



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 17 2016

REPLY TO THE ATTENTION OF

Gail Good, Director  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
PO Box 7921  
Madison, Wisconsin 53707-7921

Dear Ms. Good:

This letter is in response to your May 25, 2016 submission of amendments to the Wisconsin State Implementation Plan (SIP), consisting of amendments to permit requirements and exemptions for construction permits contained in ch. NR 406 Wisconsin Adm. Code. These amendments exempt certain activities from consideration in determining whether construction, reconstruction, replacement, relocation, or modification has commenced under ch. NR 406.03(1e).

We have performed a completeness review of your submittal against the completeness criteria set forth at 40 C.F.R. Part 51, Appendix V. We have determined that this SIP submittal is incomplete because the submittal does not include the demonstration required by Section 110(I) of the Clean Air Act (CAA).

These types of changes to a state's SIP require a 110(I) demonstration showing "that the national ambient air quality standards, Prevention of Significant Deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented" (40 C.F.R. Part 51, App. V, 2.2(d)). The current Wisconsin SIP requires that sources obtain a permit prior to construction, and, in order to be approved, the revision to this requirement must be shown to be protective of the requirements of the CAA. Wisconsin Department of Natural Resources (WDNR) must provide such a 110(I) analysis with its request for a SIP revision.

Because the submittal is incomplete, the U.S. Environmental Protection Agency is returning it to WDNR.

If the WDNR resubmits this revision with a demonstration that complies with Section 110(I) of the CAA, the concerns EPA raised regarding WDNR's exemptions<sup>1</sup> during the public comment period for the revisions to ch. NR 406.03(1e) remain. The following exemptions listed in ch. NR

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<sup>1</sup> See EPA's comment letter dated March 16, 2015, which references EPA's guidance on preconstruction activities. See "Interpretation of 'Constructed' as it Applies to Activities Undertaken Prior to Issuance of a PSD Permit, December 18, 1978.

406.03(1e) are inconsistent with Section 110(a)(2)(C) of the CAA and 40 C.F.R. § 51.160(a) and (b): (a) Installation of building supports or foundations; (b) Laying underground piping or conduit; (c) Erecting storage structures; and (j) Paving.

If you have any questions or need additional information, please contact Michelle Robinson-Austin, of my staff, at (312) 353-0605.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward Nam", is written above the typed name.

Edward Nam  
Acting Director  
Air and Radiation Division