

Meeting Notes
Air Management Study Group Meeting
Thursday, May 30, 2013
9:00 a.m.
Room G09, GEF 2, 101 S. Webster St., Madison WI

Attendees

Renee Bashel, SCS Engineers	Jerry Medinger, ALA in Wisconsin
Bill Baumann, DNR	Kim Novak, WRMCA
Anne Bogar, DNR	Todd Palmer, Michael Best
Eric Bott, WMC	Ray Ramos, Cornerstone Environmental Group
Tim Clay, Cooperative Network	Bart Sponseller, DNR
Tyson Cook, Clean Wisconsin	Mark Steinberg, SC Johnson
Gail Good, DNR	Pat Stevens, DNR
Arthur Harrington, Godfrey & Kahn	Andy Stewart, DNR
Kristin Hart, DNR	Adam Tegelman, WRMCA
Chris Hiebert, SEWRPC	Rob Thiboldeaux, DHS
Joseph Hoch, DNR	Nancy Utesch, citizen
Jeff Jaeckels, MGE	Karen Walsh, DNR
Angela James, Wisconsin Paper Council	Tara Wetzal, WTBA
Scott Manley, WMC	Elizabeth Wheeler, Clean Wisconsin
Mitch Mariotti, WRMCA	Ken Yunker, SEWRPC

Action Items

- DNR will use input provided during the meeting to propose a plan for initial priority topics and subgroups. The proposal will be sent out for members' feedback.
- Members should send Anne Bogar feedback on the charter within two weeks. The goal is to finalize the charter for the August meeting.
- Members should contact Bart Sponseller if they are interested in potentially being a Study Group co-chair.
- DNR will provide information about EPA's draft sulfur dioxide NAAQS implementation guidelines and opportunity for comment. Member comments are due to DNR by July 1.
- DNR will provide a draft issue brief template for review. The template is intended to provide members a means of communicating proposals, recommendations and discussion items.
- DNR will send out copies of the RICE MACT factsheets to the Study Group for comments and suggestions about factsheet distribution.
- Standing item: members can contact Anne Bogar with additional ideas for priority topics and questions/comments.
- DNR will send out a survey to determine 2014 meeting dates.
- Next meeting: August 22, 9 am, Room G09, GEF 2, 101 S. Webster St., Madison, WI.

Meeting Summary

9:00 Welcome and Opening Remarks – Pat Stevens, AWaRe Division Administrator

Stevens thanked Study Group members for their participation and briefly discussed the purpose of the group, noting that it offers a forum for the Bureau of Air Management to receive feedback from diverse interests on issues and challenges associated with implementing federal programs and air policies.

9:10 Agenda Review - Bart Sponseller, Bureau Director

Sponseller thanked members for their participation and provided a brief overview of the agenda. He noted that future meetings will be shorter and more focused on policy issues than this introductory meeting.

9:15 Program Updates

Sponseller and Air Management section chiefs presented the Bureau's current status and priorities. The presentation slides are available on the Air Management Study Group website <http://dnr.wi.gov/topic/AirQuality/AMStudyGroup.html>. Presentations are bulleted below, and discussions that arose during the presentations are briefly summarized.

Overview - Bart Sponseller, Bureau Director

- Air Program Structure
- Air Program Budget
- Air Program Staffing

Upcoming NAAQS Changes and Key Federal Regulations - Joe Hoch, Section Chief, Regional Pollutants and Mobile Sources

- SO₂, NO₂ and Ozone Standards
- Transport and Regional Approach

Hoch suggested that the Study Group could develop comments on EPA's draft implementation guidelines for the new 1-hour sulfur dioxide standard. Sponseller stated that the Bureau needs to receive comments by July 1. At Bott's request, Hoch offered to provide more information. The possibility of inviting EPA to future meetings to address sulfur dioxide issues was briefly discussed. Harrington asked about whether it is possible for sources to get and use emission reduction credits for new source review generated before a standard is promulgated. Hoch and Stewart responded that credits can only be generated after the standard is released. Palmer asked DNR staff to clarify that the state can, for the purpose of State Implementation Planning (SIP), take credit for reductions before the standard is released. Hoch concurred that these reductions can be used for SIP purposes.

Permits Program Updates - Kristin Hart, Section Chief, Permits and Stationary Source Modeling

- Metrics on Construction Permitting
- Permit Streamlining

Air Quality Trends and Monitoring Updates - Gail Good, Section Chief, Monitoring

- April 2013 Air Quality Trends Report
- Monitoring Site Maps

Several members (Yunker, Manley, Harrington, and Palmer) expressed concerns about monitor siting, and discussed ideas for ensuring that monitor readings along Lake Michigan accurately reflect air quality for the region, not just along the shoreline. DNR staff explained the difficulty of relocating monitors. The group discussed reducing the size of nonattainment areas (e.g. only half of Kenosha is nonattainment for ozone) and siting additional monitors as strategies to address this issue. Sponseller noted that based on members' interest, this seems to be a priority topic that could be addressed by a subgroup. DNR staff also encouraged members' participation in the annual public meeting for the monitoring network plan.

Emission Trends and Asbestos Program - Bill Baumann, Section Chief, Compliance,

Enforcement and Emissions Inventory

- Asbestos Program Updates
- Point Source Emissions Trends

Hoch noted that the Emissions Inventory data represents data from stationary sources, and that mobile and area sources also contribute significant emissions in Wisconsin. He pointed members to the National Emission Inventory for data on these emissions.

10:40 BREAK

11:00 Remarks - Matt Moroney, DNR Deputy Secretary

Deputy Secretary Moroney thanked members for their participation on his and Secretary Stepp's behalf, briefly discussed the purpose of the group, and asked for questions or comments. A member of the public audience recommended that the Study Group include representation from the health profession.

11:05 Study Group Charter Review and Feedback - Study Group members & DNR staff
Process for Selecting Co-Lead for Study Group - Study Group members & DNR staff

Bogar provided an overview of the draft charter that was sent to members with their invitation letters. She noted that the material was taken from charters used by successful DNR groups in the past, but Study Group members should have input. The following sections summarize topics related to the charter and the Study Group's administration that were discussed.

Purpose

Stewart commented that the Study Group will complement formal policy procedures (for rulemaking, etc.) and not be redundant.

Harrington noted that other study groups at DNR (e.g. the Brownfields group) have been valuable for assessing interest on policy issues from a broad array of perspectives. He stated that the Brownfields group has been a forum for members to seek co-signers for letters or advance legislation. Sponseller suggested that members draw on experience from other groups as the structure of this group is developed.

Hiebert suggested that non-DNR members' responsibility is to bring issues to the table that would not necessarily be foreseeable from the DNR perspective. He noted that subgroups with technical staff would be helpful for identifying how issues would impact stakeholders and would help the group work towards consensus. Stewart added that DNR is also looking for non-DNR members' feedback on how impacts can be avoided and minimized.

Group consensus

Palmer pointed out that consensus may not be possible in all cases, and asked for thoughts on how that might be addressed. DNR staff responded that the intent of the group is to encourage consensus, but not force it. The Study Group is not a decision-making body, but DNR is seeking input from various perspectives. Majority and minority reports may be appropriate when consensus is not reached.

Subgroups

Bogar noted that when subgroups are developed, DNR will take suggestions for subgroup members, and reach out to request membership as needed.

Stewart stated that subgroups should focus on well-defined issues so they can bring specific recommendations back to the larger group.

Co-chair

Bogar asked members to let Sponseller know if they are interested in being the co-chair of the group. Sponseller is one co-chair, and the Secretary will appoint the other.

DNR staffing

DNR staff clarified that Bogar will coordinate Study Group meetings with Walsh's assistance. Bogar and Walsh are the main contacts. Stewart and Sponseller are also involved, and additional staff members will be brought in as relevant.

Meeting structure

Wetzel recommended that action items be prepared for the meeting. Harrington said that members would benefit from seeing a topic in advance so they have time to think about it (which would also help members that cannot be present).

Communication

Bogar and Sponseller stated that DNR will provide a draft issue brief template for the group's review.

Scheduling meetings

Bogar noted that the next meetings are August 22 and December 3, but if members would like to meet more often that can be accommodated. Clay suggested using Survey Monkey to schedule future meetings, and Sponseller offered to send out a survey for the 2014 meetings within the next couple of weeks.

11:30 Discussion on Priority Topics - Study Group members & DNR staff

- Listing potential topics
- Setting priorities for topics
- Identify participants for topic sub-groups

Topics for Upcoming Meeting - Study Group members & DNR staff

- Select initial topics for reporting to Study Group

DNR presented a list of potential topics for the Study Group to address based on the Bureau's current priorities:

- Sulfur Dioxide NAAQS Implementation
- Interstate Transport SIP Development
- 50% ROP Development
- Permit Streamlining Rule
- MATS & ICI Boiler MACT Implementation
 - State Mercury Rule

The group discussed these topics and additional topics suggested by members. The following sections summarize the discussion.

DNR staff clarified that the goal is not to start addressing a comprehensive list of topics, but to identify some initial priority topics. Bogar noted that subgroup work is only one way of addressing topics of interest. As relevant, topics could be addressed by DNR or others making a presentation to the group, members requesting factsheets, developing issue briefs and other means.

Stewart suggested that DNR staff propose a plan for moving forward with a couple topics for members' review. The plan would include a suggested framework for developing subgroups and their responsibilities. The plan would be sent out to members for review and to assess interest in subgroup membership. He suggested potentially starting with 50% Registration Operation Permit development and a portion of the permit streamlining rule (based in part on timelines for these DNR initiatives), but encouraged members to suggest other topics.

Monitor siting

This issue was raised during Good's presentation on air quality trends and monitoring updates. Members reiterated their interest in monitor siting and considering ways to get additional data for determining nonattainment area size.

Transportation conformity

Hiebert noted that this is his priority issue, but that there is a separate working group addressing it. DNR staff suggested that members use their judgment to determine when issues from other working groups should be addressed by the Air Management Study Group or when the Study Group should be informed about work done by other groups.

DNR's citation authority

Harrington referred to Baumann's presentation on statutory authority for citations for asbestos enforcement. He suggested it may be worthwhile to discuss the value of giving the DNR citation authority and discussing a range of options under enforcement.

Sulfur dioxide NAAQS Implementation

Hoch suggested that the Study Group could comment on EPA's draft implementation guidelines (see note from his presentation above). He noted that the Bureau would like to communicate to the Study Group as the implementation plan develops and obtain feedback. He hopes the group can proactively address this standard, which will be challenging for sources, and work with DNR to steer EPA's approach. He is interested in having the Study Group identify the permitting issues that may arise when the sulfur dioxide and nitrogen dioxide standards are written into the state code.

Interstate Transport SIP Development

Based on members' questions, DNR staff clarified that states do not need to address interstate transport until they receive direction from EPA, which DNR is not expecting for more than a year. Hoch stated that the Bureau would like feedback from the group about issues that will arise leading up to EPA providing direction.

Ozone

Hoch is interested in working in advance on ozone in anticipation of a new ozone standard. He will be having a staff member develop a report addressing the status of ozone in Wisconsin and its implications. He thinks the Study Group could help with that effort.

Manley mentioned that he thinks the group could play a part in the next ozone standard, but is also interested in how ozone issues are handled generally, specifically regarding monitoring and emission reduction credits used in New Source Review (i.e. preserving credits for future standards).

Permit Streamlining

The Study Group discussed how this issue is broad, and could be addressed by multiple study groups. DNR would like assistance with rulemaking for permit streamlining – staff would like it to be a collaborative process, so that streamlining efforts benefit permit holders in addition to the Department. Palmer mentioned an interest in modeling and how Significant Impact Levels (SILs) are handled. Manley echoed an interest in compliance demonstration and modeling. James also expressed an interest in compliance demonstration.

PM_{2.5} NAAQS

Palmer pointed out that ozone and PM_{2.5} are similar in that they are both regional pollutants, so there could be value in addressing implementation of the PM_{2.5} standard in addition to the ozone standard. Hoch noted that from the SIP-perspective, the Bureau is not expecting the PM_{2.5} standard to present as much of a challenge. However, he acknowledged that there may be permitting issues associated with a 24-hour standard that could be addressed. Stewart commented that this issue falls under permit streamlining. James echoed an interest in PM_{2.5}.

50% Registration Operation Permit (ROP) Development

Hart stated that the Bureau would like feedback on the 25% ROP program, which could be used to develop a 50% ROP. The Study Group could help the Bureau develop the technical support for a DNR finding that the permits do not threaten NAAQS. Sponseller commented that he would like to see this topic be a priority.

MATS & ICI Boiler MACT Implementation

Hoch suggested that DNR could present its planned approach for implementing these federal rules to obtain feedback. He stated that the rules will impact many sources, and he's expecting a large workload.

DNR Program Guidance Implementation

A member of the public audience suggested that the Study Group address the initiative to require public comment on program guidance. Hoch noted that the initiative has already been approved by the Natural Resources Board, but the Study Group could follow it as it is rolled out. Or more generally, the Bureau could bring public comments to the group for feedback.

RICE MACT

Wetzel would like to see clarification and outreach from DNR regarding when the RICE MACT applies, how it is rolled into general permits, the compliance demonstration and notification requirements, and opportunities for exemption. James is also interested in seeing clarification on what a source does if they miss notification. Bogar and Sponseller suggested that DNR could provide more outreach, and also share factsheets with the Study Group to give members an opportunity to provide feedback. Wetzel suggested the DNR could distribute information to relevant organizations and offered to help get the word out to her counterparts.

Public outreach regarding improvements in air quality

Harrington suggested addressing whether information about Wisconsin's progress on air quality is reaching the public. Hiebert seconded, pointing out that lowering standards mask the emissions reductions that have occurred. Sponseller and Hoch commented that this has been a goal of the Bureau (which rolled out an emissions trend website with a press release), and they would like feedback about how to improve public outreach on this topic. Jaeckels suggested that the falling number of Clean Air Action Days, as demonstrated in Dane County, is a measure of progress.

- 12:25 Next Meeting Dates - Study Group members & DNR staff
- Thursday, August 22 and Tuesday, December 3
 - Both in Room G09, GEF 2 and tentatively 9:00 a.m. starts

12:30 Adjourn