

Summary
Permit Streamlining Workgroups Meeting

Air Management Study Group

Friday, January 24, 2014

1-3 pm

Room G09, GEF 2, 101 S. Webster St., Madison WI

Call-in Number: 1-888-291-0312, Pass Code: 8806 745#

Attendees

Renee Bachel, SCS Engineers	Don Huff, Dairyland Power Cooperative
Dave Bender, Sierra Club	Jeff Jaeckels, MGE
Eric Bott, Wisconsin Manufacturers & Commerce	Andrea Morgan, U.S. EPA
Tony Colombari, Trinity Consultants	Todd Palmer, Michael Best & Friedrich LLP
Steve Dunn, WDNR	Barbara Pavliscak, WDNR
Bob Eckdale, WDNR	Randy Robinson, U.S. EPA
John Flickinger, Tri-Media Environmental & Engineering Services	John Roth, DNR
Jeff Hansen, Wisconsin Power & Light	David Seitz, TRC Environmental
Arthur Harrington, Godfrey & Kahn	Andrew Stewart, WDNR
Kristin Hart, WDNR	Patti Stickney, SCS engineers
	Scott Suder, Wisconsin Paper Council
	Karen Walsh, WDNR

Action items

- Upcoming permit streamlining workgroup meetings: **February 7 [rescheduled to February 14]** and **February 21**, 1-3 pm, Room 713, State Natural Resources Building (GEF 2), 101 S. Webster St., Madison, WI.
- The Air Program is developing a formal process for workgroups to provide recommendations for the streamlining rule. The process will allow the workgroups to provide input on rule objectives, while Air Program staff develop rule language. The process will be clarified at future workgroup meetings.
- Members who have not yet joined a subgroup or would like to join multiple subgroups may contact Karen Walsh (608-267-7547, karen.walsh@wisconsin.gov) or the DNR subgroup leads (see the bottom of p. 2 for a description of the subgroups and contact information for DNR leads).

Meeting summary

Proposal of items to include in the first phase of the Streamlining Rule & Discussion

Kristin Hart, Permits and Stationary Source Modeling Section Chief

Hart reviewed the Air Program's proposal of items to include in the permit streamlining rule. The document (titled Recommendations for Air Permit Streamlining) is available on the AMSG website at <http://dnr.wi.gov/topic/airquality/amstudygroup.html> under the January 24, 2014 meeting. She noted that the draft incorporates most of the comments and streamlining priorities provided by AMSG members. Items left off the proposal are beyond the scope of the streamlining initiative.

Hart explained that the first topics the workgroups will address are the Simpler Changes items listed on page 1 in the rule changes section of the document. The Air Program has decided to develop working subgroups around these rule topics instead of having one group work on revisions to ch. NR 406 (construction permits) and another group work on revisions to ch. NR 407 (operation permits).

Hart envisions that a similar process will be used at a later date to form subgroups to address the items under Longer Term Changes (p. 1 of the document). These topics would be addressed in the second phase of the rule revisions. She explained that while the Permit Procedure items (p. 2) and Public Information items (p. 3) do not require a rule change, the Air Program does not have work time allocated for them yet, so they may be addressed by the next set of workgroups.

Hart stated that the Air Program has also been working with a separate group of externals on engine testing fuel sulfur content requirements in ch. NR 445 (resolving conflict between state and federal rules). She noted that while the AMSG workgroups are not addressing this topic, members can contact Jeff Myers at DNR (608-266-2879, jeff.myers@wisconsin.gov) if they have input they would like to provide.

Hart also explained that the Air Program will be addressing the definition of "cause or exacerbate" using a different process for legal reasons. She said she spoke with Bott about him planning a meeting with externals and developing a proposal. If any members would like to submit thoughts or ideas about this issue it would be appreciated.

Hart ran through the individual items on the streamlining proposal and responded to clarifying questions and comments.

Hart stated that the proposal of items to include in the permit streamlining rule will be presented at the next AMSG meeting (February 26, 2014), and that the Air Program is still accepting comments and ideas for the proposal if members would like to provide additional input.

Form work subgroups around rule topics

Hart described each subgroup that will address specific topics for the first phase of the streamlining rule. Each of these groups will be led by a DNR staff member, because the rule is ultimately being drafted by the DNR. Members may be able to coordinate participation in multiple groups. The topics each group will address are listed below:

Group 1

DNR lead: Steve Dunn, 608-267-0566, steven.dunn@wisconsin.gov

Rule topics:

- More construction activities prior to permit issuance through changing definition of “commence construction” or changing waiver
- Emergency fire pump exemption
- Change emergency generator definition to be more consistent with federal definition
- Make small changes to waiver language to reduce subjectivity in “hardship” clause. No waiver/General Construction Permit (GCP) allowed for projects that have started construction prior to receiving waiver/GCP

Group 2

DNR lead: Joe Brehm (John Roth subbing on January 24), 608-267-7541, joseph.brehm@wisconsin.gov

Rule topic:

- Ch. NR 407 rule cleanup

Group 3

DNR lead: Barb Pavliscak, 608-935-1927, barbara.pavliscak@wisconsin.gov

Rule topics:

- Natural minor exemption from operation permits
- Make SOPs and FESOPs permanent with “renewal for cause,” or have longer time between renewals such as 10 years

Group 4

DNR lead: Kristin Hart, 608-266-6876, kristin.hart@wisconsin.gov

Rule topics:

- Incorporate construction permit conditions as a minor revision of an operation permit
- Any rule changes needed to support 50% ROP
- Permit applications that are deemed incomplete should be automatically withdrawn if no additional information has been received after one year

Hart proposed that the subgroups meet every other Friday afternoon, with upcoming meetings on February 7 [rescheduled to February 14] and February 21. She proposed the following work schedule for the subgroups:

- **First meeting, 1/24**
 - Select presenter for 2/26 AMSG meeting
 - Discuss communication between meetings
 - Start drafting a framework of ideas for the rule
- **Subsequent meetings, 2/7 [rescheduled to 2/14] and 2/21**
 - List of possible issues/stumbling blocks
 - Propose solutions for any stumbling blocks

- Begin drafting proposals
- **Deliverable for 2/26 AMSG meeting**
 - Proposals available for posting by 2/19 (if possible)
 - List of any remaining issues/questions
 - Any recommendations

Hart explained that she would like the subgroups to develop presentable draft material for the next AMSG meeting on February 26. The goal is to have rule language in board order format for the June Natural Resources Board meeting. Hart and Eckdale agreed that this would require the green sheet to be ready in April.

The group discussed the process for developing rule language. Hart and Eckdale clarified that it will not be the subgroups' responsibility to prepare material in board order format. Instead, subgroups will be developing proposals and DNR staff will be preparing the rule in board order format.

Harrington asked whether the DNR subgroup leads would be the official authors of rule language. He pointed out that there may be criticism from the public and the media if it is perceived that interest groups are providing proposals that are directly adopted as rules.

Stewart responded that the methodical and transparent process for revising ch. NR 445 worked well. While the DNR heard ideas from external parties and worked with committees to address issues and identify solutions, DNR owned the process from start to finish. He said that a similar approach would be good for this initiative, because it is supposed to be a collaborative effort. However, he pointed out that the NR 445 process took a lot of time, and more work is needed to develop a similar process suitable for the permit streamlining initiative's compressed schedule.

The group discussed how subgroup materials should be shared with group members and the public. Hart stated that she thinks it is important that the DNR subgroup leads be responsible for maintaining draft proposals for document control purposes, and that they be public documents while they are under development. Some options are to use the Air Program's guidance module or WARP database. Dunn expressed a preference for using WARP, because every document uploaded would be viewable. Stewart suggested that the guidance module might be the better tool, and also asked whether using the web was discussed as an option. Bashel asked whether it would be possible to use Google Docs or Drop Box, but Hart and Stewart responded that it would be difficult to establish a DNR process for using those programs in the short timeframe for this initiative.

Palmer pointed out that while he does not have a strong opinion, there may not be a need to make material publically available at the subgroup level when it has not yet been approved or edited by the larger AMSG advisory group, especially when the material will eventually be going through the regular (and public) rule development process. Hart responded that she would like to be as transparent as possible and develop a process to share material easily.

Break into work subgroups and plan next steps

Attendees broke into subgroups as follows and worked with their groups for the remainder of the meeting:

Group 1: Dave Bender, Art Harrington, Jeff Jaeckels, and Todd Palmer

Group 2: David Seitz and Scott Suder

Group 3: Renee Bashel and Eric Bott

Group 4: John Flickinger, Jeff Hansen, and Patti Stickney

Since participants who called into the meeting were unable to participate in the subgroup discussions, Hart explained that those who called in could contact the DNR group leads or Karen Walsh (608-267-7547, karen.walsh@wisconsin.gov) about joining a subgroup.