

WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) FACT SHEET

Issue: On Tuesday, July 31, 2012 the U.S. Environmental Protection Agency (EPA) formally announced that the “Milwaukee-Racine Nonattainment Area” had been reclassified from nonattainment to attainment for the 1997 8-hour ozone standard. The former nonattainment area includes the counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha. The 1997 8-hour ozone standard is set at a level of 84 parts per billion (ppb).

Other Federal Ozone Standards:

- In 2008, the U.S. EPA issued an additional, more stringent, 8-hour ozone standard of 75 ppb. For the 2008 8-hour ozone standard, Sheboygan County and a portion of Kenosha County (essentially east of I-94) are considered nonattainment. In these areas, **all** ozone nonattainment requirements still apply.
- It should also be noted that the U.S. EPA is expected to propose another, potentially more stringent, ozone standard by the end of 2013. If the U.S. EPA takes this action, attainment and nonattainment areas would likely be determined nationally in 2015 or 2016.

Primary Implications of Changing from Nonattainment to Attainment Status:

1. A potential negative economic development stigma associated with being classified nonattainment is now removed.
2. Fewer areas in Wisconsin are now subject to more stringent nonattainment new source review (NSR) permitting. These areas are now subject to prevention of significant deterioration (PSD) permitting. Sources are subject to lowest achievable emission reduction (LAER) controls, which can not consider costs, during nonattainment NSR permitting. Sources are subject to best available control technology (BACT), which can consider economic feasibility, during PSD permitting. The following table summarizes what areas are subject to what types of permitting.

Counties	Milwaukee, Racine and Waukesha Counties ¹	Sheboygan County ²	Portion of Kenosha County (East of I-94) ³	All Other Areas in Wisconsin ⁴
Permitting Type for Major Sources or Major Modifications:	Nonattainment NSR for NO _x , PM _{2.5} and SO ₂ PSD for all other pollutants	Nonattainment NSR for NO _x and VOC PSD for all other pollutants	Nonattainment NSR for NO _x and VOC PSD for all other pollutants	PSD for all pollutants
Major Source Threshold	100 tpy of NO _x , PM _{2.5} and SO ₂ for all sources 250 tpy, unless specified as 100 tpy source type on the following page, for all other pollutants	100 tpy of NO _x and VOC for all sources 250 tpy, unless specified as 100 tpy source type on the following page, for all other pollutants	100 tpy of NO _x and VOC for all sources 250 tpy, unless specified as 100 tpy source type on the following page, for all other pollutants	250 tpy, unless specified as 100 tpy source type on the following page
Emissions Offset Ratio for Nonattainment NSR Regulated Pollutants	1 : 1	1.15 : 1	1.1 : 1	N/A

¹ Current nonattainment area for the 2006 fine particulate matter (PM_{2.5}) standard

² Nonattainment for the 1997 and 2008 8-hour ozone (O₃) standards

³ Nonattainment for the 2008 8-hour ozone (O₃) standard

⁴ Attainment for all federal criteria pollutants, including Kenosha County west of I-94

Wisconsin is Required to Maintain the Current Ozone Levels

The following requirements remain in place unless the WDNR can sufficiently demonstrate to the U.S. EPA that removal would not result in the area exceeding the 1997 8-hour ozone standard:

1. NO_x and VOC Reasonably Available Control Technology (RACT) rules
2. Vehicle Inspection and Maintenance (I/M)
3. Reformulated Gasoline (*Note, this requirement is hardwired into the Clean Air Act for the Milwaukee-Racine Area, regardless of attainment / nonattainment status*)

Emission Sources Subject to PSD at 100 Tons Per Year

1. Fossil fuel-fired steam electric plants of more than 250 million Btu/hr heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary zinc smelters
6. Iron and steel mill plants
7. Primary aluminum ore reduction plants
8. Primary copper smelters
9. Municipal incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofluoric acid plants
11. Sulfuric acid plants
12. Nitric acid plants
13. Petroleum refineries
14. Lime plants
15. Phosphate rock processing plants
16. Coke oven batteries
17. Sulfur recovery plants
18. Carbon black plants
19. Primary lead smelters
20. Fuel conversion plants
21. Sintering plants
22. Secondary metal production plants
23. Chemical process plants
24. Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu/hr heat input
25. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
26. Taconite ore processing plants
27. Glass fiber processing plants
28. Charcoal production plants

WDNR Contact Information

Permit-Related Questions:

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