

Summary
Air Management Study Group Meeting

Thursday, June 2, 2016

9:00 am

Room G09, State Natural Resources Building (GEF2)
101 S. Webster St., Madison, WI

Attendees

Gilberto Alvarez, EPA

Renee Bashel, DNR

Adam Becker, MPU

David Bizot, DNR

Phillip Bower, WHD

Tyson Cook, Clean Wisconsin*

Bob Fassbender, WMC*

Kendra Fisher, DNR

Gail Good, DNR

Art Harrington, Godfrey & Kahn*

Kristin Hart, DNR

Joseph Hoch, Alliant Energy

Amy Litscher, Saga Environmental & Engineering

Randy Oswald, MPU

Todd Palmer, Michael Best*

Diane Sackmann, Silgan Containers

David Seitz, TRC Environmental

Andrea Simon, Trinity Consultants

Ryan Smith, Wisconsin Paper Council*

Kathleen Standen, WEC Energy Group

Andrew Stewart, DNR

Mike Szabo, DNR

Patti Stickney, SEH

Karen Walsh, DNR

* Air Management Study Group (AMSG) members

Meeting Summary

Opening remarks and agenda review

Gail Good, Air Program Director

Good opened the meeting and reviewed the agenda.

Program updates

Staffing update

Gail Good, Air Program Director

Good reviewed a list of new Air Program staff, recent program departures, and pending recruitment (slides 2-3 of the June 2, 2016 presentation available at <http://dnr.wi.gov/topic/airquality/amstudygroup.html> under the “Past meetings” tab). Because Kendra Fisher (former Air Program attorney) accepted the permits and compliance supervisor position in the southeast region, Mike Szabo is now the sole full-time attorney working on Air Program issues, with assistance from James Bridges, a legal services LTE. Legal services is actively recruiting another attorney. Good also noted the following:

- Yu-Lien Chu is the interim registration operation permit (ROP) coordinator.

- Katie Praedel recently accepted the monitoring section chief position and will be starting on June 27.
- Recruitment will begin for a SIP coordinator, which is a new position for the program, in early June.

Palmer asked about the need for a position devoted solely to SIP coordination. Good confirmed that there is a heavy SIP workload. She added that the SIP coordinator may also track federal rulemaking and coordinate comment development. There may be some overlap with rules coordination until that position is filled. Good expects the SIP coordinator role will evolve over time.

Stewart added that the pending recruitment of four compliance inspectors will result in shifts in assignments among existing staff. New inspectors will probably be sent on inspections with experienced staff during the training period. Staff turnover will continue due to pending retirements and departures. Stewart suggested that anyone with questions or concerns about inspection staffing should contact him (andrew.stewart@wisconsin.gov, 608-264-8884).

SSM workgroup update

Kristin Hart, Permits & Stationary Source Modeling Section Chief

The SSM workgroup (composed of Air Program staff and interested stakeholders) is working to inform the program's approach to an expected SIP call addressing the treatment of excess emissions during periods of startup, shutdown, and malfunction of industrial processes or emissions control equipment. Hart explained that the U.S. Environmental Protection Agency (EPA) has notified Wisconsin that it should have been included in the original SIP call. The Air Program recently heard from EPA that the agency is moving forward on issuing the SIP call as a result of a notice of intent to sue by the Sierra Club. Fisher responded that Sierra Club's comments are available in the public record, in response to a question about why Sierra Club identified Wisconsin's SIP as deficient.

Hart stated that the workgroup met on Tuesday, May 31 to review work completed since the previous meeting in March. The group followed up on the status of litigation of the SIP call. Thirty-six states received the SIP call, and several are involved in lawsuits. The group has been reviewing the materials prepared by the litigants.

The group has also been defining the scope of its task. The group agreed to focus on the main issue, ch. NR 436 of the Wisconsin Administrative Code. NR 436 is an old rule and narrowly written. Hart stated that the workgroup has expressed interest in broadening the scope of the rule and including some of the EPA-approved techniques for addressing SSM, such as enforcement discretion. Another option is to remove NR 436 from the SIP now rather than waiting until a replacement rule has been finalized. However, the workgroup consensus is that the existing rule is valuable enough to not remove it until there is a replacement.

Hart stated that the next steps are to start drafting a rulemaking scope statement that is broad enough to provide flexibility to study the issue and incorporate any solutions developed. The new rule would address startup and shutdown separately from malfunction. The workgroup plans to meet again in early August. EPA's brief is due in mid-July so the group will have more information by August and perhaps EPA will have issued the SIP call by then.

Fassbender stated that his understanding is that NR 436 is still part of the federally-approved SIP, and that the department should be able to continue under the existing program until a new rule is developed. Hart confirmed that the department is still using the rule and that the Air Program probably reviews and approves a plan under NR 436 on a monthly basis. However, the program is also concerned about the affirmative defense language in permits. The program is no longer including the language in permits when they are renewed because a long time passes before permits are reopened for revisions.

Fassbender commented that WMC will likely oppose the new state rule, and possibly litigate.

Fisher explained that NR 436 provides allowance for an exception to emission limits, and was never intended to be a general allowance of excess emissions. The department is still allowing sources to apply for s. NR 436.03 exceptions, and that has not changed.

Palmer commented that from his understanding, Sierra Club's criticism is that NR 436 is a blanket exception, which does not appear to be the case since a source has to apply for the exception. There are safeguards in place to ensure there is not an exceedance of an air standard when an NR 436 exception is granted. He said that he does not understand EPA's concern about the way NR 436 is used in Wisconsin, and that he is not convinced the state needs to remove NR 436 from the SIP.

DNR comments on federal proposed rules

David Bizot, Regional Pollutants & Mobile Sources Section Chief

Bizot stated that the Air Program is currently evaluating EPA's proposed revisions to the regional haze rule. Comments on the proposal are due to EPA by July 5, 2016.

Good added that DNR is also commenting on EPA's proposal to eliminate Phase 3 of near road monitoring in Wisconsin, which would have involved installing a near road monitor in Madison. The department may comment that the proposal is reasonable, considering data collected at Phase 1 and Phase 2 monitors. Palmer asked whether DNR is planning to request that the department no longer operate the near road monitor in Milwaukee. Good responded no; the Milwaukee monitor is a Phase 2 monitor and will continue to operate.

Good stated that if anyone has feedback on either proposal, they should contact David about the regional haze rule or Good about the near road monitor within the next week [update: no formal comments were received on either proposal].

DNR strategic alignment update

Gail Good, Air Program Director

Andy Stewart, Deputy Air Program Director

Good explained that the Air Program is still working internally on a lot of the recommendations heard at the recent stakeholder roundtables. The program has been compiling the stakeholder feedback and passing it on to leadership for further direction. Even before the alignment effort, the Air Program had been careful about using funding efficiently, and the alignment effort is an opportunity to look for even more efficiencies. The alignment process started about a year ago. At that point the Air Program was moved under the new Environmental Management Division as part of a temporary alignment organizational structure. Good has not yet received direction about whether the structure will change, though in general she is not expecting the alignment to result in dramatic changes for the Air Program. Based on stakeholder feedback, the program is looking at changes like incorporation by reference in administrative rules, permit improvements (including the second phase of the permit streamlining initiative), and IT improvements. The program has already been moving forward on specific IT improvements, including digitizing documents and developing electronic document submission systems.

Stewart added that the Air Program has discussed the department's proposal for air permit development improvements with people and agencies that have experience with various processes. He stated that some improvements include approaches the program already uses, such as sharing permit drafts with facilities and making sure they are technically correct as early in the process as possible.

Hoch commented that it might be useful for the Air Program to present to the study group on the new air permit fee structure, comparing the emissions and permit application fees collected to the program's projections. Stewart responded that the program has started to gather data for that purpose. He said a preliminary look at the data shows that emissions have declined, which would have resulted in a steeper decline in fee-based revenue if not for the changes to the fee structure.

Member updates

Good asked each study group member to provide an update to the group, as relevant.

Todd Palmer, Michael Best & Friedrich LLP

Palmer remarked that EPA recently provided an update on the status of litigation regarding the NO_x SIP call. Wisconsin sources had initiated a lawsuit in the late 90s, which has been pending. The EPA update reported that the status of the litigation is unchanged; EPA is asking the court to continue to stay challenges while the agency develops a replacement rule for ozone transport.

Palmer also stated that his firm is representing a state challenging the Clean Power Plan. The oral arguments had been scheduled for the day of the meeting, but were delayed until September. The court asked the arguments to be heard in front of the full panel of judges, which is composed of five Democrats and four Republicans. Two Democrat judges are planning to recuse themselves. He added that NACAA released a report the day before with ideas/suggestions for state plans. Good confirmed that the model plan is available on the NACAA website (http://www.4cleanair.org/sites/default/files/Documents/5_30_2016_NACAA_State_Models_FINAL.pdf).

Ryan Smith, Wisconsin Paper Council

Smith reported that the environmental sections of the companies represented by the Paper Council are reporting business as usual on air-related issues, and do not have any specific concerns.

Gilberto Alvarez, EPA Region 5

Alvarez commented that while he is not directly involved, several staff members in the Region 5 office have been working on the updates to the regional haze rule. In addition, the office is currently experiencing a wave of retirements. The division director has just retired. A staff member from OTAQ (Ed Nam) will be acting director for four months. The control strategy section, which works on SIPs, mobile sources, and conformity, will also have an acting section chief.

Art Harrington, Godfrey & Kahn S.C.

Harrington updated the group on the upcoming American Bar Association and EPA Region 5 conference on June 14, 2016 in Chicago

(http://www.americanbar.org/content/dam/aba/events/environment_energy_resources/2016/key-issues-region5/2016_region5_brochure_web.authcheckdam.pdf). There are about 130 registered attendees, including 30 Region 5 attorneys. There will be five panels, including a panel on the Clean Power Plan led by Kate Konschnik from the Harvard Environmental Policy Initiative. There will also be panels addressing the implications of endangered species/migratory bird regulations for development projects, and phosphorous pollution regulation. Harrington encouraged the group to look into the conference. It is only held once every seven years, and offers a great opportunity to engage with Region 5 attorneys.

Harrington also mentioned that he is interested in having the group discuss opportunities for potential legislative changes, using the Brownfields Advisory Committee's work on sediment legislation as a model. He said there is a need for flexibility on new regulations. He explained that DNR's perspective is that all regulations must be adopted in state rule and he would like to explore the possibility of exceptions. He recognizes that DNR probably could not take the lead on this effort, but that he would like a subgroup of the study group to discuss the issue. Good said that she would be happy to follow up on the Brownfields Advisory Committee's approach to the sediment effort.

Questions from members of the public

Standen asked whether the Air Program has any insight on the status of CSAPR 2 and whether Wisconsin would be included. Bizot responded that the program has not heard anything, and that a final rule is expected in August.

Ozone update

David Bizot, Regional Pollutants & Mobile Sources Section Chief

Bizot updated the group on several topics related to the ozone NAAQS. The presentation slides are available on the AMSG website under the June 2, 2016 meeting at <http://dnr.wi.gov/topic/airquality/amstudygroup.html> (starting on slide 4).

Kenosha County attainment request

Slide 5 addresses the Air Program's draft request to redesignate eastern Kenosha County to attainment of the 2008 ozone NAAQS. Bizot clarified that Wisconsin, Illinois, and Indiana are developing separate redesignation requests for the Chicago IL-IN-WI nonattainment area, but that the requests share some common elements. The three states have been reviewing each other's drafts, and have resolved some inconsistencies.

Bizot stated that the Air Program is accepting public comments on its draft request until July 11 (the public notice is available at <http://dnr.wi.gov/topic/AirQuality/Input.html>). The Air Program will hold a public hearing on the draft at the Southwest Library in Kenosha (June 28). The request cannot be submitted to EPA until 30 days after the public hearing, but in the meantime EPA has the current draft for informal review, and has also viewed previous drafts.

Bizot clarified that if any part of the IL-IN-WI nonattainment area reviolates the 2008 standard before EPA acts on the redesignation request, the area is no longer eligible for redesignation. Harrington asked whether eastern Kenosha County could be considered separately from the rest of the 11-county area, if one of the counties in Indiana or Illinois reviolated. Bizot responded generally no, though it is unclear what would happen if the redesignation for each state was approved on different timelines, and a reviolation occurred after one state's request was approved but before the other states' were approved. He further stated that the other counties included in the nonattainment area contribute to violations in Kenosha. Historically, Kenosha was associated with the Milwaukee area, and DNR worked to have Kenosha included in the Chicago area to address the source of emissions. It is good that Kenosha is part of the Chicago area, because it means that if Kenosha violates the standard, Indiana and Illinois have to be involved in the attainment planning. Harrington emphasized that if the Illinois or Indiana portions of the Chicago nonattainment area reviolate the standard, but not Kenosha County, DNR should request that Kenosha County be separated from the Chicago area and redesignated to attainment. He argued this would follow the precedent set by bifurcating Kenosha County and only designating the eastern half as nonattainment. Bizot responded that DNR could make that request.

Cook asked whether the Air Program will be early-certifying 2016 ozone monitoring data before EPA is expected to approve the redesignation request, and whether EPA might delay approving the request until it determines whether the area reviolated the standard in 2016. Bizot said that if early certification seems like it would be helpful for the redesignation process the Air Program would consider it.

Bizot noted that Illinois is still developing its redesignation request, and Indiana's is out for public comment. Cook pointed out that it might be helpful to have information about the timeline for public hearings in Illinois and Indiana, because it is possible EPA could wait to act until the last request is submitted to avoid approving the requests in part. Bizot said that he does not want to speak for EPA but expects that they will wait until they have all the information they need from each state before acting on the requests.

In response to a question, Bizot addressed the attainment dates for Sheboygan County and eastern Kenosha County. The attainment dates had been July 2015 based on 2012-2014 data. Each area would be eligible for a one-year

extension if it met certain criteria. Sheboygan County met those criteria. DNR proposed to extend Sheboygan's attainment date, and EPA approved the proposal. However, based on 2013-2015 data, Sheboygan County will not attain the standard by the extended July 2016 attainment date. Presumably, EPA will propose to bump Sheboygan to moderate nonattainment, and the new attainment date would be July 2018.

Eastern Kenosha County did not meet the criteria for an attainment extension. The Chicago nonattainment area (including eastern Kenosha County) was bumped up to moderate nonattainment, with a new attainment date of July 2018. Because the Chicago area has clean data, it is eligible for redesignation to attainment if the area does not violate this year. If the area does reviolates, an attainment SIP would be due January 2017, and the Air Program would have to pivot quickly and coordinate with neighbor states and LADCO on the attainment plan, which is a fair amount of work.

Hoch asked about the timeline for nonattainment planning for Sheboygan County. He noted that it is already clear that Sheboygan did not attain by the July 2016 deadline, but that EPA will take several months to propose the bump up. He expressed concern about the Air Program waiting to work on the attainment SIP until EPA officially proposes the bump up. Bizot agreed that the timeline is not ideal, but stated that the Air Program is working on plans for completing the work in a short timeframe. He pointed out that if the Chicago area reviolates, it would make sense to develop the attainment SIP for Sheboygan and Chicago at the same time.

Status of the 2016 ozone season

Slide 6 shows the current status of the 2016 ozone season, with respect to the 2008 and 2015 standards. Bizot explained that some monitors in Wisconsin violated the standard at the beginning of the season and in late May. The chart shows data from these monitors. Bizot explained that if the 4th high value for 2016 exceeds the 2016 critical value for the 2008 or 2015 standard, the monitor is showing nonattainment of the standard (nonattainment designations will be based on 2014-2016 data, and the critical values take into account the 2014-2015 data).

Bizot pointed out that the Chiwaukee Prairie monitor (eastern Kenosha County) and Kohler-Andrae monitor (Sheboygan County) preliminarily have design values above the 2015 standard. Since the slide was developed, the Harrington Beach monitor (Ozaukee County) also has a design value above the 2015 standard. Many other areas are right at the edge of the threshold. The Chiwaukee and Kohler-Andrae monitors are about halfway to reviolating the 2008 ozone standard.

Harrington asked about the status of the second monitor in Kenosha, and Bizot explained that the only monitors that have shown exceedances of the standard(s) are shown in the chart.

Good added that EPA is extending the ozone monitoring season starting next year, which means the Air Program will start monitoring ozone earlier, on March 1. The program started monitoring March 1 this year as a test. The extended season data will not be reported to EPA this year, but the program will examine it to determine whether the extended season significantly affects the data.

2015 ozone standard area designations

Bizot provided the timeline for area designations under the 2015 ozone standard (slide 7), explaining that EPA will make final designations based on 2014-2016 monitoring data, but that states' designation recommendations are due before the end of the 2016 ozone season (and would therefore be based on 2013-2015 data). Slide 8 shows the options the Air Program is considering for developing area designation recommendations. Bizot stated that the program is leaning towards option 2a, recommending attainment for all areas by the October 1, 2016 deadline for recommendations, and then submitting updated recommendations once complete 2016 data is available (but before EPA proposes area designations on June 2, 2017).

Hoch asked whether the Air Program will provide public commenting opportunities as it develops a plan for making designation recommendations. Bizot responded that the program is seeking stakeholder input at forums like the study group. Ultimately, the governor makes the designation recommendation and it will be his call, but the Air

Program was asked to get feedback from stakeholders. The program is meeting with Kenosha County on June 28 to discuss potential options and area designation boundaries for the county, and representatives from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) will be part of the discussion.

Fassbender asked when the 2016 data will be certified. Good responded that the data would normally be certified by May 1, 2017, but can be early-certified. There is usually a 90 day lag for submitting data to EPA's Air Quality System (AQS). In general, the difference between the uncertified and certified data is not significant, because the uncertified data is very high quality. She does not expect the uncertified 2016 ozone data to differ significantly from the certified data, but the data could be early-certified on a case by case basis if needed. Fassbender asked if the Air Program would early-certify the data towards the end of 2016 to develop area designation recommendations under option 2a. Good responded that it would be possible and has been done in the past. Bizot added that the program can also make recommendations based on preliminary, uncertified data. If there's a questionable data point or two the program could evaluate them, but that does not happen often.

Fassbender asked about the likelihood/possibility of data that needs to be adjusted due to a fire (exceptional events). Good responded that fires are more of an issue with fine particle data. Occasionally there is a prescribed burn near a monitor and the program tries to be proactive in addressing its impact on the data.

Standen asked about the alternate monitor in Kenosha County located farther from the lake (the Kenosha Water Tower monitor) and whether it can be used to determine design values. Good explained that as a special purpose monitor, the Kenosha Water Tower monitor can be used to assess attainment of the standards now that it has been operating for more than 24 months. However, its status as a special purpose monitor is helpful because that means the program is also able to shut it down as needed. Bizot added that the Water Tower monitor would be used as technical support for a partial county nonattainment designation. If the Chiwaukee monitor is violating the standard, the eastern portion of the county would be nonattainment, but the other monitor could be used to determine the boundary of the nonattainment area. He pointed out that the two monitors in Sheboygan County would function similarly.

Slide 9 shows design values based on the latest certified data (2013-2015 data). Bizot explained that if the Air Program was going to make designation recommendations for the 2015 ozone standard using these data, it would support partial county designations. In both Kenosha and Sheboygan counties, the lakeshore monitors are violating the standard but the inland monitors are not. However, based on 2016 data, Ozaukee County preliminarily violates as well. If more counties violate the 2015 standard based on 2014-2016 data, it could become more challenging to provide a technical basis for partial county designations.

Harrington asked why the map on slide 9 does not show the western portion of Kenosha and Sheboygan Counties as attaining the standard, based on the precedent set for partial designation of Kenosha County under the 2008 standard. Bizot noted that EPA assumes the whole county is nonattainment until decided otherwise, but also clarified that the map does not indicate nonattainment areas, but is highlighting counties where a monitor exceeds the standard. Good added that the Air Program wants to keep nonattainment areas as small as makes sense, and plans to work under the same assumptions used to develop the partial designation in Kenosha under the 2008 standard. She also noted that the attainment status of counties to the west of the lakeshore counties may affect the ability to provide technical support for partial designations.

Good asked for feedback on the Air Program's options for developing designation recommendations. Hoch commented that 2a makes the most sense. If the program does not submit recommendations before EPA proposes designations (option 2b), EPA may propose designating full county or metropolitan areas as nonattainment. Standen agreed and suggested submitting the recommendation as soon as possible after 2016 data is available, and not waiting until close to June so that EPA can incorporate Wisconsin's recommendation into its decision. Good stated that she is hearing that option 2a makes sense, and asked people to send any further thoughts to Walsh by the following week.

Air permit program update

Kristin Hart, Permits & Stationary Source Modeling Section Chief

Hart provided an update on current topics related to air permits. The presentation slides are available on the AMSG website under the June 2, 2016 meeting at <http://dnr.wi.gov/topic/airquality/amstudygroup.html> (starting on slide 11).

She started with a staffing update. Steven Dunn, the construction permit team lead and PSD permit expert, accepted a position at Alliant Energy. Dave Minkey and Jonathan Wright are both taking over aspects of his role, and working collaboratively to make decisions on PSD permitting and avoidance. The transition has been smooth. Minkey is the public contact on the DNR website and factsheets, and people should not hesitate to contact him with any questions (David.Minkey@Wisconsin.gov, 920-662-5179). Yu-Lien Chu is handling registration permits. Susan Lindem had been hired to work on permit policy, in particular permit streamlining, but she then accepted a supervisor position. As a result, Renee Bashel from DNR's Small Business Environmental Assistance Program has been instrumental in developing outreach materials (web content, factsheets, etc.) for the permit streamlining initiative. Finally, a new construction permit writer is starting in a couple weeks, and the permit section is preparing for some retirements.

Permit streamlining rule implementation

Hart summarized the topics addressed in the permit streamlining rule (slide 12), and described their implementation status. The slides also provide links to DNR's web resources addressing these topics.

- Natural Minor Operation Permit Exemption (slide 13)

Hart commented that the natural minor exemption allows sources to avoid the \$400 fee for a pending operation permit. Many sources could benefit from the exemption, especially those facilities that do not have construction permits. The Air Program plans to provide outreach and notify facilities in the fall. To date, the program has not had a large number of facility requests for the exemption. Because construction permits still apply under this exemption, the Air Program has also been directing sources to Registration Permits, which function as both construction and operation permits.

- Type B Registration Permit (slides 14-15)

Hart explained that the Type B Registration Operation Permit (ROP) was issued on December 1, 2016, and is now available for sources. The Type A ROP has been available since 2006. Because the permit is a general permit, it has already been through the public comment process and can therefore be issued quickly to sources (in 15 days). Another benefit of the permit is that it also serves as a construction permit as long as the source remains eligible. The program is updating factsheets to clarify source eligibility for the permit, because the 50 ton limit cannot preserve an avoidance limit. Hart added that as of present, about nine of the permits have been issued.

A member of the public asked whether the program has notified facilities that are eligible. Hart responded that the program will be issuing notifications to all eligible facilities in the fall, when the program typically conducts permit outreach to sources. However, sources are able to apply for the permit now.

Cook pointed out that the coverage determinations under the Type B ROP to date are replacing existing permits and do not represent new construction. He suggested that it would be helpful for the program to note the timing for making coverage determinations for new construction when facilities start applying for them, since timing for permit issuance was one of the drivers for development of the ROP.

- Changes to non-Part 70 permit expiration (slide 16-17)

Hart noted that the rule was changed so that an expiration date is no longer required to be included in a non-Part 70 source permit. However, DNR decided to allow the option to include an expiration date upon request of the permit holder or as determined by the department. For this reason, DNR can set an expiration date “for cause.” Cook asked whether the program has developed internal guidance addressing what constitutes cause other than a source’s request. Hart responded that the program has not, and that no source has yet requested an expiration date.

- New Emergency Engine Exemption (slide 18)

Hart explained that the changes to the definition of “emergency generator” are intended to align the state rule with the federal rule. She noted that though a number of sources have taken advantage of the changes, the Air Program does not have statistics because sources are not required to request an exemption. DNR is going to submit a SIP revision addressing the changes, but in the meantime allows sources to use them because they match the federal rule and the risk of SIP disapproval seems low. The Air Program is focusing on helping sources understand the changes to the definition and their applicability.

- Changes to “Commence Construction” (slides 19-20)

Hart stated that the Air Program plans to clarify in rule or guidance that that the changes to the definition of “commence construction” do not apply to major sources subject to New Source Review. She said that EPA has expressed concerns about differences between the new definition and the definition in federal rule, so the Air Program is recommending that sources do not rely on the new definition while SIP approval is pending. Instead, sources can continue to request construction waivers.

Cook pointed out that a source might commence construction using the new definition, before finding that it is subject to New Source Review, and therefore be violating the prohibition on commencing construction without a permit.

Permit metrics

Hart presented a few slides addressing the Air Program’s construction and operation permitting activity over time.

- Construction permit metrics

Slide 21 shows the average time for construction permit issuance (number of review days) from 2009 to 2016. Hart explained that review days represent the number of days between the date of complete application and permit issuance, not including the 30 day public comment period. She noted that the drop in review days between 2011 and 2012 was a result of a Lean 6 project, but that the program’s review time has started to increase again. The program is trying to address the trend and reduce the review time, especially by improving communication with sources. By July 1 the program plans to implement a new approach of discussing the permitting timeline with sources upfront so that all parties understand how the workload will be managed.

Stewart commented that the program was aware that the permit streamlining initiative would take staff resources away from permit review and affect the review time. Staff turnover has also affected the review time, because new staff members review permits more slowly than experienced staff, and also require mentoring from experienced staff. He pointed out that even though the review time has increased, the numbers are still good compared to national averages. The program is setting high standards for itself that it takes seriously, and would like to better meet the needs of permit applicants. For example, the program would like to work with sources to understand when they need their permits so that work can be prioritized appropriately, since the number of review days may be less important to sources than certainty in the timeline.

Cook suggested that tracking the median rather than average review time would prevent outliers from skewing the data.

- Operation permit metrics

Slide 22 shows the number of Title V operation permits issued, number of permits renewed, and the size of the renewal backlog by year. Hart explained that the goal is to get the backlog below 50 and stabilize it around 25. Slide 23 shows how long permit renewals have been pending over time (the “age” of the renewal backlog).

Next steps for the permit program

Slide 24 addresses the Air Program’s plans for continuing to improve permitting processes. Hart stated that the department has noted there is interest in air permit development improvements to improve efficiency. The Air Program already encourages permit renewal applicants to submit redline/strikeout versions of their old permit to help explain any changes they are requesting. In addition, other options are being explored such as creating an electronic application system with standard permit conditions based on equipment specifications. Such a system could give applicants a preview of what their draft permit may look like before they submit an application.

Monitoring network plan

Gail Good, Air Program Director

Good provided a brief update on the program’s draft Air Monitoring 2017 Network Plan, which was released for public comment on May 20, 2016. The presentation slides are available on the AMMSG website under the June 2, 2016 meeting at <http://dnr.wi.gov/topic/airquality/amstudygroup.html> (starting on slide 26).

Good stated that the program submits a monitoring network plan to EPA every year. Slides 27 and 28 provide an overview of the plan’s key elements. Good elaborated on some of these points, as described below.

Slide 27

Good explained that the Air Program is requesting a waiver from the newly extended ozone season because 20 years of data shows that Wisconsin does not experience exceedances of the ozone standard during the extended period. Extending the season is resource intensive in the northern part of the state, and EPA is not providing resources for implementing the extension.

The proposed changes to the meteorological monitors address an audit that found that existing sites were not meeting the 10 meter height requirement for sensors. The program can shut down some of the sites because only two meteorological sites are required, and airports nearby also provide meteorological data.

The Air Program is participating in a Region 5 workgroup to understand the timing of the potential 2017 shutdown of the PAMS site in Milwaukee.

Slide 28

Good explained that the changes to the PM_{2.5} monitoring methods will make filter-based and continuous monitoring data more comparable, which would facilitate a potential switch to continuous monitoring.

NR 415 allows industrial sand mines that have operated a PM₁₀ monitor at the site as required to request a variance to discontinue monitoring after two years. Two facilities have submitted requests and the Air Program has approved them.

A recent Technical System Audit, as well as some past audits, have found that the Air Program’s monitoring standard operating and quality assurance procedures are not up-to-date, so the program is working to update this documentation.