

Meeting Summary

Air Management Study Group Meeting

Thursday, February 15, 2018

9:00 am

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

Attendees

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| Gilberto Alvarez, EPA+ | Tracey Holloway, UW-Madison* |
| David Bizot, DNR | Emily Houtler, DNR |
| James Bonar-Bridges, DNR | Jeff Jaeckels, MGE* |
| Phillip Bower, Husch Blackwell | Amanda Jutrzonka, DNR |
| Andy Cook, WMC* | Radhica Kanniganti, EPA+ |
| Steve Dunn, Alliant Energy | Jennifer Krzak, Trinity Consultants |
| Taylor Fritsch, Michael Best* | Katie Nekola, Clean Wisconsin* |
| Gail Good, DNR | Diane Sackmann, Silgan Containers |
| Art Harrington, Godfrey & Kahn* | David Seitz, TRC |
| Kristen Hart, DNR | Andrea Simon, interested party |
| Chris Hiebert, Southeastern Wisconsin Regional Planning Commission* | Sheri Stach, DNR |
| Maria Hill, DNR | Andy Stewart, DNR |
| Eric Hoven, Dairyland Power Cooperative | Patti Stickney, Short Elliott Hendrickson |

* Air Management Study Group (AMSG) members
+Skype attendee

Action Items

- **Next AMSG Meeting.** The next study group meeting will be held on **Thursday, May 24, 2018** at 9 a.m. at the State Natural Resources Building (GEF 2), Room G09, 101 S. Webster St., Madison.

Meeting Summary

Opening remarks & agenda review

Gail Good, Air Program Director

Good opened the meeting with introductions and reviewed the agenda.

Program updates

Brownfields legislation

Christine Haag, Remediation and Redevelopment, Brownfields and Outreach Section Chief

Christine Haag works with the Brownfields Study Group. Over the past 20 years, that group has prepared three recommendation reports, focused on increasing cleanup and reuse of brownfields in Wisconsin. In the 2015 report, there was a proposal related to reducing air emissions. This proposal was included in 2017 Wisconsin Act 70 as a pilot program for manufacturing facilities on brownfields. More information on the pilot program legislation can be found in Section 16 of Act 70, available here:

<https://docs.legis.wisconsin.gov/2017/related/acts/70>.

The department will be conducting a pilot program and the Brownfields Study Group is looking to form a subgroup to help with designing the pilot and determining the scope, process, rollout, and marketing. Some members of the Brownfields Study Group have already volunteered to be part of this subgroup. The Green Tier program is involved because one of the requirements is that the owner or operator of a facility be enrolled in Green Tier. Kristin Hart mentioned that Act 70 may be an opportunity for small businesses because it will affect minor source permitting.

Because of the tie-in with Air Management, volunteers from the Air Management Study Group are needed to join the Brownfields subgroup, which is planning a spring kickoff. AMMSG members should contact Kristin, Gail, or Christine with questions, and notify Kristin Hart if interested in joining the subgroup.

Proposed guidance and rules

Kristin Hart, Permits and Stationary Source Modeling Section Chief

David Bizot, Regional Pollutants and Mobile Sources Section Chief

Hart reported that guidance on implementing the new 1-hour NO₂ NAAQS in permitting will be finalized soon. The program has also been working on guidance for the collaborative permit process, which provides a framework for submitting a red-line/strikeout version of a previously issued permit with a permit application. The collaborative permit process guidance will be posted for 21-day public comment soon. Amanda Jutrzonka will notify the study group when this guidance has been posted.

Bizot mentioned that the public comment period for EPA's proposed 2015 ozone designations ended on February 5. Many comments were submitted, and these comments can be seen in the docket. States have until February 28 to provide comments. EPA will upload the state comments to the docket. The docket can be found here: [EPA-HQ-OAR-2017-0548](https://www.epa.gov/epa-hq-oar-2017-0548).

Bizot mentioned two other proposed rules. Comments are due for State Guidelines for GHG Emissions from Existing EGUs (ANPR) on February 26. The comments deadline for the Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units was extended to April 26.

Hart mentioned a new EPA guidance memo about EPA's "Once In Always In" policy. Per the new guidance, major sources subject to MACT standards that later reduce emissions may become area sources. Previous guidance said that a source could become synthetic minor up to the first compliance deadline in the rule, and after that, the source would always remain subject to MACT standards even if emissions were later reduced. EPA is reversing that policy, per the memo. The memo is final, and EPA is not taking comments at this time. At the end of the memo, EPA stated that it will be providing regulatory language, which has not been released yet.

Jaeckels asked if this concept of removing the "Once In Always In" policy could apply to other programs with similar provisions, like CSAPR. Hart responded that the department does not know of other plans for similar policy changes. Harrington asked if the policy change is related to anti-backsliding. Hart responded that the policy change is to ensure that the plain language of the rule be implemented.

Final SO₂ designations

David Bizot

Bizot provided an overview of the designations process for the 2010 SO₂ NAAQS. EPA made designations in four rounds. In Round 1, EPA designated Oneida County in 2013 as nonattainment (partial, near Rhineland). A SIP has been submitted for this area. In Round 2, EPA designated Columbia County in 2016 as attainment/unclassifiable. On December 2017, EPA finalized Round 3 designations and designated the remainder of the state as attainment/unclassifiable, with the exception of Outagamie County, which has elected to do monitoring through 2019 and will be designated in Round 4. EPA has a court-ordered deadline of December 2020 for Round 4 designations.

This process has been ongoing for many years and has involved a lot of people and a lot of sources. The result is a 77 percent reduction in SO₂ over a 6-year period in the state. Not only is this a great success story, but this progress will help the state with meeting future haze requirements for visibility, and will have other positive implications into the future.

Harrington commented on EPA's process of making partial county designations for the SO₂ NAAQS and asked about the implications in terms of partial county designations for ozone. Bizot responded that the two pollutants are very different; SO₂ is source-specific, while ozone is regional and has a transport component. However, there have been partial designations for both standards.

E-signature pilot

Sheri Stach, Business Support and IT Section Chief

Stach noted that the Air Program is the first program in the agency to use the Digital Signature Service to accept electronic signatures for official reports. On February 1, the program kicked off a pilot project with 15 facilities to accept compliance certification and monitoring reports with electronic signatures. As of February 14, five documents were submitted using e-signature. The Air Program is using this pilot project to collect information, make adjustments to the process, and prepare an outreach plan before rolling out e-signature to other facilities for compliance certification and monitoring reports.

The Air Program plans to offer e-signature for additional reports in the future. Other programs in the agency plan to utilize e-signature for program-specific reports in the future as well. For more information on e-signature, refer to the new Environmental Management division webpage on e-signature:

<http://dnr.wi.gov/topic/Switchboard/esignature.html>.

Harrington asked about the role of AMSG in terms of outreach for e-signature. Stach commented that the outreach plan is still being developed and more information will be shared with AMSG members in the future. Harrington asked if the public will have more access to reports that have been filed. Stach responded that this process does not change the accessibility of reports to the public.

Retention Disposition Authorization (RDA)

Sheri Stach, Business Support and IT Section Chief

Stach explained that Retention Disposition Authorizations (RDAs) have been approved for asbestos, permits, and monitoring. There was a delay for the compliance RDA, and this RDA will be going forward in May to the Records Review Committee and in June to the Public Records Board. The permits and compliance RDAs are critical for digitization. When developing these RDAs, the program mapped out all documents, and this information is being used by the program's digitization team for determining naming conventions and meta data for the digitization project. The next RDAs that will be worked on are refrigerant recovery and asbestos.

The program is required to have RDAs to manage records, per the state public records law. RDAs set retention timeframes for records and determine the storage format – some will be paper, some electronic, and some both. The program had RDAs that expired, so this process is for renewing the RDAs. The areas of focus cover the bulk of the program's records.

PM2.5 network changes

Gail Good

Good said the program has been working on efficiencies in its PM2.5 monitoring network, which is currently utilizing both FRM and FEM monitors. FRMs are filter-based monitors that require lab analysis of data. FRMs have been considered the 'gold standard' for PM2.5 monitoring for years, but these types of monitors require more time for data collection and analysis, and data is not readily available to public. FEMs are continuously operating analyzers. FEMs are less expensive to operate because they are less resource intensive, and the information is available immediately. Over time, the program has been able to show good data comparability with the two types of monitors and EPA has concurred that the state monitoring network can be reduced to a minimum number of FRMs. The DNR will continue to operate 20 PM2.5 monitoring sites, using primarily FEMs. This change does not result in a loss of data, but instead allows for more data at a reduced operating cost. Adjustments to the network will be made by April 1.

The program has been testing different types of equipment. There is a new instrument for measuring PM that is not subject to humidity concerns as much as other instruments, so there is even greater comparability year-round. The program plans to incorporate this instrument into the monitoring network

over time as analyzers reach their end of useful life. The new instruments are the T640X and T640. Katie Praedel can present more information at a future meeting, if there is interest.

Member updates

Art Harrington, Godfrey & Kahn – Harrington referenced a memo, which was featured in an article in the New York Times. The memo describes that, for enforcement purposes, DOJ employees cannot use agency guidance as evidence of noncompliance with statutes or rules. In the past, guidance has been used on enforcement actions, and noncompliance with guidance has been used as presumptive evidence. DOJ is now saying that guidance needs to go through rulemaking to have legal effect. This has ramifications behind enforcement and beyond EPA and could impact things like permits.

Tracey Holloway, UW-Madison – Holloway mentioned that the NASA Health and Air Quality team will be meeting in Madison on July 16-17. The team meets in person every six months. Previous meetings have been in New York and Seattle. There will be about 150 people attending the meeting, including air quality managers from across the U.S. The meeting is free to attend. The team is looking for corporate sponsors for a reception. Gail Good requested a copy of the draft agenda, when it is available. Holloway also mentioned her work with EPA on the national air toxics assessment, which is using satellite data to evaluate EPA's CMAQ model. There will be a paper with an in-depth analysis of how satellite data compares to ground monitoring stations.

Jeff Jaeckels, MGE – Jaeckels commented that MGE recently installed a DC fast charger in its parking lot for electric vehicles. DC fast chargers can charge electric vehicles in 20 minutes. This is part of a larger strategy. MGE's website shows a map of the 30 plus stations in the Madison area. MGE is working on incentivizing the use and adoption of electric vehicles. This is a movement that a lot of utilities are interested in and are looking at similar strategies. The recent VW settlement is providing funds to increase infrastructure for chargers and looking at electrifying interstate corridors.

Ozone update

2015 ozone designations and Sheboygan County ozone redesignation request

David Bizot
Kristin Hart

Bizot provided an overview of the history of the designation process for the 2015 ozone standard. In September 2016, Governor Walker recommended that the entire state of Wisconsin be designated as attainment of the 2015 ozone NAAQS. From January through March 2017, an ozone workgroup, which included some AMSG members, was established to discuss information the state could consider providing to EPA to support this recommendation. In April 2017, DNR provided supplemental information to EPA in support of the governor's recommendation showing, among other things, the maximum extent of any nonattainment designation for the 70 ppb standard, based on the latest science and data. In November 2017, EPA made its initial designations for the 2015 ozone NAAQS. EPA designated 56 counties in Wisconsin as attainment/unclassifiable and deferred action on the remaining 16 counties. On December 20, 2017, EPA proposed that the remaining 16 counties be designated as attainment/unclassifiable, except for the counties in the Milwaukee metropolitan area, which includes

Washington, Waukesha, Ozaukee, Milwaukee, and Racine counties, and partial county nonattainment designations for Kenosha, Sheboygan, Manitowoc, and Door counties. Door County was also proposed to be designated as a rural transport area, which means the area will not be subject to any bump ups to a higher classification in the future.

The slide presentation shows a map with EPA's proposed intended nonattainment designations in green, compared to the supplemental information submitted by DNR to EPA in pink, which was intended to show the maximum extent of the areas EPA should consider designating as nonattainment.

Hart commented that, if an area becomes nonattainment, major source permitting would be affected, while minor source permitting would not be affected. Only major modifications or new major sources of volatile organic compounds or nitrogen oxides would have to apply controls and offsets. Controls would have to meet the lowest achievable emission rate (LAER). Also, any construction would have to be offset, and the offset ratio would be 1.1:1 tons. The 2008 NAAQS, which is also in effect in Sheboygan County and part of Kenosha County, has a different offset ratio of 1.15:1 tons. This ratio will remain because of the moderate classification for the two counties in nonattainment of the 2008 standard.

Bizot continued by mentioning that the ozone workgroup reconvened last month for one meeting, to provide a forum for discussion prior to the deadline for public comments. The public comment period closed on February 5, and as mentioned previously, EPA received many comments. States can submit comments through February 28, and Wisconsin intends to submit comments by that date. The DNR continues to have discussions with EPA Region 5. At this time, designations are intended, not final. EPA has publicly stated its intent to finalize designations prior to April 30. Due to the timing with the 120-day letter, designations cannot be finalized any earlier than April 19.

EPA's letter and technical support document for Wisconsin regarding intended designations can be found on EPA's website at: <https://www.epa.gov/ozone-designations/ozone-designations-2015-standards-wisconsin-state-recommendations-and-epa>

DNR's submittals, maps, and an ozone fact sheet that was recently developed can be found on DNR's website at: <https://dnr.wi.gov/topic/AirQuality/Ozone.html>.

Bizot continued by discussing the status of the 2008 standard. The DNR is working with EPA to get Sheboygan County designated as attainment using data from the Sheboygan Haven monitor. The DNR submitted a redesignation request and had a public hearing on January 22. The public comment period closed February 1. The DNR intends to submit the redesignation request to EPA after February 19 after the legislative review period concludes.

Hiebert asked for more information on DNR's strategy and asked if is DNR going to recommend that the whole state be attainment. There is data that supports the uniqueness of lakeshore meteorology and transport emissions. Bizot commented that DNR plans to take a similar approach to the supplemental submittal from April 2017. The DNR wants EPA to continue to look at what has been provided.

Harrington mentioned the shutdown of the Pleasant Prairie power plant. Bizot commented that DNR is working with the facility, which is interested in creating credits. There is no prohibition on shutdown for determining credits. Harrington commented that it is possible to generate credits from a minor source and suggested that this would be a topic of interest to clients.

Hiebert asked about the potential for changes to offsets and bump ups when EPA revokes the 2008 standard. Bizot commented that the old offset ratio will continue to apply until areas go through a redesignation process.

Harrington asked how mobile source planning will be impacted. Hiebert responded that there is no difference in terms of how many nonattainment areas there are. The process is still the same for modeling and developing buffers.

Hiebert commented that EPA recognized some of the information that DNR submitted in April in their proposed designations, but did not consider that sources in the Milwaukee area are not contributing to the problem. Good mentioned that several of the comments submitted by the public prior to February 5 mentioned this same issue.

Seitz asked about when final designations will take effect. Bizot responded that it is usually 30 to 60 days, but could be immediately. This information will not be known until the final designations appear in the Federal Register.

Wisconsin Partners for Clean Air Discussion

Gail Good

Amanda Jutrzonka, Public Information Specialist

Good explained that Wisconsin Partners for Clean Air is a stakeholder group that DNR has supported for many years. The group has seen dwindling participation in recent years at the annual awards event. Part of alignment is to look at core work and priorities. At this time, DNR does not have the resources available to continue to support the group in the same way. The purpose of this discussion is to gather feedback from AMSG on ways to reinvigorate the group in a less resource-intensive way or consider not having DNR participate in this group moving forward. No decisions been made at this time.

Jutrzonka continued by explaining that Wisconsin Partners for Clean Air (WPCA) is an external stakeholder group that was voluntarily formed in 1996 to support emissions reduction efforts like Ozone Action Days, and to recognize outstanding achievements by businesses in voluntarily reducing air emissions. The group is active mostly in southeastern Wisconsin, but is a statewide group. There are currently about 250 partners.

DNR's involvement includes serving as the coalition facilitator and supporting outreach efforts, such as the annual awards event held in May. Attendance at the event has ranged from 27 to 74 partners, with numbers averaging about 30 for the past five years. The event is typically held at a partner's facility. DNR's involvement includes soliciting nominations and coordinating the event. Other outreach includes

preparing and sending a quarterly newsletter and coordinating two steering committee meetings, as well as serving as the main point of contact for questions.

Stakeholders had questions about the purpose of the group and suggested refocusing the group and providing new incentives. The group is similar to the Dane County Clean Air Coalition, which stopped meeting several years ago. Suggestions for refocusing the group included examining and aligning the group's efforts with what utilities are doing related to electrification, or focusing on transportation or renewable energy. Stakeholders mentioned the Green Masters program, which is a recognition program that rewards companies for efforts related to sustainability. Other suggestions included determining if the group could be merged with another group with similar interests, or to combine the annual awards ceremony with another existing meeting.

Sackmann mentioned that some states involve their inspectors with communicating new issues or ideas when they are at facilities. Good asked Sackmann to share more information with Gail Good or Maria Hill. Good requested that stakeholders send any additional thoughts or comments on this subject to Amanda Jutrzonka.