

Meeting Summary
Air Management Study Group Meeting

Thursday, February 3, 2022

9:00 am

Renee Bashel, DNR	Jeff Jaeckels, MG&E*
Robert Bermke, Georgia-Pacific	Linda Karr, UW Madison
John Binder, SORA and Plymouth Environmental Action Team	Nathan Kilger, Bad River Band of Lake Superior Chippewa
David Bittrich, TRC Environmental	Mike Kolb, WEC Energy Group
Phillip Bower, DNR	Anita Martin, Jefferson County Board
James Bridges, DNR	Jason Martin, Foth Infrastructure and Environment
Noelle Brigham, Marquette University*	Caitlin McAleavey, Jefferson County
Michael Cassidy, Kohler	Abigail McMerrill, Wisconsin Assembly
Michelle Castile, Interested Party	James Mertes, WTBA*
Chelsea Chandler, Clean Wisconsin*	Rita Neff, Manitowoc Public Utilities
Rebecca Clarke, SORA	Laura Olah, Citizens for Safe Water Around Badger
Natalene Cummings, Forest County Potawatomi Community	Todd Palmer, Michael Best*
Craig Czarnecki, DNR	Katie Praedel, DNR
Jack Dallal, Deere and Company	Suzanne Sangree, Grant & Eisenhofer
Dave Dettman, Pioneer Metal	Brenda Sargent, MG&E
JoAnne Friedman, PEAT	Andrea Simon, Interested Party
Linnea Gallagher, Interested Party	Bart Sponseller, DNR
Don Gallo, Axley	Sheri Stach, DNR
Katrina Gilbank, Nemak USA Inc	Pat Stevens, Wisconsin Paper*
Gail Good, DNR	Patti Stickney, Short Elliott Hendrickson, Inc.
Bob Greco, WEC Energy Group	Andy Stewart, DNR
Erik Gulbranson, Dairyland Power	Steve Stretchberry, WEC Energy Group
Ashley Gray, DNR	Charter Steel
Katie Hager, Deere and Company	Craig Summerfield, WMC*
Rob Harmon, Amcor	Mark Thimke, Interested Party
Art Harrington, Godfrey and Kahn*	Peter Tomasi, Foley & Lardner
Kristin Hart, DNR	Jason Treutel, DNR
Curtis Hedman, DHS*	Kate Verbeten, NEW Water
Christopher Hiebert, SEWRPC	Deanna Webster, Verso Corporation
Maria Hill, DNR	Trent Wickman, USFS
Joe Hoch, Alliant Energy	

*AMSG Member

Action Items

Next AMSG Meeting. The next study group meeting will be held on [Thursday, May 5 at 9 a.m.](#)

Meeting Summary

Opening remarks and agenda repair

Gail Good opened the meeting. Craig ran through some Zoom procedures.

Proposed Guidance, rules and legislative update

DNR Guidance

EPA has finalized the National Emission Standards for Hazardous Air Pollutants (NESHAP) updates for Municipal Solid Waste Landfills. DNR is now moving forward to finalize guidance and will make it available for public review in early spring 2022.

The program has completed drafting the response to comments on the draft Technical Support Document (TSD) covering the Treatment of Emissions from Nonroad and Motive Engine Testing Operations. DNR will post the response to comments in February 2022. DNR plans to withdraw the draft TSD. DNR will begin reviewing permit applications for the facilities that have requested removal of certain engine testing operations from stationary source permits.

Proposed/Final DNR Rules

VOC RACT Revisions – The rule was pulled for germane modification to address an ambiguity in the proposed rule’s applicability language that could have unintentionally resulted in the rule being applied in certain areas classified as moderate or higher ozone nonattainment for national ozone standards promulgated prior to 2008, rather than in or after 2008, as was intended. The Natural Resources Board (NRB) approved the germane modification, and it has restarted the legislative process.

2015 Ozone NAAQS – This rule has completed the legislative review process and is expected to be published and go into effect in late February.

Emissions Inventory Reporting - This rule has been adopted by NRB and sent to the governor for approval.

NOx RACT Rule – A public hearing was held on the scope statement. The scope statement was approved by NRB. The rule drafting process is just beginning.

Proposed EPA rules/guidance

Clean Air Citizen Suit - 2015 Ozone Transport SIPS - A proposed consent decree established deadlines for EPA to act on 32 State Implementation Plans addressing interstate pollution transport for the 2015 ozone standard. EPA then solicited pre-proposal input on a federal implementation plan (FIP) to address regional ozone transport for the 2015 ozone NAAQS.

Under the proposed consent decree EPA shall, no later than, April 30, 2022, sign a final rule acting on the 2015 ozone National Ambient Air Quality Standards (NAAQS) transport or “good neighbor” SIP submissions from the named states. The proposed consent decree also allows that if EPA proposes a full or partial disapproval for any of the SIPs and signs a proposal for a FIP to implement the disapproval by February 28, 2022, EPA shall have until December 15, 2022 to finalize the full or partial disapproval of the SIP submission.

EPA issued final approval of the Rhinelander Sulfur Dioxide (SO₂) attainment redesignation request. This made moot – EPA’s earlier proposed finding of failure to attain by the attainment date for the Rhinelander SO₂ nonattainment area.

New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) updates - EPA continues to propose updates to federal NSPS and NESHAPs including updates to Paint Stripping and Miscellaneous Surface Coating Area Source NESHAP, Oil and Gas NSPS and Emission Guidelines for Methane, and Dry Cleaning Facilities NESHAP.

Finalized EPA rules/guidance

EPA finalized regulations that add 1-Bromopropane to the list of hazardous air pollutants in s. 112(b) of the clean air act. Sources with potential emissions of 1-BP exceeding the major source threshold have one year from effective date of the rule to submit Part 70 permit applications or limit PTE below threshold.

EPA finalized NESHAPs for Municipal Solid Waste Landfills. This has not yet been published in the federal register but is expected soon.

EPA finalized revised greenhouse gas standards for light duty vehicles produced in 2023 through 2026 to be more stringent than what was originally called for in the SAFE rule standards.

Administration Updates

DNR provided an administration update. With the retirement of Todd Ambs, Sarah Barry has joined the agency as the new deputy secretary. In addition, Gail Good is the Environmental Management Division (EM) acting division administrator after the retirement of Darsi Foss.

Kristin Hart will serve as the acting Air Management director which creates the opportunity for an acting permit section chief.

Priorities for the division and agency were highlighted. The biggest for both is funding under the Bipartisan Infrastructure Law (BIL). While there is no specific funding in the infrastructure bill, the Department of Transportation will receive funding with some affecting air quality through Congestion Mitigation and Air Quality (CMAQ). The water programs are very busy preparing for the unprecedented funding for water projects. Rulemaking continues to be a priority for the program and division.

Bart Sponseller, EM deputy division administrator, highlighted his role which includes directly supporting the division administrator, coordinating efforts across the division for the dry programs (Air Management, Remediation and Redevelopment, Waste Management) and support programs. He also works closely with other deputy division administrators for coordination and consistency.

NR 439 Rule Review

Phase 1

The review team completed an initial review of NR 439 and conducted stakeholder listening sessions. All details from these activities have been organized, grouped, and documented.

Phase 2

During the second half of fiscal year 2022, the team will continue NR 439 review for consistency and redundancy with Part 70 and 407.09 requirements while drafting a scope statement.

Phase 3

During fiscal year 2023 (assuming scope approval), the team will begin rule drafting and conduct NR 439 review for new modernization opportunities; 1. monitoring, 2. recordkeeping, 3. reporting. The team will collaborate with stakeholders on rule drafting.

A review of modernization would include looking at sampling techniques, practices, and test methods. There needs to be research of advanced monitoring equipment for better detection such as infrared cameras, new continuous emissions monitoring applications, leak bag detection systems and the relative calibration and maintenance requirements for that equipment.

Question: What is the timeframe for the scope statement and rule?

Answer: Scope statement would be completed in FY22, by June. It is anticipated that the rule revisions would go into effect in FY24 or FY25

Question: Is the DNR considering rescinding the next day reporting requirement

Answer: Not at this time.

Switchboard Error Messages

The DNR switchboard is a secure e-business portal for users who need to securely log in and access

forms and reporting systems related to a specific company or municipality.

Last year there was an increase in the number of customer requests for assistance with stationary source submittals received by Air Management staff; however, the error messages customers received were not specific enough to determine the issue.

In response, Air Management developed more detailed system-generated responses for error resolution related to the Switchboard, Air Reporting System and Air Permit & Compliance System. The improved system-generated error messages, combined with a broader understanding of system interactions by staff, will provide customers with better information on what is needed to resolve an error, shorten the time needed to resolve customer inquiries and reduce frustration by customers and staff. The program will monitor efficacy over the next several months.

EPA Fall Unified Agenda

EPA publishes a Unified Agenda twice per year. It is a list of rules that EPA plans to work on in the next six months. The presentation covers highlights from EPA's recently released [Fall 2021 Unified Agenda](#).

- Four rules associated with vehicle standards, DNR has particular interest in these as mobile sources contribute to our ozone nonattainment areas.
- Three actions focused on stationary sources and ozone transport.
- Two actions for bump ups related to the 2008 and 2015 ozone standards. The proposed rules have not published per the timeline provided. The department expects them to publish in February.
- EPA continues to review the PM2.5 NAAQS. Depending on where these standards are set, particularly the annual standard, it has the potential to result in nonattainment areas in Wisconsin.

The presentation covered several other actions EPA is expected to take up in the next six months covering New Source Review rules and guidance.

Emissions Reduction Credits (ERC)

DNR has created an [ERC Registry Website](#). The website includes an overview of ERCs and lays out the process in general, for generating, banking, and using ERCs as offsets. The list of proposed ERCs and ERCs banked in elective operation permits are useful both for entities looking to acquire ERCs as well as those who are looking to offer ERCs for purchase.

The ERC Registry was created to provide for continued economic growth and development in nonattainment areas while protecting and improving air quality. DNR is looking for assistance in making facilities aware that their emissions reductions could be turned into ERCs.

ERCs can be created by facilities located in the ozone nonattainment areas for reductions in either VOC or NOx emissions. ERCs may be created when a facility closes or relocates, shuts down or replaces equipment, adds controls, or reformulates solvents or coatings or changes fuels.

DNR continues to refine and streamline processes for nonattainment area major source permitting. New forms and web content to facilitate the process will be finalized by the end of February.

UPDATE: The DNR completed updates to the [ERC Registry](#) adding a section to the [ERC Fact Sheet](#) and linking to new forms that explain and streamline permitting processes used to generate, bank, transfer and use ERCs.

Member Updates

Two new members joined the Air Management Study Group:

- Chelsea Chandler representing Clean Wisconsin
- Jim Mertes representing WI Transportation Builders Association.

Jeff Jaeckels shared an announcement Madison Gas and Electric (MGE) made this week. MGE reviewed their decarbonization pathway and updated their 2030 goal to 80% reduction by 2030.

A study group member asked if the program had any update to the reconsideration for revised ozone designation petition the DNR submitted to EPA.

- Response: After submittal, the program received acknowledgement of the request but nothing since.

A study group member asked if the program was aware of projects that have not been able to move forward due to a lack of credits?

- [Recent articles](#) mentioned Intel was investigating locating a large manufacturing facility in southeastern Wisconsin. Intel settled on another location. The article alluded to the lack of credits impacting the decision. The ERC registry will help to address.

PM2.5 Strategy Summary

DNR's regulatory strategy for PM2.5 was finalized in 2016. It is based on several facts:

- PM2.5 is a regional pollutant and air quality is protected by regulating precursor pollutants SO₂ and NO_x.
- In permit reviews, PM2.5 emissions are calculated only for those operations that actually produce PM2.5 including high temperature processes.
- Low temperature processes such as material crushing and material handling do not result in emissions of PM2.5.

DNR continues to review new studies on sources and emissions of fine particles, national monitoring data and PM2.5 concentration trends, and regulatory strategies. The program is following EPA and the Clean Air Scientific Advisory Committee (CASAC) as they consider retaining or revising PM2.5 NAAQS.

PM2.5 strategy review and all other core work associated with PM2.5 is federally funded through the PM2.5 grant. EPA recently made available, one-time, lump sum funding through the American Rescue Plan (ARP). EPA will issue direct awards, totaling approximately \$22.5 million to state agencies hoping to support continuous PM2.5 monitoring technology purchases and PM2.5 monitoring in areas that are disproportionately impacted. EPA also announced the availability of \$20 million in ARP funding through competitive grants to enhance ambient air monitoring in underserved communities, that competitive application process closes March 25 with awards expected in the fall of 2022.

Question: How would EV's or hybrids contribute to PM2.5 differently than gas fueled vehicles?

Answer: The theory behind this is that EV/hybrid vehicles are heavier. Utilizing data from the existing air monitoring near road site, DNR has a data analysis system in place for tracking PM2.5 and its precursors as they change over time in a near road environment. As the fleet changes, impacts of increased EV's on air quality will be tracked and analyzed.

Nonattainment Area Updates

DNR has undertaken an IT project to display through an interactive map, the nonattainment area history for areas of the state. This information will be needed to determine applicability of some RACT requirements. The project will start with ozone nonattainment and RACT applicability for the 2008 and 2015 ozone standards. Future enhancements will make it possible to display nonattainment histories for other standards. The project is expected to be complete by April 2022.

DNR has submitted three redesignation requests to EPA. The Manitowoc redesignation request was updated to reflect the revised area from the remand and was based on 2018-2020 data. The Kenosha 2008 and Door County-Revised 2015 redesignation requests were completed at the conclusion of the 2021 ozone season utilizing 2019-2021 data.

Based on critical values for the Sheboygan, Milwaukee and Chicago nonattainment areas it will be difficult for those areas to attain the standard in 2022. Updates will be provided at future AMSG meetings.

Wisconsin is preparing a second 10-year maintenance plan for the Milwaukee Area for the 2006 PM2.5 nonattainment area. All of Wisconsin continues to meet the 2006 and 2012 NAAQS. EPA is considering the PM2.5 NAAQS for revision including an annual standard in the 8-10 ug/m³ range (current standard is 12 ug/m³). Depending on the new standard, as many as seven monitors could reach nonattainment based on today's preliminary 2019-2021 design values. Proposed designations would likely be made based on 2021-2023 design values.

Rhineland SO₂ redesignation request received final approval from EPA on January 12, 2022. Wisconsin is now fully in attainment of the 2010 SO₂ NAAQS.

EPA proposed and final approvals are published in the [federal register](#).

AMSG Membership

DNR released a survey on AMSG membership in fall of 2021. Members will be invited to a meeting scheduled for March 7, 2022 at 1:00 pm to discuss membership. Members will also review a revised charter ahead of this meeting. Survey results will be shared and membership will be discussed. If a member is not able to attend please consider sending an alternate. Let [Craig Czarnecki](#) know if an alternate will attend and provide him with contact information so he can send them meeting materials.

The next AMSG meeting is scheduled for May 5.