

Meeting Summary
Air Management Advisory Group Meeting

Thursday, December 14, 2023

9:00 am

Renee Bashel, DNR	Mike Kolb, WEC Energy Group*
Philip Bower, DNR	Brett Korte, Clean Wisconsin
Dan Bell, Alliant Energy	Lily Koss, Husco International
Ron Binzley, DNR	Nathan Kilger, Bad River Band of Lake SuperiorChippewa
David Bittrich, TRC	Ashley Korrer, WEC Energy Group
Eric Bowers, Alliant Energy	Jeremy Leubke, Geosyntec
Noelle Brigham, AO Smith*	Austin Lesmeister, Xcel Energy
Travis Catlin, Masonite	Jason Martin, Foth Infrastructure
Mike Cassidy, Kohler	Jim Mertes, WTBA*
Joe Cebe, Forest Co. Potawatomi	John Mooney, EPA Region 5
Rebecca Clarke, SORA	Rita Neff, Manitowoc Public Utilities
Molly Collins, Lung.org	Mary Oleson, DNR
Natalene Cummings, Forest Co. Potawatomi*	Todd Palmer, Michael Best*
Craig Czarnecki, DNR	Randy Poelma, Ho-Chunk Nation
Brianna Denk, DNR	Katie Praedel, DNR
Bryant Esch, WCMA*	Brenda Sargent, MGE
Kendra Fisher, DNR	Kendall Savage, WEC Energy Group
Ashley Gray, DNR	Andrea Simon, Interested Party
Gail Good, DNR	Brad Sims, Exxon Mobil
Mark Hammers, SCS Engineers	Robert Smith, Nemak
Art Harrington, Godfrey and Kahn *	Sheri Stach, DNR
Kristin Hart, DNR	Pat Stevens, WI Paper Council*
Curtis Hedman, DHS*	Patti Stickney, SEH Inc.
Chris Hiebert, SEWRPC*	Steve Stretchberry, WEC Energy Group
Maria Hill, DNR	Troy Stucke, Charter Manufacturing
Joe Hoch, Alliant Energy*	Craig Summerfield, WMC*
Emily Houtler, DNR	Steve Tasch, Trinity Consultants
Paige Huhta, Fond du Lac Band of Lake Superior Chippewa	Kate Verbeten, Green Bay Metro Sewerage District
Laura Jarmuz, WEC Energy Group	Ciaran Gallagher, Clean Wisconsin*
Jodi Jensen, WTBA	

*AMAG member

Meeting Summary

Opening remarks and agenda repair

Program Director Gail Good opened the meeting. Craig Czarnecki ran through meeting procedures.

Proposed Guidance, rules and legislative update

Proposed/Final DNR Rules

AM-05-21 Updates to NO_x controls – this proposal updates control requirements for emissions of nitrogen compounds and is currently under legislative review. The rule will be effective either March 1, 2024 or April 1, 2024.

AM-05-22 Compliance Demonstration Rule – Updates to NR 439 testing, monitoring, recording keeping, reporting requirements for compliance. Air Management has [created a webpage](#) for this proposal. The rule is currently in the economic impact assessment comment period.

AM-10-23 NSR Fee Rule – Updates to construction permit fees to assure compliance with Clean Air Act requirements and to meet business needs of permitted sources. The program is drafting the Economic Impact Assessment and Board Order. There is a Technical Advisory Group (TAG) for this rulemaking. That group had a meeting in December and will have another on Jan. 8, 2024.

Non-CTG RACT rule –the Air Program is working on a rule for major non-CTG sources in non-attainment areas to meet requirements and in response to a letter received from the EPA.

Proposed EPA rules/Guidance

Air Emissions Reporting Requirements – comments were due to the EPA November 10 and have been submitted.

Q&A: How will the DNR coordinate with the EPA on the overlap with the reporting rule and NR 445? The overlap was included in the comments submitted to the EPA. With respect to NR 445, about one-third of pollutants have a lower threshold or not included in the list from the EPA.

Comment: The rule requires sources to report directly to the EPA for hazardous pollutants. Wisconsin has a system and this would be duplicative.

Regulatory Requirements for New HAP Additions – comments were due to the EPA November 13 and have been submitted.

Review of final Rule Reclassification of Major Sources as Area Sources under Section 112 of the Clean Air Act – comments were due November 13 and have been submitted to the EPA.

NSPS for Volatile Organic Liquid Storage Vessels – comments were due November 17 and have been submitted to the EPA.

Supplemental Notice of Proposed Rulemaking: Greenhouse Gas Power Plant Rule – comments were due Dec. 20. The EPA is soliciting comment on whether the agency should include a specific mechanism to address grid reliability needs that may arise during implementation of its final rules.

Q&A: Will the program be commenting on the proposed HFC rule? The program has reviewed the rule but does not plan to comment.

Guideline on Air Quality Models: Enhancements to AERMOD – comments were due December 22 and the department submitted comments to the EPA.

Q&A: For the AERMOD enhancements (background concentration guidance), can you share more information (is the background air improving)? The EPA is adjusting modeling for the background concentrations by proposing [a draft guidance on developing background concentrations](#). The guidance is part of a proposed EPA-recommended framework for characterizing representative background concentrations in the context of modeling multi-source areas.

The list of rules being worked on at the federal level [can be found here](#).

Finalized EPA rules/guidance

Second Interim Final Rule Ozone Good Neighbor Plan (GNP) – Stays the implementation of the EPA’s Good Neighbor Plan in six states (AL, MN, NV, OK, UT, WV). GNP was previously stayed in six additional states (AR, KY, LA, MS, MO, TX). The DNR did develop comment reiterating the importance of a complete transport remedy.

Q&A: Any update on petition for reconsideration? Answer: Litigation is ongoing and briefing dates have been scheduled.

Implementing Regulations for CAA Section 111(d) State Plans – EPA has finalized changes to the 111 (d) implementing regulations and they took effect December 18, 2023.

Oil and Gas Methane – NSPS and Emission Guidelines (EG) – EPA finalized the “methane rule” on December 2. The final rule encompasses multiple actions, including revisions to the NSPS for oil and natural gas section and EG for the development of state plans for existing sources. This has yet to be published in the federal register and will have an effective date 60 days after publication.

Revised Particulate Matter (PM) NAAQS – The rule is with the White House Office of Management and Budget (OMB) for interagency reviews. The EPA has indicated it intends to finalize the NAAQS as soon as possible after the OMB review is complete.

Fiscal Update

At the Fall AMAG meeting, the Air Program shared information about the health of the revenue in the permit program. There were several questions about how the program is managing permit workload.

Air Management is currently managing workload through a combination of prioritization and teamwork.

Priorities for acting on applications include:

- Permit application reviews will take top priority.
- Applicants may apply for expedited review, and the DNR will prioritize those applications.
- The DNR will review exemption determination requests where the regulation requires approval before the work can begin.
- The DNR will only act on revision requests and other exemptions as time allows and is unable to provide review time estimates for those actions.

Even with these new priorities the program is expecting permit reviews to take longer. The program is asking applicants to submit applications as soon as possible and build in 9-12 months for the permit review (rather than 4-6 months) especially for complicated projects.

Permit writers are also using more of a team approach, helping each other to complete the review where it makes sense.

One change coming July 1 will be a renumbering of construction permits to represent the permit type rather than using permit writer initials. This is a small way to remove any obstacle to collaboration. The current construction permit numbering system includes the initials of the permit writer. The program has decided to replace the permit writer initials with information on the type of permit being issued. Anyone can tell at a glance if the permit is a major or minor source construction permit. This change allows the program to be nimbler in its approach to permit writing. The program plans to roll out the new numbering system in July of 2024.

Comment: There are a number of exciting projects being proposed as part of the Kenosha Innovation Neighborhood Project that may involve the need for construction permits. Construction permits have to be in place prior to any construction starting. If the permit programs aren't adequately funded, it could have a big impact on these projects and inhibit economic growth and revitalization of the area.

Comment: The green economy transformation which includes many grant opportunities for businesses, will lead to construction of battery plants, green hydrogen plants, and more wind and solar manufacturing, all of which need construction permitting.

Comment: As a Class 1 area, the Forest County Potawatomi Community (FCPC) has an agreement and a flow chart of how and when to involve FCPC in the permitting process. There are explicit timelines that must be met. If there are changes to the permitting timelines and when FCPC will be involved, please notify FCPC.

Q&A: Why are construction permit revisions and exemption requests being de-prioritized? Exemptions have the lowest priority because construction can start even if the exemption request is not reviewed so the economic impact to applicants of not receiving the exemption determination is low. Revisions may

be prioritized on a case-by-case basis but generally, construction permitting must be the highest priority due to the significant economic impact delayed permitting can have.

Comment: Construction permit revisions and exemptions are increasing and construction permit applications decreasing. The DNR agreed and noted that the trend may be due in part to the streamlining rule now that more sources are able to qualify for exemptions. The DNR is interested to hear from stakeholders who might have more knowledge on the economics behind this trend.

Comment: The state offers economic incentive grants. That might be a place to see what is being applied for and if permit applications may trend up as a result.

Public Facing Data

Emissions inventory data submitted by sources to the DNR in the Air Reporting System (ARS) is widely available on DNR, DHS, and U.S. EPA public access websites.

The [Air Management Data Viewer](#) is the DNR's web-based mapping application that provides information about air permitted facilities. It includes annual emissions inventories from facilities required to report emissions to the Air Program. Publicly available emissions information is updated after inventories from the previous year have been certified, usually in June.

The [DHS Wisconsin Environmental Public Health Tracker](#) is a source for environmental health data in Wisconsin. The data does not include facility identification; however, it does come from DNR annual emissions inventories. Concerning trends can be traced back to the reported data for review.

[AirToxScreen is an EPA mapping and screening tool](#) that identifies air toxics and their associated emissions sources and locations. The tool uses the national emissions inventories database (NEI) and toxics release inventories (TRI). DNR annual emissions inventories populate the NEI and the Air Program quality assures TRI data with the certified data from these same inventories.

[EJScreen](#) is an EPA environmental justice mapping and screening tool that uses the same NEI and TRI databases.

EPA's [enforcement and compliance history public facing tool](#) now includes EJScreen data which again come from NEI and TRI which come from annual emissions inventories.

Air Management understands assumptions and general calculations can be part of the reporting process. The program encourages sources to spend time on their data. Air Management has built in many quality-assurance checks to help with accurate data.

Emissions inventories are due annually on March 1 for the previous calendar year's data and is transferred exactly once each year for the previous calendar year's data. Revisions made to EI data after the data transfer do not go to EPA's system and are not reflected in the publicly facing websites.

Member questions or comments:

Member- Are there any major updates to the air reporting system this year? The Air Program recommends watching the new webinar if you prepare emissions inventory. The format was updated

this year, and additional technical information is required such as stack height information. The [new webinar can be viewed here](#).

Member- Why does updated data not get included into the EPA's system as it is updated in the DNR's system?

John Mooney responded - The EPA does work to update as much as possible throughout the year, however, due to significant workload for updating systems there must be a cutoff point to start the new reporting season.

Member- When does data get distributed? The data is reported by sources by March 1 for previous calendar year. Certification of that data by the sources is due by June 30, and the data is submitted to the EPA in October.

MyWisconsin ID

The State of Wisconsin is moving toward a single personal account for each citizen to secure private access to participating Wisconsin government resources and agencies. MyWisconsin ID will replace the existing WAMS ID. Every person who needs to access a WAMS ID system will need a MyWisconsin ID. All agencies are required to transition away from WAMS ID by 2027. Agencies that have already migrated include the Department of Administration, the Department of Corrections, and the Department of Children and Families

Air Management has four WAMS ID applications:

- Air Reporting System
- Air Permit and Compliance System
- Asbestos Renovation and Demolition Notification
- Asbestos Inspection Checklist

MyWisconsin ID is person specific; it is not a facility or company ID. It also requires multi-factor authentication and has stronger password requirements. Registration and set-up for MyWisconsin ID is available now. The process for creating MyWisconsin ID can be found [here](#).

Application migrations are planned to start Fall 2024. More information will be provided as project progresses.

Members Update

Art Harrington – [Kenosha Innovation Project](#) – This is an Environmental Justice effort. The idea is to bring innovation and technology to the education systems in the area.

Joe Hoch representing WUA - There are many proposed regulations out now that will affect the power sector including EPA's proposed power plant rules and SEC disclosure rules on GHG emissions reporting.

Craig Summerfield – WMC will be providing more comments on NR 439 rule. WMC shared appreciation for the opportunity to have a conversation on the proposed NR 410 rule, but they continue to be concerned the department is interpreting permit conditions at compliance monitoring time that then

require permit revisions and the new fee proposals are currently a large increase.

Ciaran Gallagher – Clean Wisconsin received many inquiries about the wildfires and particulate matter last summer. She noted there was good collaboration among groups including the Department of Health and the DNR, which led to getting information out to the public on how to stay safe during the worst of the air quality episodes. Also, Clean Wisconsin has posted an analysis of EPA’s proposed power plant rule on its website.

Art Harrington – There will be a need for additional peaking plants to augment the transition to solar and wind power coming online.

Pat Stevens - WPC’s recent regulatory and technology workshop included a great presentation from the DNR’s air quality modeling coordinator. Pat also requested that the department look at policy changes that could impact the need for construction permits.

Noelle Brigham - There are new climate related disclosure rules from the SEC and the State of California affecting companies that are doing business in California even if located in Wisconsin. Businesses will be required to disclose climate related information such as GHG emissions.

Curtis Hedman – The DHS appreciates the positive feedback on communication during wildfire events. They are also helping EPA on monitoring children’s health in the Milwaukee area.

Ozone Topics

Season Closeout

The Ozone season ran from April 1 – October 15 at all sites except those located in Kenosha County. The ozone off-season includes annual preventative maintenance and certification of approximately 70 calibration instruments and 100 pollutant measurement instruments. Site and shelter upgrades will also be made at three ozone monitoring locations.

Preliminary data shows elevated ozone concentrations at most monitors in southern Wisconsin and along the Lake Michigan shoreline. Persistent drought conditions, stagnant meteorological conditions, and wildfire smoke were all factors that impacted ozone concentrations in 2023.

2015 Ozone NAAQS

The EPA can finalize a bump-up to serious anytime between August 3, 2024 and February 3, 2025. In the past, the EPA has not met its Clean Air Act (CAA) deadline to reclassify areas by the required date, however, the EPA has stated it intends to prioritize this action. 2021-2023 design value data will be used to determine attainment. Data shows the highest monitored value in each of the three nonattainment areas.

- Kenosha County - Chiwaukee Prairie 77ppb
- Sheboygan County – Kohler Andrae 77 ppb
- Milwaukee – Racine and Bayside 74 ppb

The magnitude of the fourth high values in 2023 were elevated but not anomalous for the historically high lakeshore monitors. Racine’s fourth high in 2021 was higher than 2023 for example. The fourth high value that each monitor would need to record in 2024 for the area to attain the 2015 ozone NAAQS is very low, and will likely be exceeded during the 2024 ozone season.

What was unique about the 2023 ozone season was the number of days the monitors exceeded the NAAQS. This table shows exceedances along the Lake Michigan shoreline over the last three years.

	2021	2022	2023
Chiwaukee Prairie	10	3	22
Racine	8	3	16
Sheboygan	5	5	14

The program is reviewing all 2023 ozone season data, looking at initial flags and analysis only at this time. There were 33 days in 2023 that were initially flagged by the DNR that may have some smoke influence at Chiwaukee Prairie. Of those 33 days, 22 were associated with an exceedance of the 2015 ozone NAAQS. 88% of those exceedance days were also associated with ozone conducive meteorological conditions unrelated to smoke, like high temperatures, southerly winds and sunny skies. It will be challenging to prove a clear, causal relationship between ozone exceedances and smoke due to all these additional mitigating factors. To make an ozone demonstration regulatorily significant, it would have to result in values below 70 ppb.

Good Neighbor Plan

The EPA has promulgated two interim final rules to stay the Good Neighbor Plan implementation in 12 states. The DNR developed comments on both rules. Currently the rule is being fully implemented in 10 states, including Wisconsin. The department reiterates its position that this transport rule is essential and should be fully implemented without further delay to meet CAA requirements.

The DC Circuit Court has set a briefing schedule for the transport litigation. The Wisconsin Department of Justice briefing is due January 26, 2024. EPA’s response brief will be due April 10, 2024.

EPA Region 5 Update

EPA Region 5 Air and Radiation Director John Mooney presented on the agency’s environmental justice efforts.

[Principles for Addressing Environmental Justice Concerns in Air Permitting](#)

1. Identify communities with potential environmental justice concerns
2. Engage early in the permitting process to promote meaningful participation and fair treatment
3. Enhance public involvement throughout the permitting process
4. Conduct a “fit for purpose” environmental justice analysis
5. Minimize and mitigate disproportionately high and adverse effects associated with the permit action to promote fair treatment

6. Provide federal support throughout the air permitting process
7. Enhance transparency throughout the air permitting process
8. Build capacity to enhance the consideration of environmental justice in the air permitting process

[EPA Legal Tools to Advance Environmental Justice](#)

[Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions](#)

2024 AMAG Meeting Dates

- Thu. March 14
- Tues. June 4
- Thu. Sept. 5
- Thu Dec. 5

2024 Priority Topics

Emerging federal regulation

- Emerging contaminants (PFAS)
- Federal permit actions
- PM2.5 NAAQS
- Long term planning at the federal level
- Climate initiatives

Ongoing efforts

- Environmental Justice
- 2015 ozone NAAQS implementation
- Ozone transport
- SIP submittals and redesignation requests
- Regional haze
- Rulemaking

Opportunities

- Inflation Reduction Act
- Transparency in information
- Goals and vision of DNR
- Working with other states and organizations

Next AMAG Meeting. The next study group meeting will be held on **Thursday, March 14** at 9 a.m.