAQS and a comparison of the degradation (if any).

The permit may be a separate report, or the requirements of the permit report and hearings may be satisfied in the environmental impact statement (EIS) procedure. In either case, the report should include all the information required under the Wisconsin Administrative Code (detailed in [FDM 22-50-5](#)). All documentation for EIS's for detailed modeling ([FDM 22-45-5](#)) should also be a part of any permit.

### **FDM 22-50-15 Review Procedure** *February 15, 1988*

For projects on the State Trunk Highway System, the completed "Construction or Modification and New Operation Permit" is submitted to the Department of Natural Resources (DNR) for their review.

Upon receiving two copies of the completed "Construction or Modification and New Operation Permit," the DNR shall within 20 days request the plans, specifications, and other information needed to make a determination. Within 120 days, the DNR shall make a preliminary determination whether the project source should be approved, approved with conditions, or disapproved. Then the DNR shall make available in the area of the proposed project, all plans, specifications, and preliminary determinations. They will notify the applicant, the interested public, and all necessary government officials to comment on the proposed project and the preliminary determinations. They will also place a notice in the newspaper regarding the proposed project and the initial determination. The DNR will receive public comments for a 30 day period after the notice is published. The DNR may also hold a public hearing if requested. Following the close of the public comment period or the public hearing, DNR shall then make the final determination on the permit application.

The DNR may approve the application for a permit if the project will:

1. Meet all applicable emission limitations.
2. Not cause or exacerbate a violation of either ambient air quality standard for carbon monoxide.
3. Not degrade the air quality along the highway corridor sufficiently to prevent construction of any other indirect source.