

**Final Guidance:**

The Air Management Program guidance “Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin” is intended for use by WDNR Air Management Program permitting and compliance staff to inform them of the decision to implement the federal and state definition of chemical processing plants excluding ethanol production facilities under chapters NR 405 and NR 407, Wis. Adm. Code. This guidance will also guide permit holders when submitting applications for new projects.

Excluding ethanol production facilities from consideration as chemical processing plants results in an increase to the emission threshold for permitting projects at these sources under ch. NR 405, Wis. Adm. Code, Prevention of Significant Deterioration (PSD). The threshold for review of projects under PSD will increase from 100 tons per year of a criteria pollutant to 250 tons per year. In addition, fugitive emissions do not need to be included in determining the emissions thresholds for PSD or Title V.

WDNR is taking this action now to be consistent with implementation by US EPA as well as surrounding states, and respond to recent court actions which support implementing the change in definition.

The Department solicited comments from external stakeholders on the draft guidance for 21 days. Three (3) comments were received and are attached. All commenters supported the decision to change the permitting practice and exclude ethanol plants from consideration as chemical manufacturing processes consistent with federal definitions and Wisconsin State code. Comments are attached.

The Final Guidance document is identical to the draft guidance document.



## WISCONSIN CORN GROWERS ASSOCIATION

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Phone: (262) 495-2232 Fax: (262) 495-3178

### Formal Comment on:

**DNR Air Management Program Guidance "Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin"**

July 8<sup>th</sup>, 2015

Kristin Hart

Permits and Stationary Source Modeling Section Chief – Air Management Program

Wisconsin Department of Natural Resources

101 S Webster St, PO Box 7921

Madison, WI 53707-7921

The Wisconsin Corn Growers Association strongly supports the Guidance "Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin".

It has been eight years since the EPA changed the definition of chemical process plants, resulting in an increased threshold for permitting ethanol plants under PSD to 250 tons/year. It has been seven years since the state codes were amended and submitted to the EPA as an amendment to Wisconsin's State Implementation Plan.

**Seven years is more than enough time to wait for the EPA to approve a change ordered by the EPA.** We agree with the DNR's decision to move forward as surrounding states have done, and as recent court decisions prove they should.

The ethanol industry is an increasingly important part of our state's economy. It is important that we stop imposing stronger restrictions than are necessary, stronger restrictions than our neighboring states, and stronger restrictions than ordered by the EPA way back in 2007.

Please move forward with the new guidance as written. Thank you for considering our request.

Sincerely,

Casey Kelleher  
WCGA President

# Wisconsin BioFuels Association

**Formal Comment on:  
DNR Air Management Program Guidance “Changes to Air Pollution Control  
Permitting for Ethanol Plants in Wisconsin”**

July 13<sup>th</sup>, 2015

Kristin Hart  
Permits and Stationary Source Modeling Section Chief – Air Management Program  
Wisconsin Department of Natural Resources  
101 S Webster St, PO Box 7921  
Madison, WI 53707-7921

The Wisconsin BioFuels Association strongly supports the Guidance “Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin”.

It has been eight years since the EPA changed the definition of chemical process plants, resulting in an increased threshold for permitting ethanol plants under PSD to 250 tons/year. It has been seven years since the state codes were amended and submitted to the EPA as an amendment to Wisconsin’s State Implementation Plan.

**Seven years is more than enough time to wait for the EPA to approve a change ordered by the EPA.** We agree with the DNR’s decision to move forward as surrounding states have done, and as recent court decisions prove they should.

Several plans have been on hold waiting for this very change - including plans that will *reduce* emissions.

The ethanol industry is an increasingly important part of our state’s economy. It is important that we stop imposing stronger restrictions than are necessary, stronger restrictions than our neighboring states, and stronger restrictions than ordered by the EPA way back in 2007.

This guidance will allow our industry to expand in Wisconsin.

Please move forward with the new guidance as written. Thank you for considering our request.

Sincerely,

Erik Huschitt  
WBFA President

**From:** Dale Drachenberg [<mailto:ddrachenberg@didionmilling.com>]  
**Sent:** Monday, July 13, 2015 2:39 PM  
**To:** Hart, Kristin L - DNR  
**Subject:** Comments on "Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin"

July 13<sup>th</sup> 2015

Kristin Hart  
Permits and Stationary Source Modeling Section Chief – Air Management Program  
Wisconsin DNR  
101 S. Webster St. PO Box 7921  
Madison, WI 53707

Kristin,

This letter is to express Didion Millings support for the Guidance "Changes to Air Pollution Control Permitting for Ethanol Plants in Wisconsin". As you know we are a food manufacturer that uses waste from our food plant to make ethanol. We employ over 200 staff currently and have plans to add several more pending the outcome of the proposed change increasing the PSD threshold to 250 tons per year.

Given our unique situation of having both a food and ethanol plant on the same site, the existing 100 ton limit has placed constraints on our growth and expansion, as well as put us at a competitive disadvantage to other stand-alone plants in the Midwest.

The EPA had changed the definition of chemical process plants more than 7 years ago and regardless of their lack of action on the Wisconsin SIP we believe that the right decision is to move forward with the EPA sanctioned changes as surrounding states have already done.

We have a permit ready to be submitted under the new Guidance which will allow us to expand and improve our operations as well as add to our already significant payroll. We look forward to working with your department on the application and approval of this permit.

In closing we thank the WDNR for taking the initiative to draft the Guidance document and urge you to move forward with it as currently written.

Sincerely,

Dale Drachenberg  
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