

# Air Management Study Group

## Quarterly Meeting Agenda

- Opening remarks & agenda review
- Hiring update
- Proposed guidance, rules and legislative update
- E-signature update
- Act 70 update
- Monitoring ozone length of season waiver
- Member updates
- Inspection reports
- Ozone topics
- Priority topics

# **Air Management Study Group Quarterly Meeting**

Madison  
February 26, 2019

# Hiring Update

**Gail Good**

Air Program Director

# Updates on Guidance, Rules and Legislation

**David Bizot**

Air Quality Planning and Standards Section Chief

**Kristin Hart**

Air Permitting Section Chief

# Proposed Air Program Guidance

DNR Guidance in Drafting Phase	Description	Target Date
Updates to Air Dispersion Modeling Guidelines	Updates addressing: <ul style="list-style-type: none"> <li>• MERPs</li> <li>• AERMOD updates</li> <li>• SIL Guidance</li> </ul>	Pending EPA finalization
DNR Guidance in Public Comment	Description	Date Posted
None		
Finalized DNR Guidance	Location	Final Date
None		

# Air Program Rules

Board Order	Topic	Status
AM-24-12(B)	Permit Streamlining	Preparing for hearing in late March 2019
AM-18-13	Lithographic printing	Approved by governor on 2/22/2019; next to legislature
AM-20-18	VOC RACT rule updates	Scope statement approved by governor on 1/30/2019; on February NRB meeting agenda for authorization for preliminary hearing and public comment

# Proposed EPA Rules and Guidance

Proposed EPA rule/guidance	Docket	Comments due
Revised Policy on Exclusions from “Ambient Air”	<a href="https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air">https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air</a>	Extended to 01/11/2019
Standards of performance for new residential wood heaters, hydronic heaters and forced-air furnaces (sell-through provisions)	<a href="https://www.epa.gov/air-quality/electric-utility-generating-units">EPA-HQ-OAR-2018-0195</a>	Extended to 02/12/2019
Standards of performance for new residential wood heaters, hydronic heaters and forced-air furnaces	<a href="https://www.epa.gov/air-quality/electric-utility-generating-units">EPA-HQ-OAR-2018-0196</a>	02/13/2019
Review of standards of performance for GHG emissions from new, modified and reconstructed stationary sources: electric utility generating units	<a href="https://www.epa.gov/air-quality/electric-utility-generating-units">EPA-HQ-OAR-2013-0495</a>	Extended to 03/18/2019
Proposed Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone National Ambient Air Quality Standards	<a href="https://www.epa.gov/air-quality/electric-utility-generating-units">EPA-HQ-OAR-2018-0226</a>	Comment period reopened until 02/22/2019

# Proposed EPA Rules and Guidance

Proposed EPA rule/guidance	Docket	Comments due
SIP approval for Nonattainment New Source Review Requirements for the 2008 ozone NAAQS	<a href="#">EPA-HQ-OAR-2018-0569</a>	03/14/2019
Air Plan Disapproval; Wisconsin; Redesignation Request for the Wisconsin Portion of the Chicago-Naperville, Illinois-Indiana-Wisconsin Area to Attainment of the 2008 Ozone Standard	<a href="#">EPA-R05-OAR-2016-0496</a>	03/18/2019
Revision of Sheboygan County, Wisconsin Nonattainment Designation for the 1997 and 2008 Ozone Standards and Clean Data Determination for the 2008 Ozone Standards	<a href="#">EPA-R05-OAR-2018-0035</a>	03/18/2019



# Finalized EPA Rules and Guidance

Finalized EPA rule/guidance	Link	Date finalized
Implementation of 2015 Ozone NAAQS: Nonattainment area SIP requirements	<a href="#">EPA-HQ-OAR-2016-0202</a>	02/04/2019
Air Plan Approval; Wisconsin; Reasonable Further Progress Plan and Other Plan Elements for the Moderate Nonattainment Chicago Area for the 2008 Ozone Standards	<a href="#">EPA-R05-OAR-2017-0212</a>	02/13/2019

# Draft and Final Legislation

Final legislation	Link
<p><b>2017 Wisconsin Act 369</b> - Relating to: legislative powers and duties, state agency and authority composition and operations, and administrative rule-making process.</p>	<p><a href="https://docs.legis.wisconsin.gov/document/acts/2017/369">https://docs.legis.wisconsin.gov/document/acts/2017/369</a></p>

# E-Signature Update

**Maria Hill**

Compliance, Enforcement and Emission Inventory Section Chief

**Andy Stewart**

Field Operations Director

# E-Signature Update

The first chance for all major sources to use e-signature was for the mid-year monitoring reports. 18% of reports received were e-signed.

Now open to minor sources, including registration permits (ROP), general permits (GOP), and synthetic minor permits (SOP, FESOP).

December 2018 outreach included:

- Air News article
- Small Business advisor article
- FET newsletter
- Email to permitted source contacts
- Social media posts
- Webpage FAQ updates

For assistance with electronic signature, contact:

- [DNRSignature@Wisconsin.gov](mailto:DNRSignature@Wisconsin.gov),
- 608-267-3123, or
- your assigned compliance engineer.

# Act 70 Update

**Art Harrington**  
Godfrey and Kahn S.C.

## Act 70

The Act 70 Pilot Project is a collaboration between Brownfields, Green Tier and Air Management programs

*GOAL: Provide incentives for manufacturing facilities to locate on brownfields*

- Stakeholders met January 18, 2019
  - Group Discussed progress on Green Tier Registration Permit and model Green Tier Charter language
  - Presentation by Curt Witynski – League of Wisconsin Municipalities
  - Presentation by Deloitte on factors they consider when locating a manufacturing facility
  - Finalized outreach materials

## Act 70

### Next Steps:

- Green Tier Registration Permit stakeholders met on January 29, 2019 to finalize permit documents
- DNR continues to prepare outreach materials for Registration Permits and Green Tier
- Act 70 subgroup will develop a communication strategy
- Act 70 subgroup will develop performance measures for the pilot
- Next Meeting – May 2019

# Monitoring Ozone Length of Season Waiver

**Katie Praedel**  
Monitoring Section Chief



# Monitoring Ozone Length of Season Waiver

- 2015 Ozone NAAQS changed the length of the season in many states including Wisconsin.
  - Added six weeks to the beginning of the season
  - Required ozone season start-up changed from April 15 to March 1 beginning in 2017
  - In anticipation of winter weather challenges, Wisconsin's early season ozone start-up procedures were tested and documented in 2016

## Monitoring Ozone Length of Season Waiver

- Due to low measured ozone concentrations in the month of March, on November 19, 2018, the Air Program submitted a letter to EPA, requesting the EPA grant waivers from ambient ozone monitoring at all seasonally operated ozone sites (26 of 30) between March 1 and March 31.
- This request was the fourth such attempt at requesting a waiver for March 1 – 31.
- On December 5, 2017, EPA deferred action on the second waiver request, stating that at least three years of March data was needed.

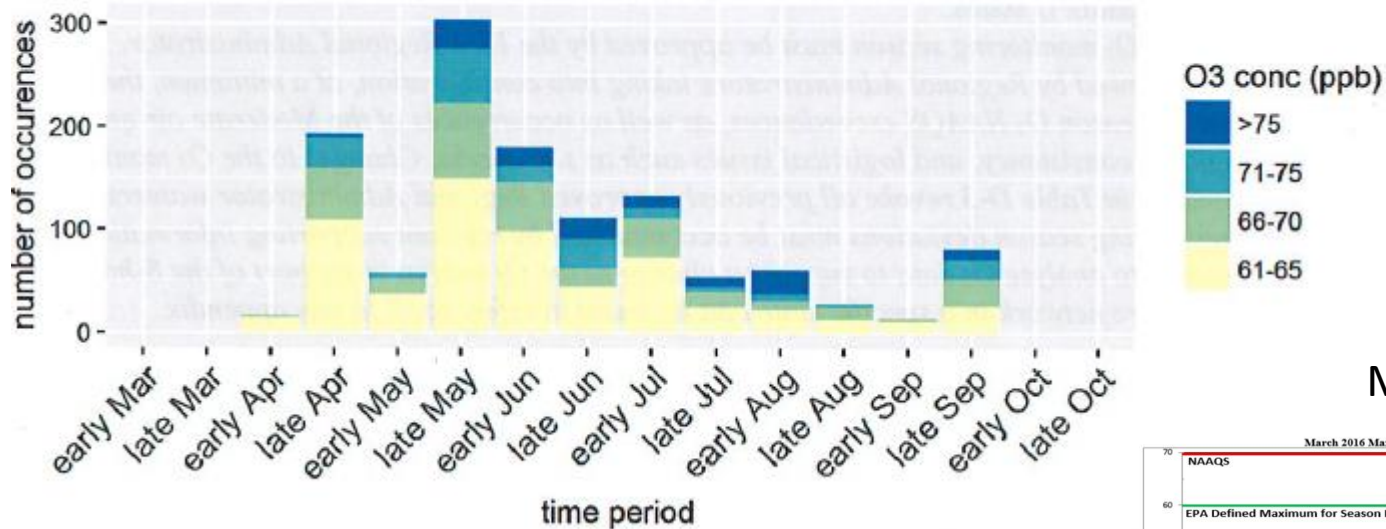
## Monitoring Ozone Length of Season Waiver

- As requested by EPA, examination of Wisconsin March ozone data from all 30 sites for 2016, 2017 and 2018 was included in the final waiver request.
- Despite warmer than average temperature in March of 2016, no 8-hr ozone averages exceeded 60 ppb at any sites in the previous three years.

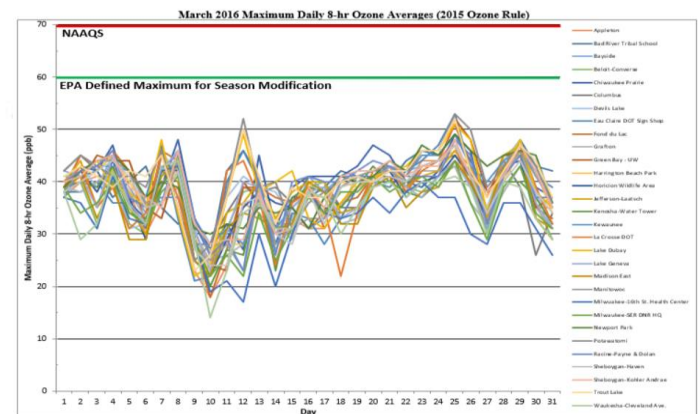
# Monitoring Ozone Length of Season Waiver

Three year March data demonstration at 30 WI Monitoring Sites

All Wisconsin Ozone Monitors, 2016-2018



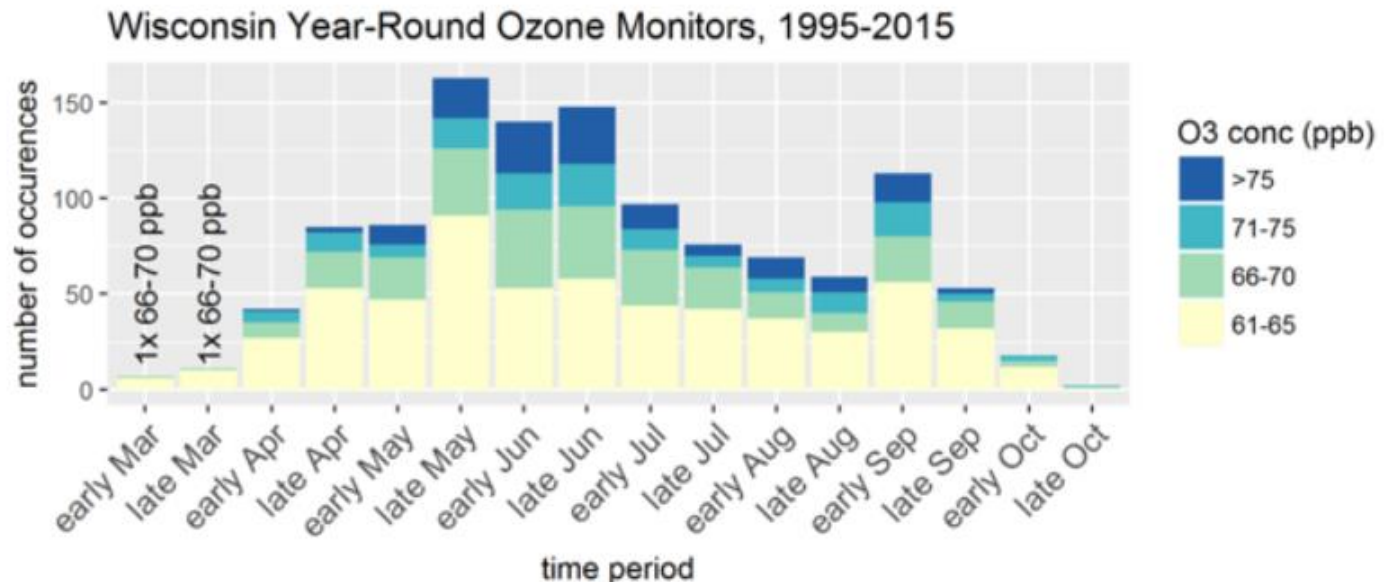
March 2016



# Monitoring Ozone Length of Season Waiver

- Year round ozone data has been collected at four sites in WI for over twenty years.
- Historical data has shown that there is minimal value to the extended season in Wisconsin.

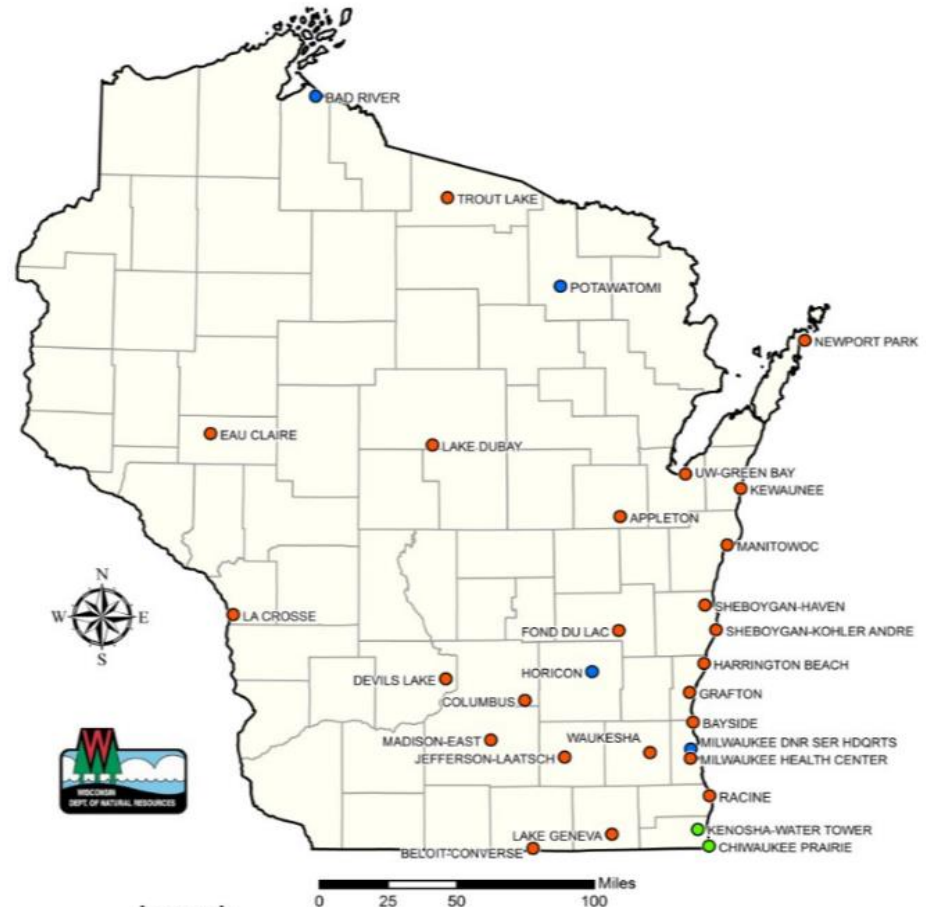
**Figure 3**  
Number of occurrences of concentrations greater than 60, 65, 70 and 75 ppb at WI year-round ozone monitoring sites for 1995 – 2015



# Monitoring Ozone Length of Season Waiver

- On December 21, 2018 EPA partially approved Wisconsin's length of ozone season waiver request with the exception of monitors in Kenosha County
- Kenosha County is part of the Chicago-Naperville-Elgin, IL-IN-WI Metropolitan Statistical area

Wisconsin Ozone Network Length of Season with Approved Waivers



Legend:

- Monitors approved to operate April 1 – October 15
- Monitors operating year-round
- Monitors to operate March 1 – October 31

# Monitoring Ozone Length of Season Waiver

- Effective for the 2019 Ozone season
- 22 of 24 seasonally operated DNR sites will begin monitoring on April 1 instead of March 1
- Increases safety of field staff
- Allows funding to be allocated more effectively for enhanced ozone monitoring

# Member Updates



# Inspection Reports

**Maria Hill**

Compliance, Enforcement and Emission Inventory Section Chief

# Inspection Reports

## Goals:

- Statewide consistency in format
- Clearly identify any noncompliance
- No statements of compliance
- Build a sound foundation for the determination

## Process for Development:

- Survey of all compliance staff and supervisors as well as some permit staff
- Reviewed EPA Compliance Monitoring Strategy (CMS) policy and inspection reports from other states
- Project team included one inspector from each region, a regional supervisor, and section chief
- Reviewed by Air Management Team and Legal
- Begin use January 1, 2019 for six months and then re-evaluate

# Inspection Reports

## Benefits:

- Summary conclusion on the first page, details follow
- Noncompliance easier to identify
- All process information, observations, and findings are together in one section
- Report length is reduced, no longer reiterating other final documents (i.e. permits, inventory final reports)
- Reduced look back unless specific concern, only to previous inspection except enforcement (10 years per EPA policy)
- Complaint table removed
- Increased use of checklists to identify records reviewed and applicable programs
- Increased drop downs and checklists for later incorporation with mobile devices in the field
- Enforcement and compliance testing tables match those generated from the program database for later programming to auto populate

# Ozone Update

**David Bizot**

Air Quality Planning and Standards Section Chief

**Kristin Hart**

Air Permitting Section Chief

## 2008 Ozone NAAQS

- EPA proposed a reclassifications rule for the 2008 ozone NAAQS on November 14, 2018. EPA proposed to:
  - Reclassify the partial Kenosha County NAA to “serious”. New attainment date would be July 20, 2021
  - Extend attainment date for Sheboygan County NAA by one year, to July 20, 2019
    - Note: area is not expected to attain, based on preliminary 2016-2018 data
- DNR already working with LADCO and member states on attainment plans for both areas

## 2008 Ozone NAAQS: Reclassification to “Serious”

### Bump-up

- Major source threshold for Title V and construction permits in serious ozone nonattainment areas is 50 tons per year VOC and NO<sub>x</sub>

### Effects on Operation Permits

- Existing Title V permits – no effect
- Existing non-Title V permits in areas classified “serious” ozone nonattainment:
  - Facilities with PTEs of VOC and/or NO<sub>x</sub> exceeding 50 tons per year are major sources and are required to obtain a Title V permit
  - Facilities with actual emissions of VOC and NO<sub>x</sub> below 50 tons per year can take limits on PTE to remain synthetic minor

## Nonattainment Area Operation Permitting

### Registration Permits (ROPs) – When Major Source Threshold decreases, emission caps decrease

- Type A ROP limits facilities to 25% of the major source threshold (MST)
  - E.g. for a facility located in a serious ozone nonattainment area, VOC and NO<sub>x</sub> emissions may not exceed 12.5 TPY each
- Type B ROP limits facilities to 50% of the MST
- Type C ROP limits printers to 25% of MST for criteria pollutants and 50% of MST for hazardous air pollutants

# Nonattainment Area Operation Permitting

## Other Small Facilities in Eastern Kenosha County

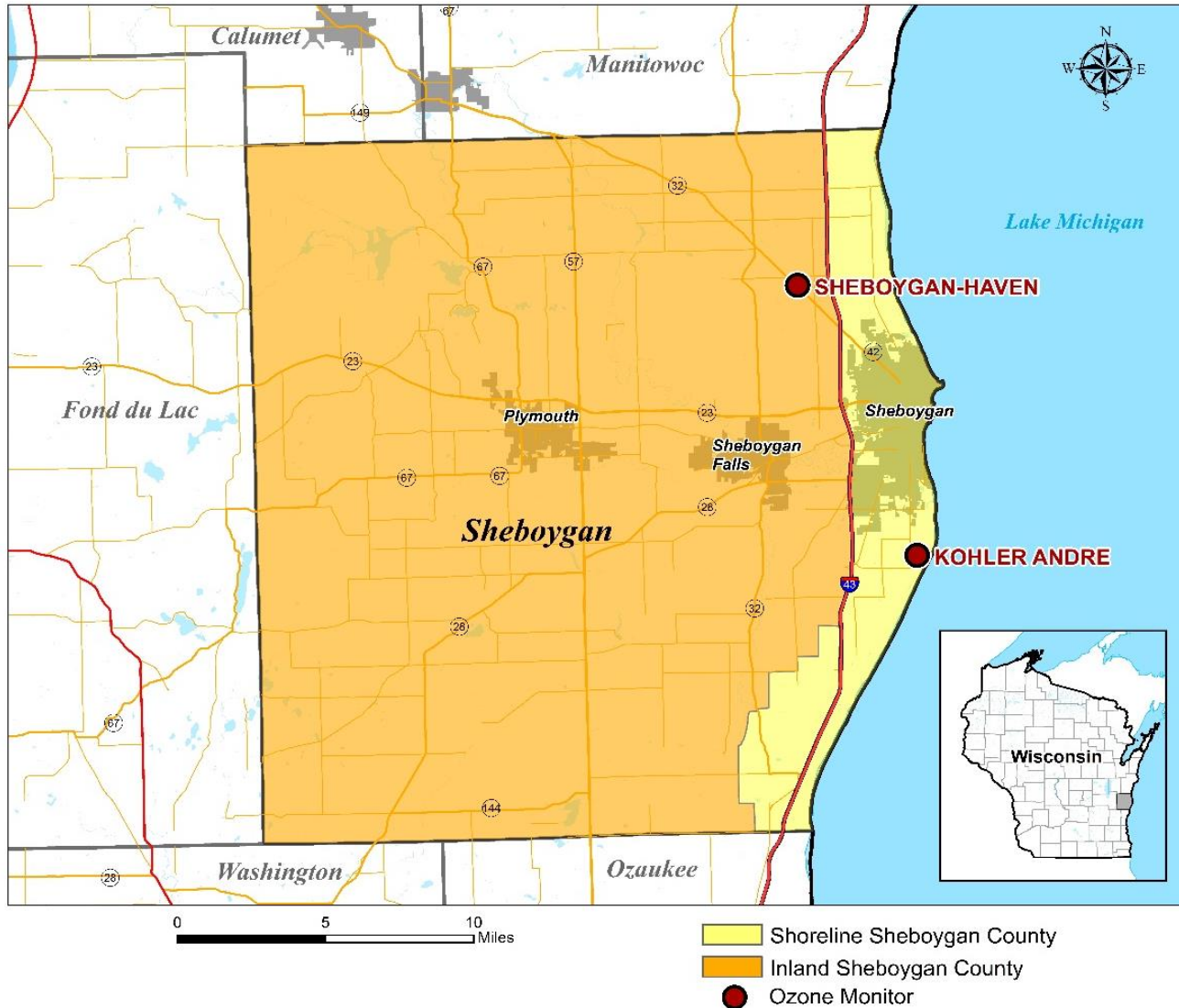
- Sources operating under 10 ton exemption, s. NR 407.03(1m)
  - No changes needed
- Natural minor sources operating under the natural minor exemption, s. NR 407.03(1s)
  - Natural minor definition will change. Maximum theoretical emissions of NO<sub>x</sub> and VOC must be less than 50 TPY.
- Natural minor sources operating under a state operation permit application shield or state operation permit
  - Natural minor definition will change. Maximum theoretical emissions of NO<sub>x</sub> and VOC must be less than 50 TPY.



## 2008 Ozone NAAQS

- EPA has proposed to split the current Sheboygan County 2008 ozone nonattainment area into two areas:
  - “Inland Sheboygan County”
  - “Shoreline Sheboygan County”
- The boundary separating these two areas is proposed to be the same boundary finalized for the 2015 ozone NAAQS. Both areas would retain “moderate” classification
- EPA proposing a clean data determination for the Inland Sheboygan County area based on data from Haven monitor
- Will allow potential redesignation to attainment for Inland Sheboygan County area for both 1997/2008 NAAQS

# 2008 Ozone NAAQS



## *South Coast II* ramifications

- [South Coast Air Quality Management District v. EPA](#) (2/16/18) impacted EPA implementation of the (revoked) 1997 ozone NAAQS
- Implications for “orphan areas” – areas designated as maintenance for 1997 NAAQS and initially designated attainment for 2008 NAAQS. In Wisconsin:
  - Kewaunee County
  - Door County
  - Manitowoc County
  - 6-county Milwaukee-Racine area (Milwaukee, Ozaukee, Racine, Washington, Waukesha, and Kenosha counties)

## ***South Coast II* ramifications**

- Transportation conformity will again apply in orphan areas, effective 2/16/19
  - Interagency conformity work group already addressing this issue
- 2<sup>nd</sup> ten-year maintenance plans now required
  - Kewaunee County (due 5/21/16)
  - Door and Manitowoc counties (due 7/12/18)
  - Milwaukee-Racine area (due 7/31/20)
  - DNR is developing a combined plan to address this resurrected requirement for all the orphan areas

# 2019 Priority Topics

**Gail Good**  
Air Program Director

# 2018 Priority Topics

- Permit streamlining
  - Rule making process
  - Improvements to other regulatory programs
- New Source Review
- Ozone
  - 2008 and 2015 ozone NAAQS implementation
  - SIP submittals and redesignation requests
  - Maintenance areas in southeast Wisconsin
- Opportunities to provide more information and data to the public
  - Use of data viewer
  - Accessibility of details on permitted amounts, emissions levels, NOVs and LONs
- Long-term planning under the new federal administration

# 2019 Priority Topics

- Emerging federal regulation
  - emerging contaminants (specifically PFAS)
  - new source review reform
  - long term planning at the federal level
  - ACE rule
- Ongoing efforts
  - 2008/2015 ozone NAAQS implementation
  - SIP submittals and redesignation requests
  - regional haze
  - permit streamlining and other rulemaking
- Opportunities
  - transparency in information (data, digitization)
  - other states and organizations