

# **Air Management Advisory Group Quarterly Meeting**

September 7, 2023

# Hybrid Meeting Guidelines

- Attendees in the room can raise their hand and will be called on. Members may also turn up their name card.
- Online attendees should use the raise hand feature and will be called upon by the meeting host
- The host will attempt to respond to all messages received, but some messages may be missed.
- Participants will join the meeting with their video disabled. We ask that you keep your video disabled for the duration of the meeting, unless called on by the host.

# Air Management Advisory Group Quarterly Meeting Agenda

- Opening remarks
- Agenda review
- Proposed guidance, rules and legislative update
- Hiring Update
- AMAG Membership Update
- Trends Report Preview
- Environmental Justice Update
- Member Updates
- PM2.5 and Wildfire Smoke Impacts
- Ozone Topics

# Proposed Guidance, Rules and Legislative Update

Quinton LeSage, Acting Permits and Stationary Source Modeling Section Chief

Brianna Denk, Air Quality Planning and Standards Section Chief

Maria Hill, Compliance, Enforcement, and Emission Inventory Section Chief



# Proposed/Final DNR Rules

Proposed DNR rule	Description	Phase
AM-05-21 NOx RACT	Updates to Reasonably Available Control Technology rules to control emissions of Nitrogen Compounds	Adoption
AM-05-22 Compliance Demonstration Rule	Updates to NR 439 testing, monitoring, recordkeeping, reporting requirements for compliance <a href="#">Rulemaking to Revise Chapter NR 439     Wisconsin DNR</a>	Drafting Economic Impact Assessment and Board Order
AM-10-23 NSR Fee Rule	Updates to construction permit fees to assure compliance with Clean Air Act requirements and to meet business needs of permitted sources	Scope Approval



# Proposed EPA Rules/Guidance

Proposed EPA rule/guidance	Docket	Comments due
Air Emissions Reporting Requirements	<a href="#">EPA-HQ-OAR-2004-0489-0092</a>	10/18/2023
RICE NSPS and NESHAP	<a href="#">EPA-HQ-OAR-2022-0879</a>	08/25/2023
Integrated Iron and Steel Manufacturing –40 CFR Part 63 Subpart FFFFF	<a href="#">EPA-HQ-OAR-2002-0083</a>	09/15/2023
Power Plant GHG Rule- NSPS and EG	<a href="#">EPA-HQ-OAR-2023-0072</a>	8/8/2023
Interim Final Rule Ozone Good Neighbor Plan- Response to Judicial Stays	<a href="#">EPA-HQ-OAR-2021-0668</a>	8/30/2023
Corporate Average Fuel Economy Standards (CAFE): Light-duty vehicles	<a href="#">NHTSA-2023-0022</a>	10/16/2023

# 40 CFR 51, Air Emissions Reporting Rule Revision

- Annual reporting of federal hazardous air pollutants both to Wisconsin and EPA via two separate systems (ARS and CAERS)
- Substantial additional data requirements for owners and operators
  - individual stack coordinates
  - federal rule applicability by emissions unit
  - All required performance test data – potentially to WI, CEDRI, and CAERS
- Required to report daily activity data for prescribed fires
- [EPA's public hearing will be 8.30](#)
- [Comments accepted by EPA until 10.18](#)

**United States Environmental Protection Agency**

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## Air Emissions Inventories

CONTACT US

- Air Emissions Inventory Home
- Data and Documentation
- Reports and Summaries
- Air Pollutants Emissions Trends Data
- Air Emissions Reporting Requirement (AERR)**
- Emissions Inventory System (EIS) Gateway
- EIS User's Manual and How To's
- Emissions Inventory System (EIS) Bridge Tools
- Training
- Conference
- Emissions Development Tools
- Emissions Inventory Guidance
- Emissions Inventory Listservs
- Points of Contact
- Frequent Questions

### Air Emissions Reporting Requirements (AERR)

On this page:

- [Rule Summary](#)
- [Rule History](#)
- [Additional Resources](#)

#### Basic Information

**Legal Authorities**

- 23 U.S.C. §101
- 42 U.S.C. §7401-7671q

**Docket Numbers**

- [EPA-HQ-OAR-2004-0489 \(same link as current\)](#)

#### Rule Summary

On July 25, 2023, EPA announced proposed updates to the AERR to improve EPA's collection of certain emissions data critical for performing air quality and risk analyses, among other regulatory and non-regulatory activities. This proposed action would allow for EPA to annually collect (starting in 2027), hazardous air pollutant (HAP) emissions data for point sources in addition to continuing the criteria air pollutant and precursor (CAP) collection in place under the existing AERR. The proposed amendments would ensure that EPA has sufficient information to identify and solve air quality and exposure problems and ensure that communities have the data needed to understand significant environmental risks that may be impacting them.

#### Rule History

7/24/2023 - [Proposed Rule \(pdf\)](#) (2.16 MB, July 25, 2023)

2/6/2015 - [Final Rule](#)

Information Webinars and Public Hearing - Learn More



# Finalized EPA Rules/Guidance

Finalized EPA rule/guidance	Link	Date finalized
Emergency Affirmative Defense Provisions removed from Title V.	<a href="#">Title V Affirmative Defense Final Rule (epa.gov)</a>	Signed July 12, 2023

# Proposed Alignment State Implementation Plan (SIP) Revision

- Early air rules were promulgated under ch. NR 154 and approved into the Wisconsin SIP.
- In the 1980s and 1990s, the ch. NR 154 rules were renumbered to the ch. NR 400 rules.
- The Alignment SIP revision requests that EPA renumber and revise provisions in Wisconsin's SIP to match the provisions being implemented in the state.
- On Monday, August 28<sup>th</sup>, the proposed Alignment SIP revision went out for 30-day public comment.



# Proposed Alignment State Implementation Plan (SIP) Revision

- The Alignment SIP does not address the three SIP provisions named in EPA's February 2023 proposed SIP Call relating to startup, shutdown, and malfunction (SSM).
- All states were required by EPA to undertake a SIP-alignment process.



# Assembly Bill 339 Relating to Restrictions on Use of Certain Refrigerants

- The draft bill seeks to ensure that no state agency and no local governmental unit may prohibit or limit use of a refrigerant that the EPA has designated as acceptable for use.
- The Wisconsin Department of Natural Resources (DNR) regulates activities during the salvaging, dismantling, or transporting of any equipment containing regulated refrigerants. **Regulated refrigerant is defined by EPA and federal code and not the state.**



# Hiring Updates

- Brianna Denk – AQPS Section Chief
- Permitting Section Chief



# AMAG Membership Update

- Bob Greco retiring
- Joe Hoch will represent WUA
  - Mike Kolb alternate

# **Air Quality Trends Report Preview**

Katie Praedel  
Monitoring Section Chief

Craig Czarnecki  
Outreach Coordinator

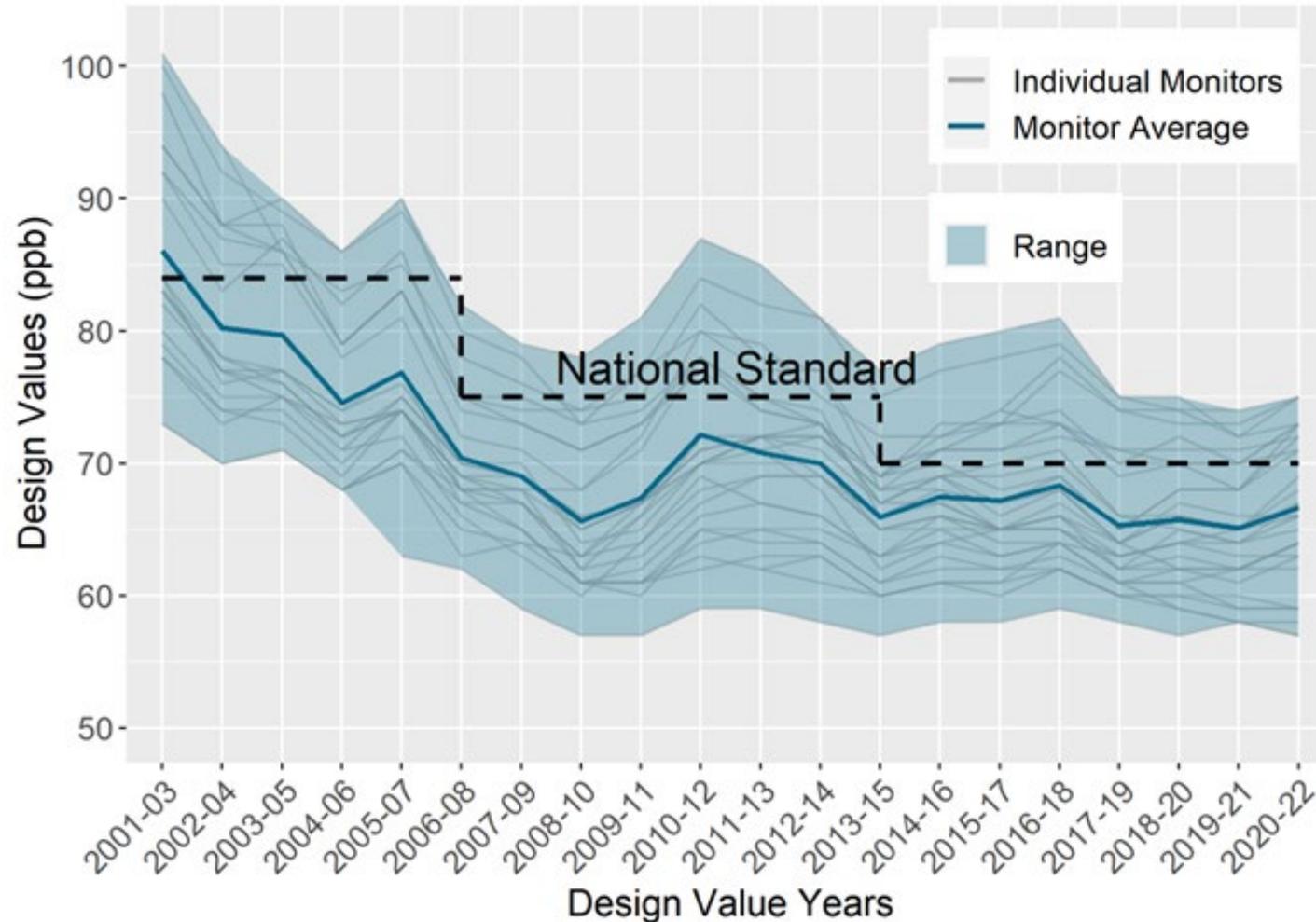


# 2023 Wisconsin Air Quality Trends Report

- Includes certified Wisconsin air monitoring data through 2022
- National Emissions Inventory data through 2020
- Will be released in early October 2023

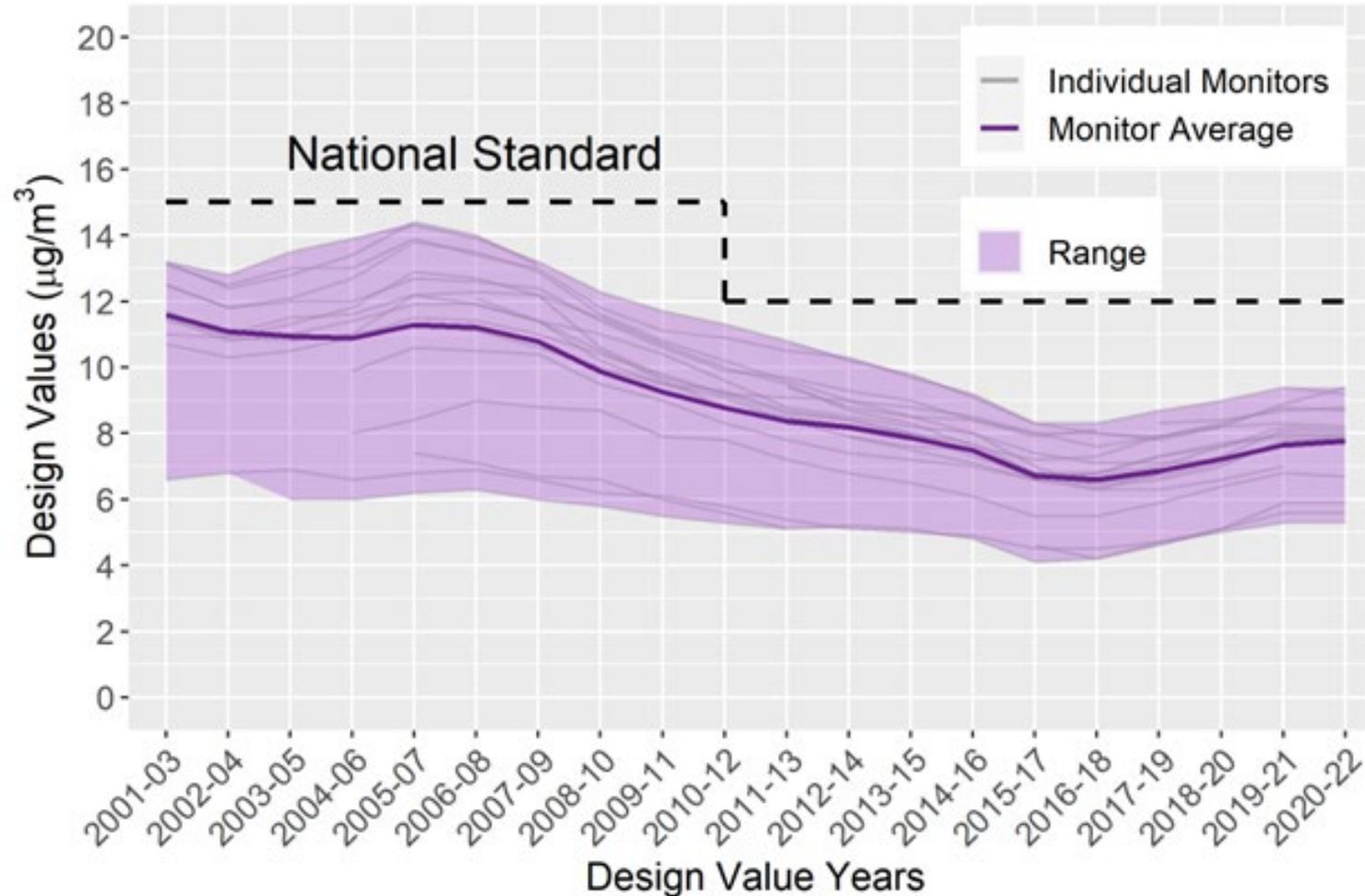
# 2023 Wisconsin Air Quality Trends Report

## 8-Hour Ozone Design Values in Wisconsin



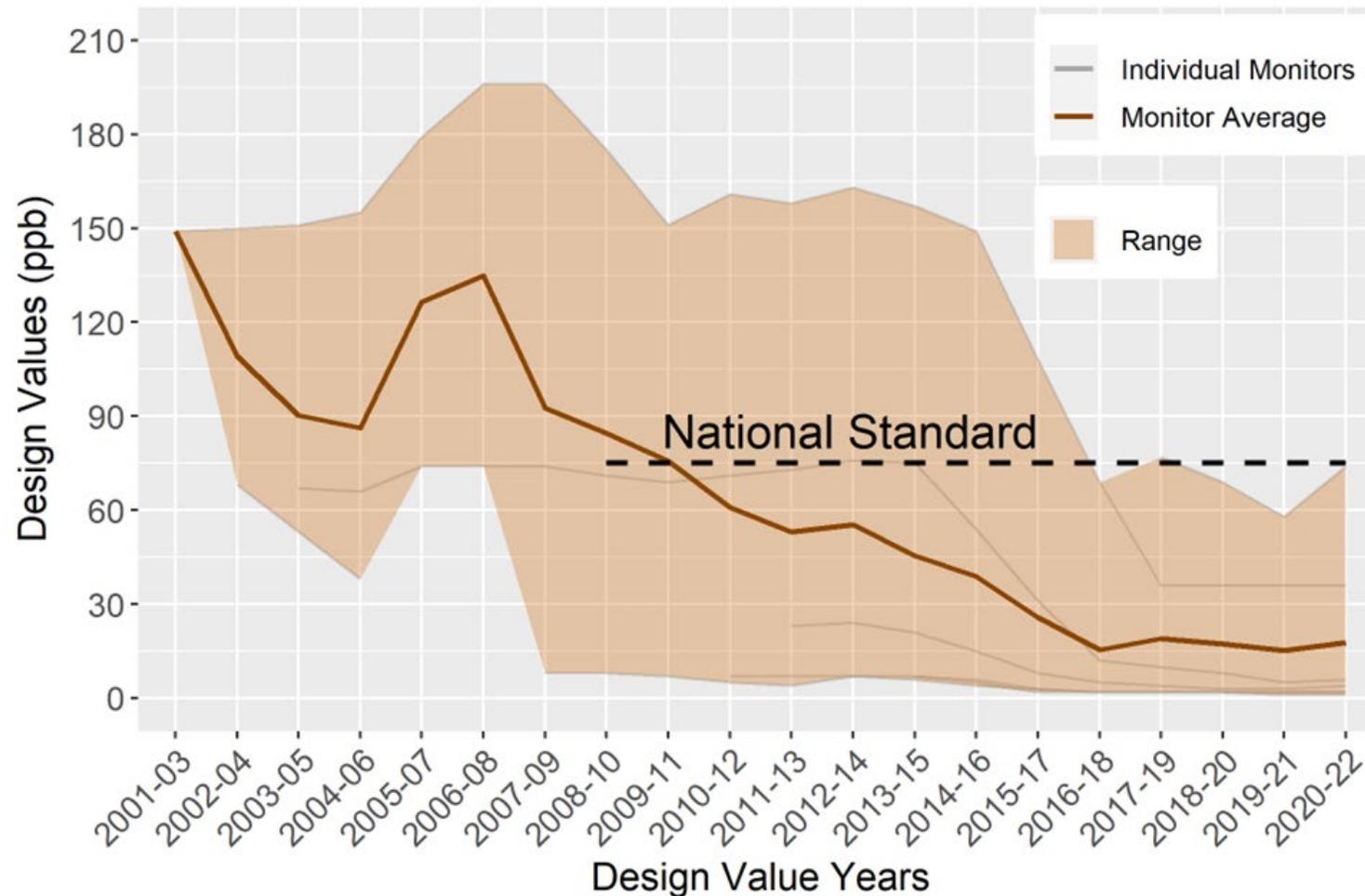
# 2023 Wisconsin Air Quality Trends Report

## Annual PM<sub>2.5</sub> Design Values in Wisconsin



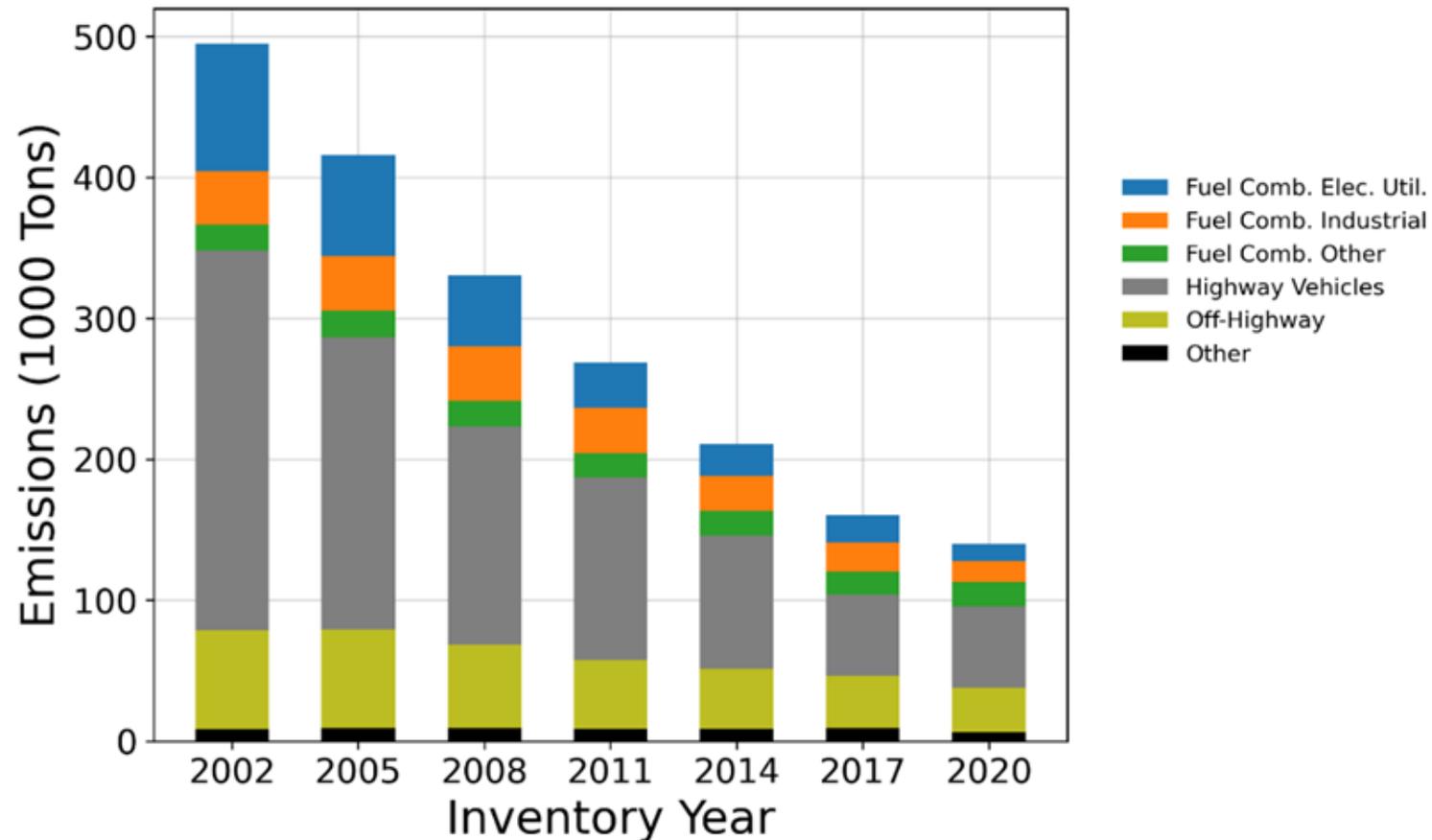
# 2023 Wisconsin Air Quality Trends Report

## 1-Hour SO<sub>2</sub> Design Values in Wisconsin



# 2023 Wisconsin Air Quality Trends Report

## Wisconsin Total NO<sub>x</sub> Emissions



# Trends Report Outreach

Week of October 2

- [Storymap](#)
- News Release
- Social Media posts
- Internal Outreach

# **Environmental Justice Update**

Kristin Hart  
Air Management Field Operations Director



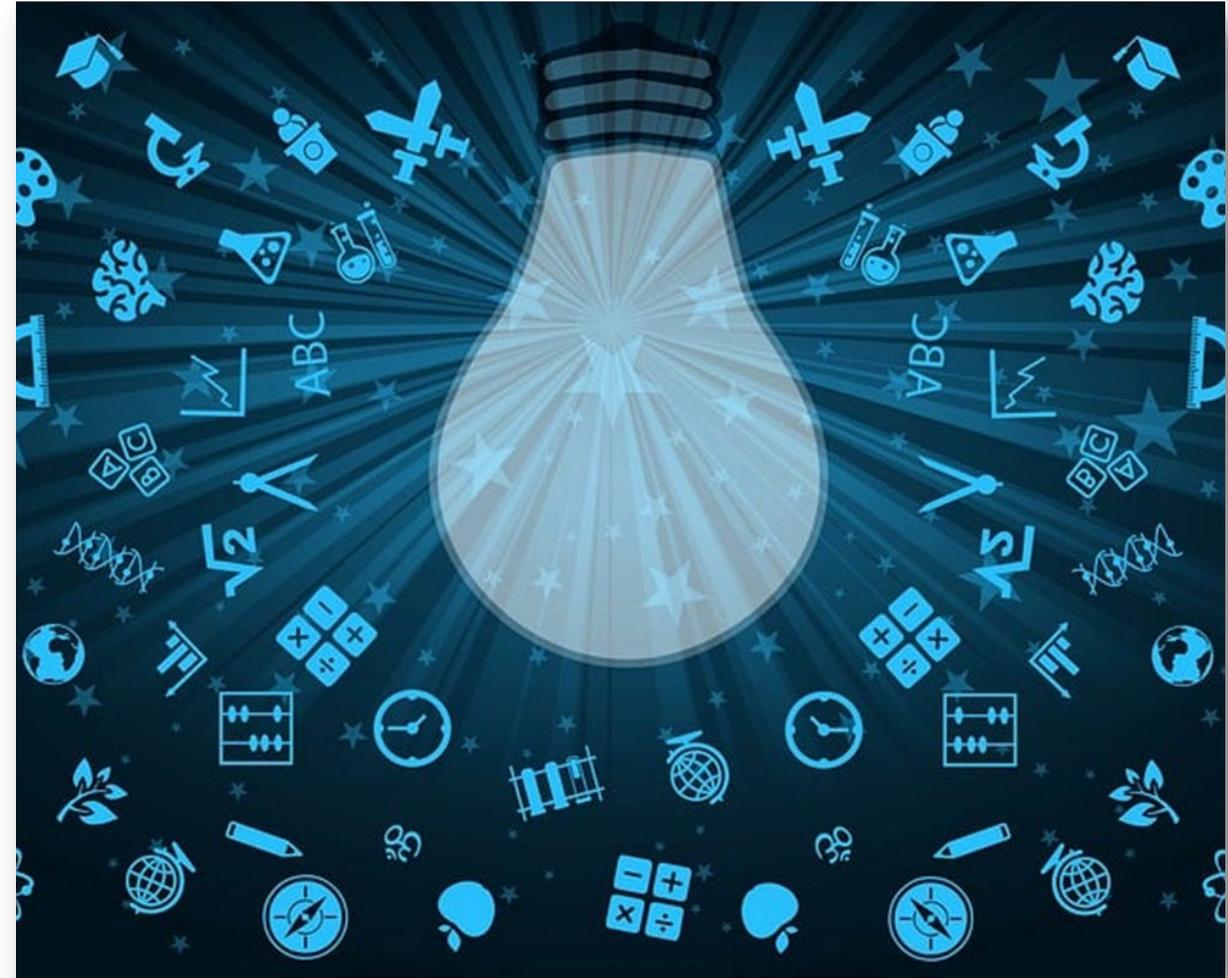
# EJ in Construction Permits

Create a process to address environmental justice considerations in all construction permits using state and federal guidance

# EJ in Construction Permits

## Learning

- Convened a larger group to hear presentations on EJ and Title VI of CRA
- Reviewed the construction permit flowchart
- Reviewed EPA's 8 principals for addressing EJ in permitting
- Heard how other states are addressing EJ





# Member Updates



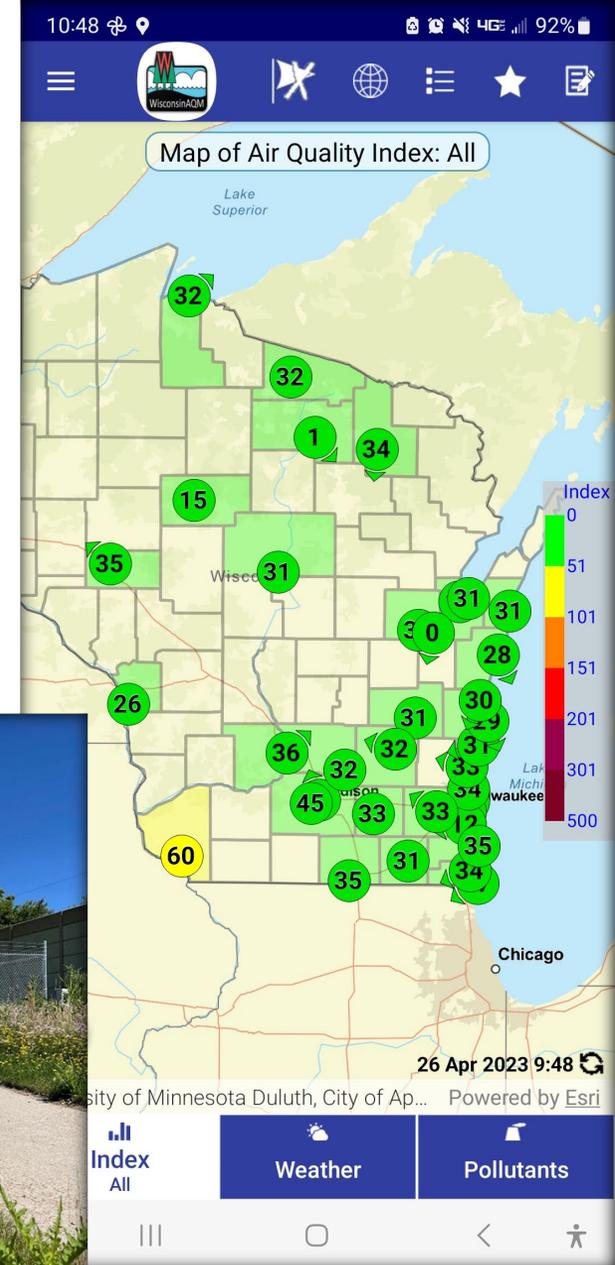
# **PM2.5 Wildfire Smoke Impacts**

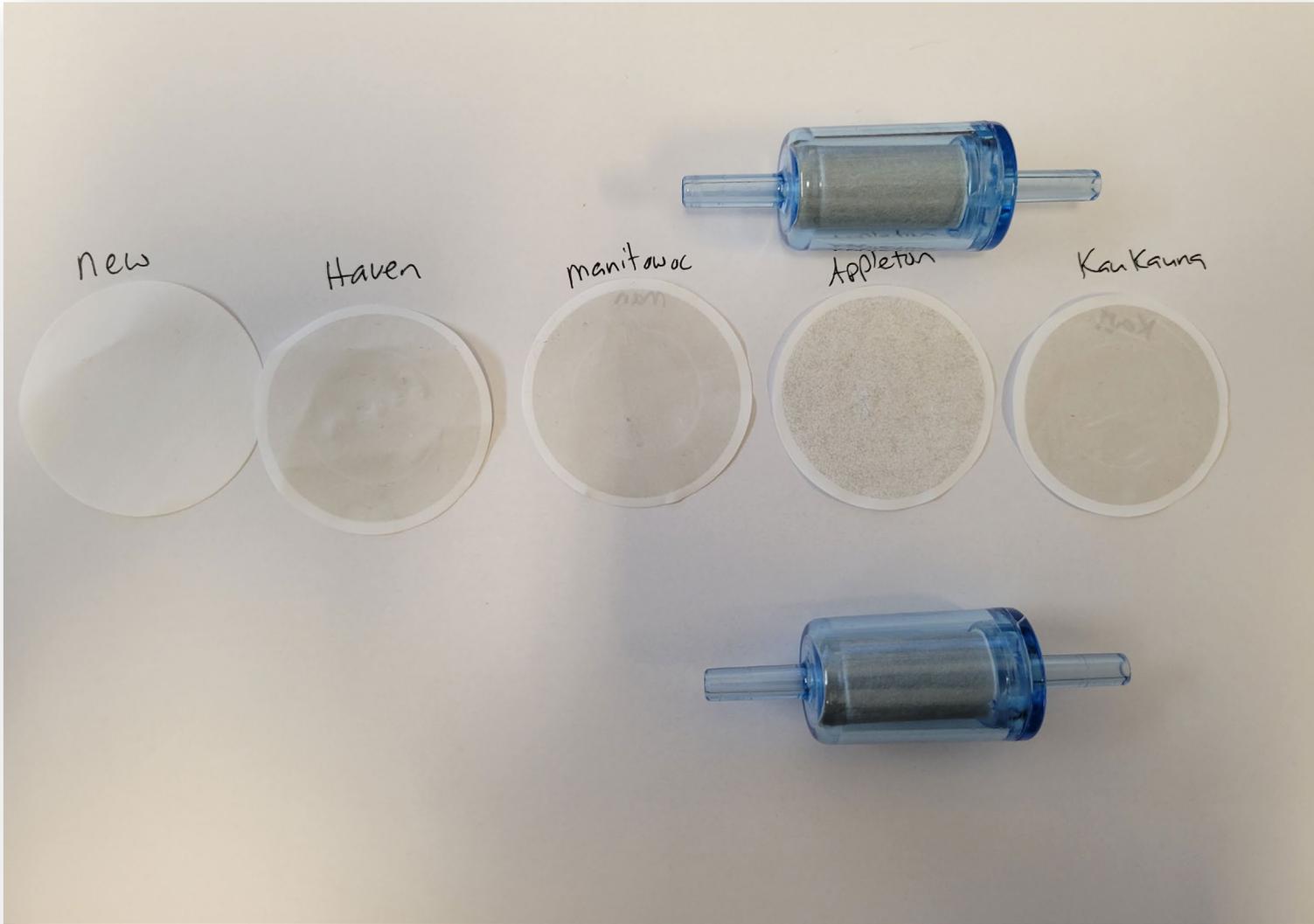
Katie Praedel  
Air Monitoring Section Chief

Brianna Denk  
Air Quality Planning and Standards Section Chief

# Wisconsin's Air Monitoring Network

- Wisconsin's air monitoring network locations are spatially distributed as directed by federal and state statute
  - Measure criteria pollutants continuously to report results in real-time to be protective of public health
  - Use high-quality data to inform regulatory attainment determinations and planning
  - Research to improve planning tools
  - Track long-term trends



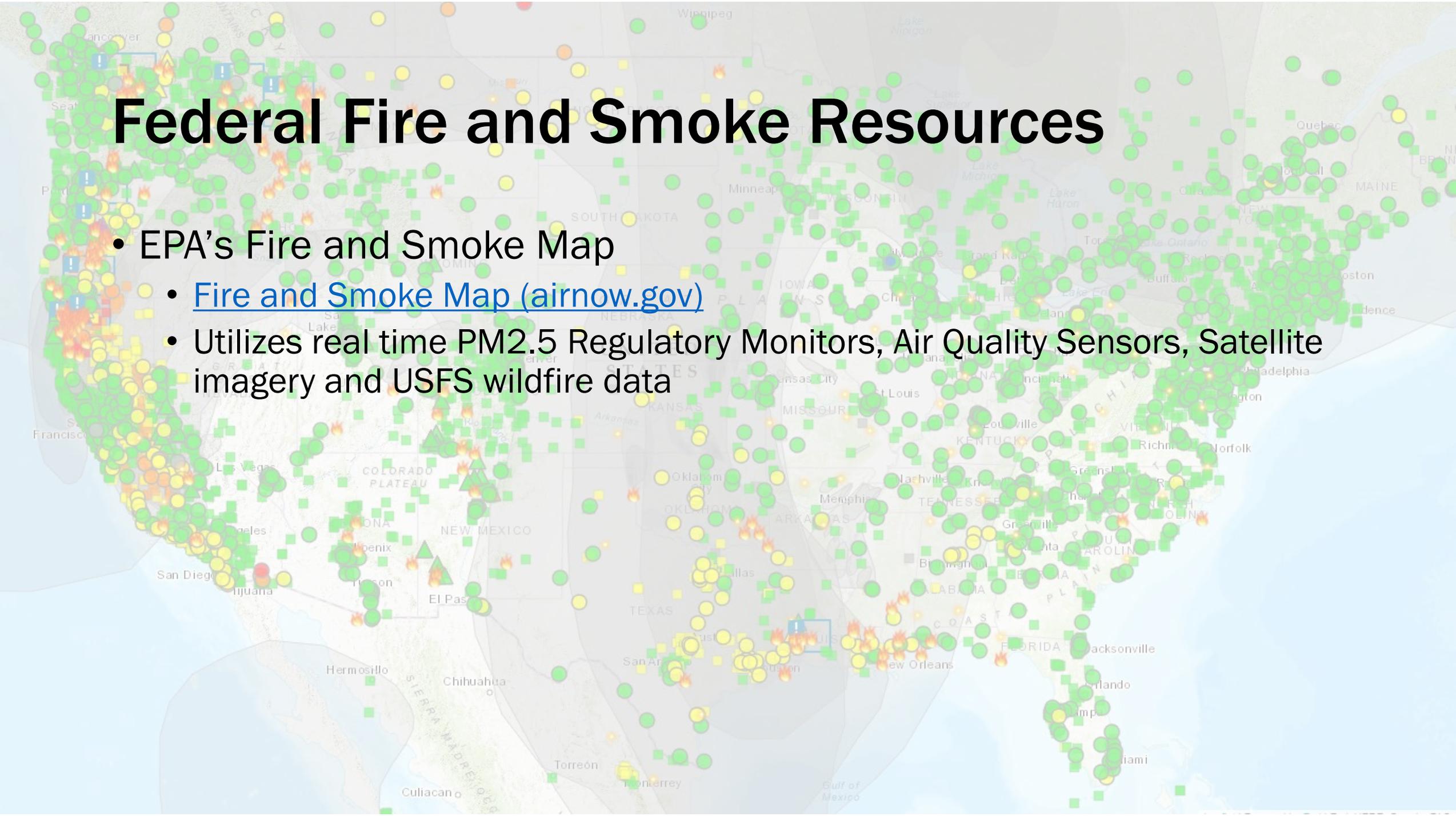


# Monitoring challenges during an Air Quality event

- Router signals weakened
- Immediate attention to missing hours of data
- Little to no allowable offline time
- Traffic on the websites leads to server crashes

# Federal Fire and Smoke Resources

- EPA's Fire and Smoke Map
  - [Fire and Smoke Map \(airnow.gov\)](https://airnow.gov)
  - Utilizes real time PM2.5 Regulatory Monitors, Air Quality Sensors, Satellite imagery and USFS wildfire data





# Canadian Wildfires

**5**

NATIONAL PREPAREDNESS LEVEL

**September 4 2023**

NATIONAL FIRE SITUATION REPORT

- 708 Out of Control**
- 161 Being Held**
- 205 Under Control**

ACTIVE FIRES MAP

**0**

NEW FIRES TODAY

**1074**

ACTIVE FIRES

**6131**

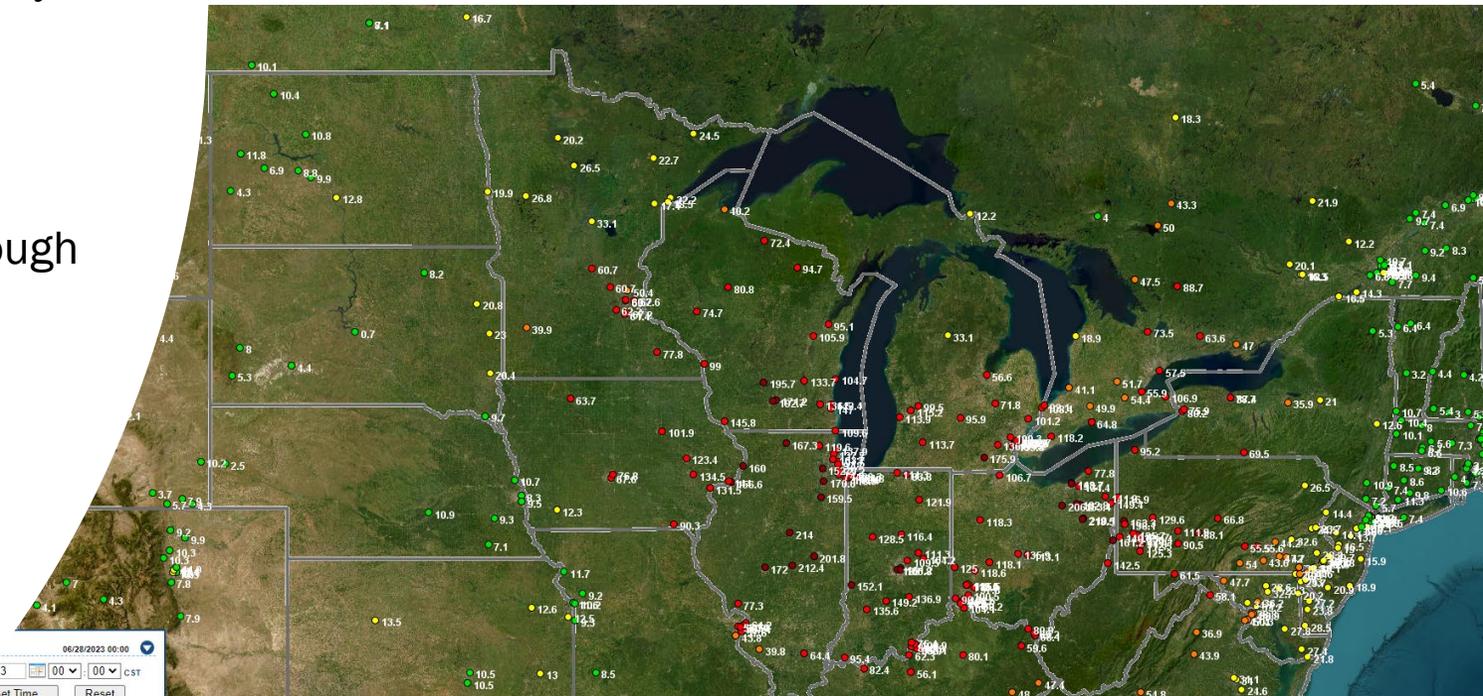
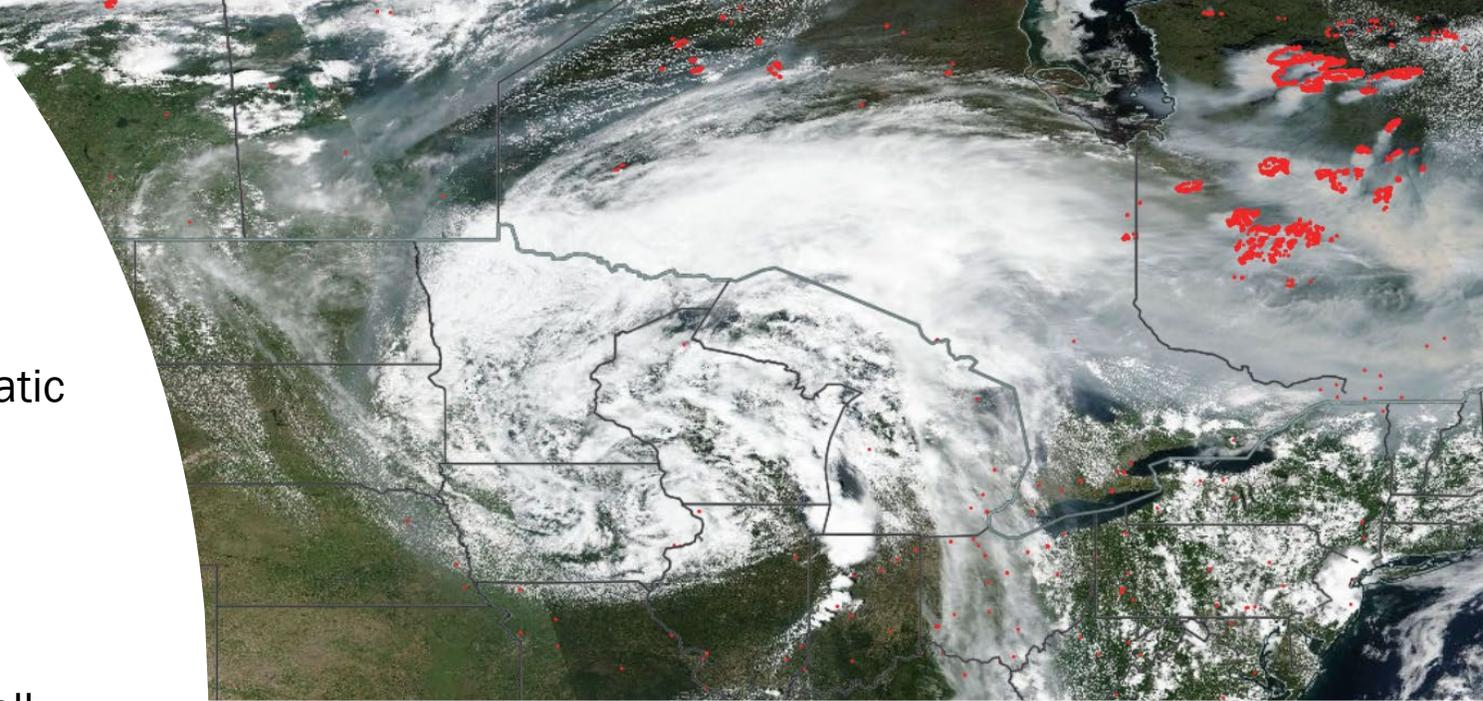
YTD FIRES

**16.5M**

AREA BURNED YTD (HA)

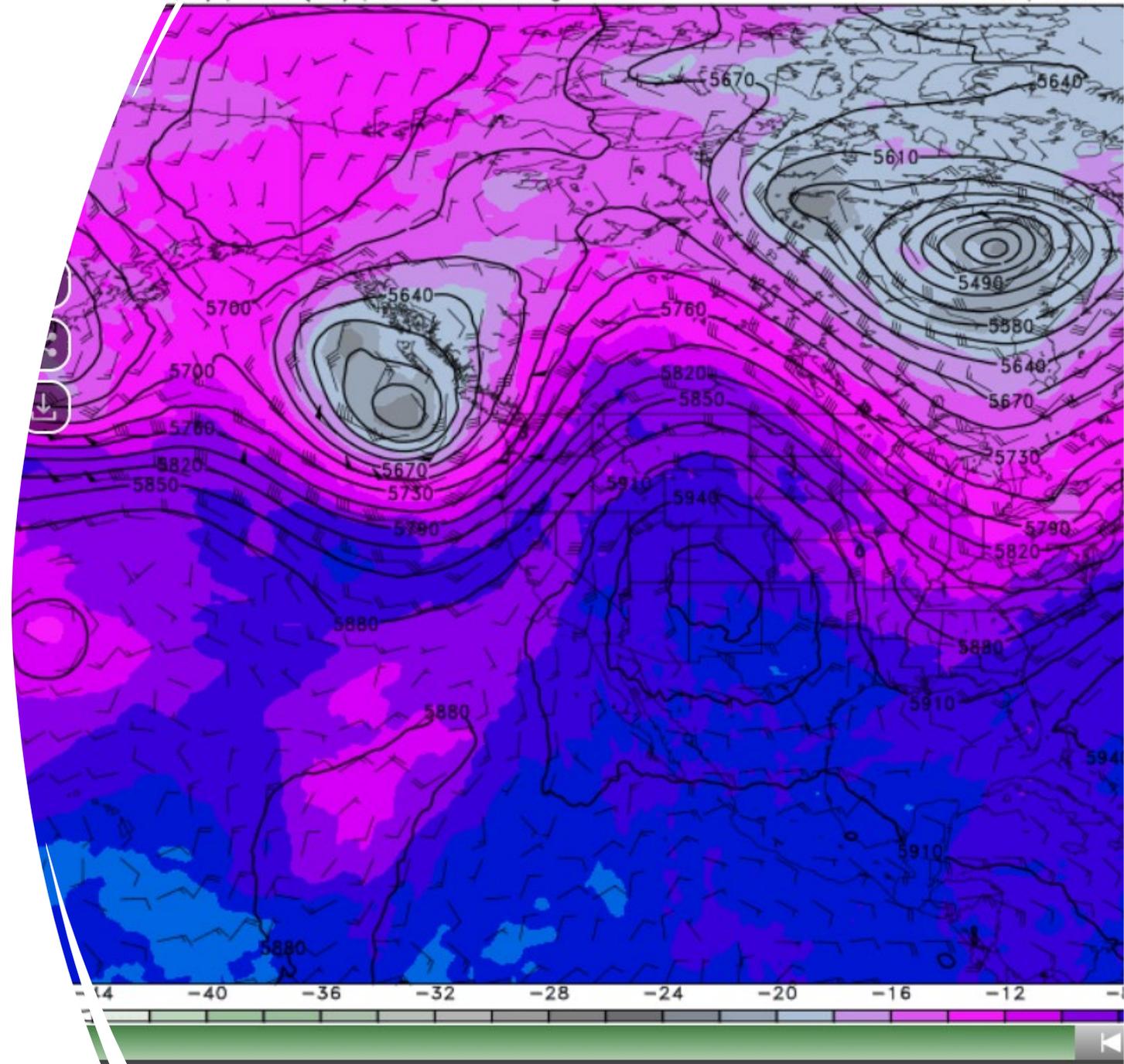
# Why Heavy Smoke in WI?

- Wildfires and their smoke plumes are highly erratic
  - Where are the fires?
  - How large are the fires?
  - How hot are the fires?
  - What fuel is burning?
  - How is the smoke being transported vertically AND horizontally?
  - Will the smoke encounter precipitation?
- Heavy smoke was WIDESPREAD
- Wildfire season in the western U.S. can last through October



# How Air Management Forecasts

- Utilize pollution and weather models to create an AQ forecast
- Use current conditions
  - Monitored pollutant concentrations
  - Satellite imagery
- If we anticipate an exceedance of the NAAQS an air quality advisory is issued





# Wisconsin's PM<sub>2.5</sub> Project

## Outreach

- Monitoring Network Review
- Webpage Updates

## Regulatory Implications

- NAAQS Review
- Area Designations
- Exceptional Events



# Smoke Impacts on PM<sub>2.5</sub> Nonattainment

- Exceptional events rule allows states to exclude air quality data from regulatory decisions if the data are influenced by events that are not reasonably controllable or preventable.
- Data can only be excluded through an exceptional events demonstration if it is of 'regulatory significance', meaning a violation of the standard must be occurring.
- Air Management is tracking smoke-influenced days closely, but it is too soon to know if an exceptional events demonstration will be necessary.
- EPA intends to revise the existing PM standard later this year. EPA stated it will be releasing guidance on how to handle exceptional events in designations process.

# Designations Process and Exceptional Events

- EPA expects to promulgate a revised PM2.5 standard later this year.
- 2023 data would likely be included in determining designations.
- There is a specific exceptional events process related to excluding data from an initial designation.

Action
Final Rule Published
Initial Notification to EPA for EE Demo
State Designation Recommendations Due
Final EE Demo Due to EPA
EPA Issues 120-Day Letters
EPA Finalizes Designations



# Ozone Topics

Katie Praedel  
Air Monitoring Section Chief

Brianna Denk  
Air Quality Planning and Standards Section Chief

# Ozone Season

- Will conclude at most sites on October 15<sup>th</sup>
- Kenosha County sites October 31<sup>st</sup>
- Off-season maintenance and certification of instruments begins



# Status of the 2023 Ozone Season

Top Four 8-Hour Average Ozone Concentrations – as of **August 28, 2023**

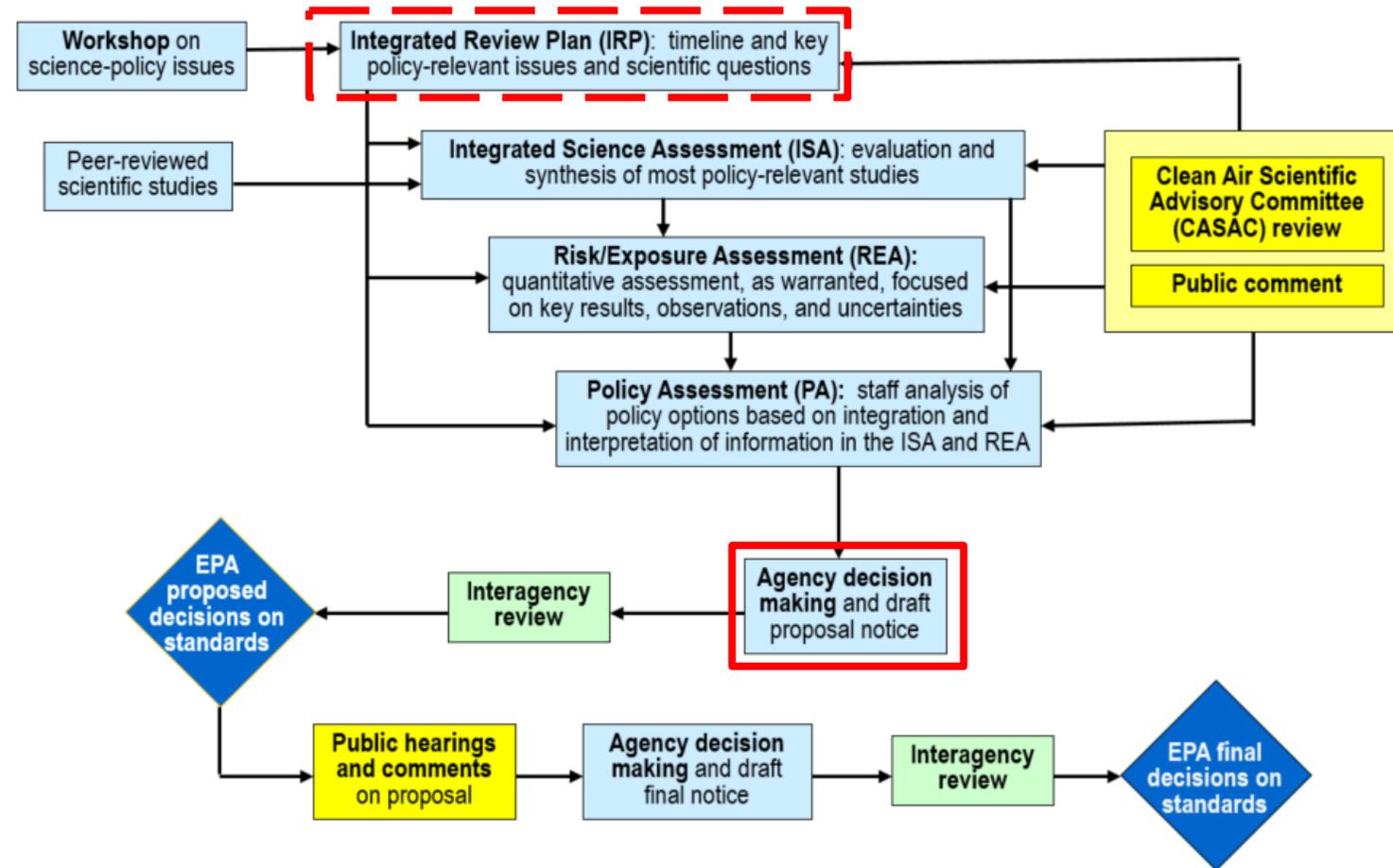
Wisconsin Sites	Concentrations (ppb)				2023 Critical Values (2015 standard)	Days at/above Critical Values (2015 standard)	Preliminary 2021-2023 "Design Value" (2015 standard)
	1st high	2nd high	3rd high	4th high			
Bayside	104	90	77	76	67	19	74
Beloit	96	86	84	84	82	4	71
Chiwaukee	100	87	85	84	64	34	77
Columbus	89	86	83	82	86	2	69
Devils Lake	99	86	79	76	88	1	67
Elkhorn	83	82	82	82	74	13	73
Grafton	107	97	78	77	69	17	73
Harrington Beach	106	97	81	77	69	13	73
Horicon	82	82	81	78	80	3	70
Kenosha-WT	102	87	83	80	70	18	74
Kewaunee	98	94	79	75	73	6	71
Madison East	98	85	84	81	85	2	69
Manitowoc	96	80	77	69	62	15	73
Milwaukee-16 <sup>th</sup>	85	73	69	68	82	1	66
Milwaukee-UPark	97	82	78	76	72	7	72
Newport	89	78	74	73	68	13	72
Racine	105	86	77	76	65	26	74
Sheboygan-Haven	94	90	74	74	76	2	70
Sheboygan-KA	112	98	84	82	63	34	77
Waukesha	85	83	83	80	74	10	73
<b>2015 NAAQS: 70 ppb</b>	Reached Critical Value		Exceeded Standard				

*Note: 2023 data have not yet been QA'ed or certified and are subject to change. Values are only shown for monitors that exceeded their critical value at least once.*

# Ozone NAAQS Review

- In October 2021, EPA announced it would reconsider the previous Administration’s decision to retain the ozone NAAQS
- On August 21, 2023, EPA announced it would initiate a new review of the ozone NAAQS

## NAAQS Review Process



# Ozone Transport: Good Neighbor Plan (GNP)

- The April 2022 proposed rule did not fully address upwind state contributions, align with attainment dates, or consider the full range of emissions sources impacting Wisconsin. The resulting air quality benefits of the rule for Wisconsin were negligible.
- WDNR commented on these points in detail and also met directly with the Office of Management and Budget on these issues prior to the final rule being released.
- The June 5, 2023 final rule contained changes but did not resolve these concerns.



# Wisconsin's issues with the GNP

1. The final rule fails to require emissions reductions from sources in states upwind of Wisconsin as necessary to prohibit those sources from contributing significantly to exceedances of the 2015 ozone NAAQS in Wisconsin.
2. Even for the modest emissions reductions that the rule does finally require for the 2015 ozone NAAQS, the rule fails to require those reductions be implemented as expeditiously as practicable and to account for Wisconsin's current and impending obligations to demonstrate attainment or maintenance of the 2015 ozone NAAQS.
3. By failing to include adequate provisions to control emissions in states upwind of Wisconsin, thereby requiring Wisconsin to undertake measures to account for those upwind contributions, the final rule unlawfully shifts EPA's statutory obligations to Wisconsin and requires the state to implement control measures not required under the Clean Air Act.
4. By failing to require emissions reductions from mobile sources in states upwind of Wisconsin, the final rule unlawfully fails to "prohibit[ ] . . . any source or other type of emissions activity within the State from emitting any air pollutant," including from those sources that significantly contribute to Wisconsin's nonattainment with the 2015 ozone NAAQS.

# CONNECT WITH US

## Next Meeting

December 7, 2023



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"WILD WISCONSIN:  
OFF THE RECORD"