

Air Management Study Group Quarterly Meeting

Madison
August 16, 2018

Hiring Update

Gail Good

Air Program Director

Proposed Guidance and Rules

Kristin Hart

Permits and Stationary Source Modeling Section Chief

David Bizot

Air Quality Planning and Standards Section Chief

Proposed DNR Guidance

DNR guidance in drafting phase	Description	Target date
Updates to Air Dispersion Modeling Guidelines	Updates addressing: <ul style="list-style-type: none"> • MERPs • AERMOD updates • SIL Guidance 	Fall 2018
Emission Reduction Credits (ERCs)	Factsheets and Webpages <ul style="list-style-type: none"> • General information • Reporting ERCs • Permits for establishing and holding ERCs 	Fall 2018
DNR Guidance in Public Comment	Description	Date Posted
None		
Finalized DNR Guidance	Location	Final Date
None		

Proposed EPA Rules and Guidance

Proposed EPA rule/guidance	Docket	Comments due
Wisconsin; Modification of Greenhouse Gases Language	EPA-R05-OAR-2017-0701	June 25, 2018
Wisconsin; Particulate Matter Standard	EPA-R05-OAR-2018-0008	June 25, 2018
Wisconsin; VOC Definition Update and Removal of Obsolete Gasoline Vapor Recovery Regulations	EPA-R05-OAR-2017-0279	June 25, 2018
Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	EPA-HQ-OAR-2013-0566	August 9, 2018
Increasing Consistency and Transparency in Considering Costs and Benefits in Rulemaking Process	EPA-HQ-OA-2018-0107	August 13, 2018

Proposed EPA Rules and Guidance

Proposed EPA rule/guidance	Docket	Comments due
Strengthening Transparency in Regulatory Science	EPA-HQ-OAR-2018-0259	August 16, 2018
Determination Regarding Good Neighbor Obligations for 2008 Ozone NAAQS	EPA-HQ-OAR-2018-0225	August 31, 2018

Finalized EPA Rules and Guidance

Finalized EPA rule/guidance	Link	Effective date
Wisconsin; Regional Haze Progress Report	EPA-R05-OAR-2017-0157	July 16, 2018
Additional Air Quality Designations for the 2015 Ozone NAAQS	EPA-HQ-OAR-2017-0548	August 3, 2018
Wisconsin; Modification of Greenhouse Gas Language	EPA-R05-OAR-2017-0701	August 31, 2018

Draft and Final Legislation

Draft legislation	Link
N/A – legislature not in session	

Final legislation	Link
N/A – legislature not in session	

Act 159 and Annual Network Plan Status Update

Gail Good
Air Program Director

Act 159 and Annual Network Plan

- On June 21, 2018, EPA responded to the 2019 Air Monitoring Network Plan, noting the plan was not approvable as submitted due to the omission of the Sheboygan Kohler-Andrae monitor.
- On July 27, 2018, following a 30-day public comment period, DNR submitted to EPA a revised plan that included the Sheboygan Kohler-Andrae site.
- On June 7, 2018, DNR also submitted a request to EPA to waive any SIP requirements that are contingent upon continued operation of the Kohler-Andrae monitor. EPA has not acted on this request.

Digitization and OnBase Update

Sheri Stach

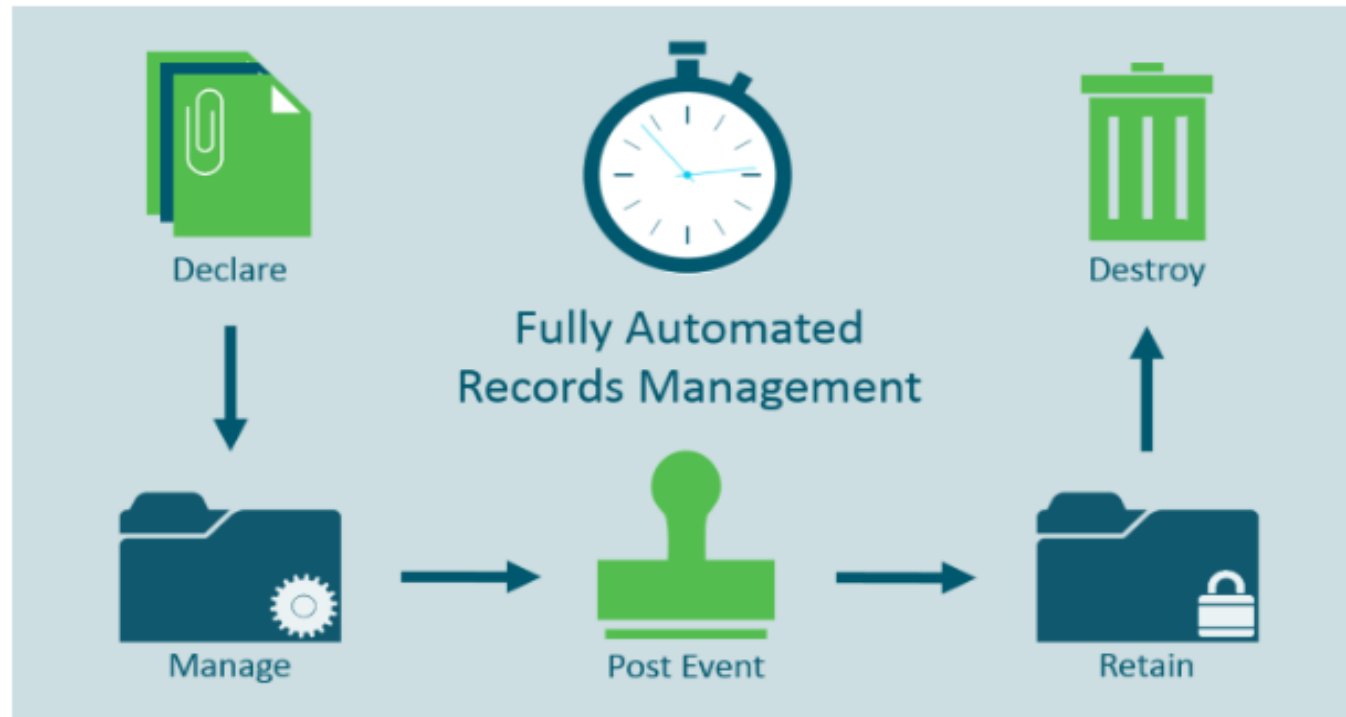
Business Support and IT Section Chief



Digitization and OnBase

- OnBase is provided as a service managed by DOA's Division of Electronic Technology for document management.
- OnBase is a customizable solution to meet varying business needs. For example,
 - access to documents can be restricted by type or group of documents;
 - flexible access to content.

Design



Documents, automatically declared as records (**Declare**), are auto-folded into a managed folder that is in Open Status (**Manage**). An Event occurs (**Post Event**) on the record (folder) (e.g. employee separated, court case closed). When the event is posted, the record is moved to Closed Status, locking the record and preventing modification (**Retain**). This initiates the Retention Plan for the record. At the end of the retention period, the record, all documents and all metadata are destroyed (**Destroy**).

DNR Digitization Steering Team

- In 2017, DNR's Dept Leadership Team (DLT) chartered a Digitization Steering Team with members from each division within the agency to *identify digitization opportunities and to create consistent and standardized processes that leverage existing technologies such as OnBase to advance digitization efforts in a strategic and consistent manner across the department.*



DNR Digitization Steering Team

- The steering team considered Executive Orders (EO 189 and EO 288) related to digitization.
 - EO 189, item 1(a)(v): When requested and whenever practicable, provide copies of electronic records without charging fees for providing such copies.
 - EO 288, item 12: State agencies need to submit a plan to the Secretary of the Department of Administration on how they will transition and achieve electronic storage and creation of documents to the greatest extent possible.



DNR Digitization Steering Team

- Summary of Steering Team efforts
 - Completed pilot projects using OnBase for document storage and retrieval
 - Developed tools to assist programs with implementation
 - Identified OnBase components for public access to documents
 - Identified next steps and agency needs

OnBase examples



eDocument Search



Document Type:

From Date: To Date:

Secondary ID	<input type="text" value="Equal"/>	<input type="text"/>	<input type="button" value="⊕ ?"/>
Entity Name	<input type="text" value="Equal"/>	<input type="text"/>	<input type="button" value="⊕ ?"/>
County	<input type="text" value="Equal"/>	<input type="text"/>	<input type="button" value="⊕ ?"/>
Program	<input type="text" value="Equal"/>	<input type="text"/>	<input type="button" value="⊕ ?"/>

QUICK LINKS

- ▶ [Learn to do a Successful Search](#)
- ▶ [Review Frequently Asked Questions](#)
- ▶ [Learn About Ohio's Public Records Law](#)
- ▶ [Submit a Public Records Request or Request a File Review](#)
- ▶ [Report Technical Difficulties or Suggest Improvements](#)
- ▶ [Contact Ohio EPA's Public Records Manager](#)

Full Text Search

Search For This:

Public Access Documents



Contracts

Contract Search

Enter your search criteria in the boxes below. To search for all contracts in particular year, enter the year followed by a wildcard '*' (example 2015*) into the Contract # field.

Contract #

Parent Contract

Contracting Party

Project Number/Name

Originating Department

Project Manager

Note: Due to a system update wildcards '*' must be manually provided with the search value. For instance if you want to search for all contracts with a project manager that includes the name Smith, please type "Smith*" into the text box.

Act 70 Study Group Report Out

Kristin Hart

Permits and Stationary Source Modeling Section Chief

2017 Act 70 Pilot Advisory Group

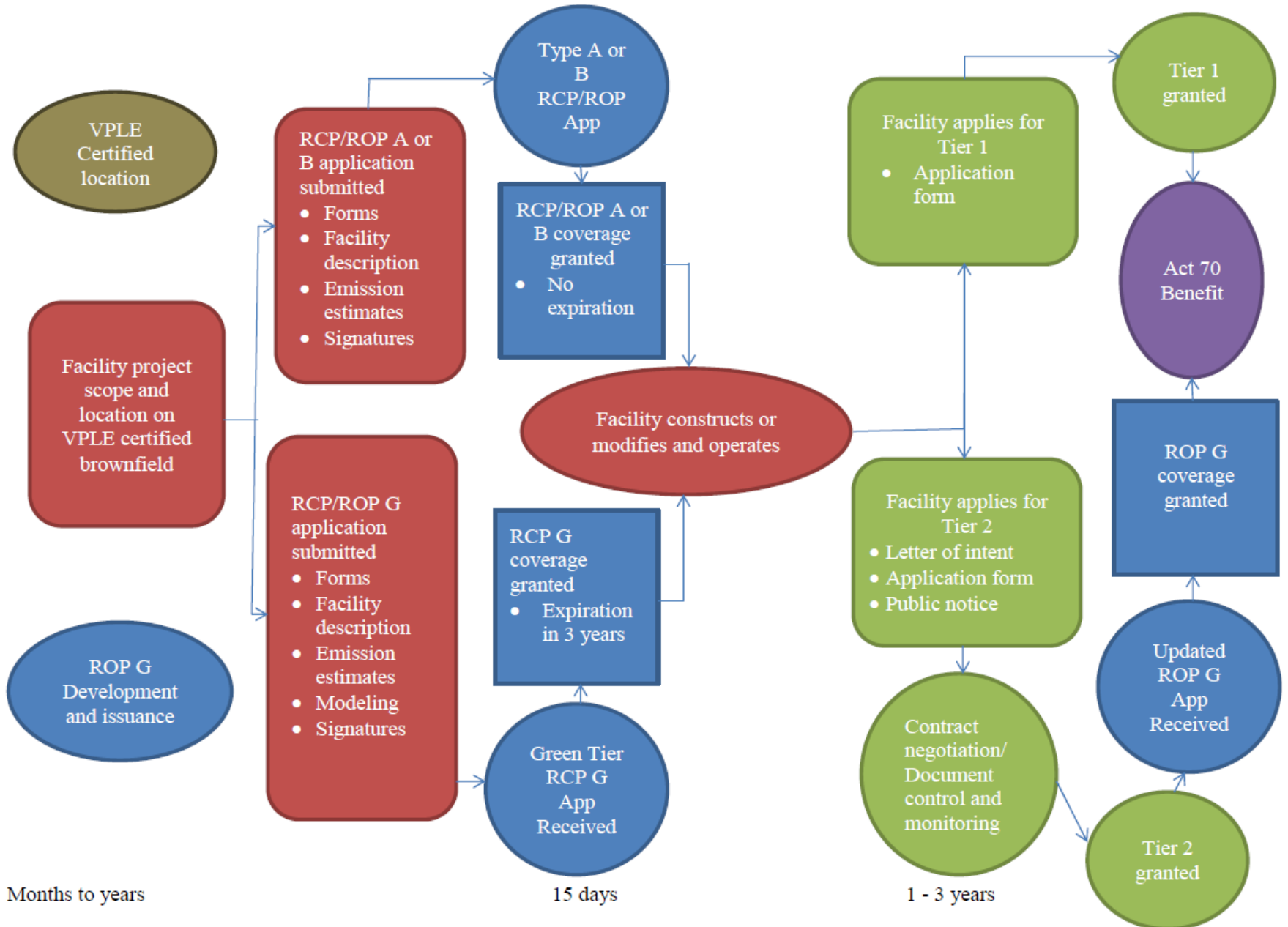
- Advisory group met August 10, 2018
- Received a presentation on TIF
- Heard a progress report on Green Tier Registration Permit development
- Laid out next steps and timelines
- Next quarterly meeting - October 31, 2018

Pre Application Planning

Application Development

Construction/Operation

Green Tier and EMS development



Estimated Timeline to Establish Act 70 Pilot Facilities

Permit Timeline

Aug 2018 Subgroup finalizes review of draft permits

Sept 2018 DNR shares draft with EPA

Sept-Nov 2018 DNR completes internal reviews of analysis, draft permit and application

Nov 2018 Draft documents for public comment

Jan 2019 DNR issues Type G Registration Permits

2019/20 Sources construct on VPLE site under Type G RCP

Green Tier Timeline

Sept 2018 Workgroup formed for Green Tier Charter, contracts and other assistance for participating sources

Fall and Spring 2018/19 DNR finalizes model contract and charter language

2020/21 Sources sign contracts and are approved under Tier 2 of Green Tier

2020/21 Coverage granted under Type G ROP

Member Updates

Rulemaking Process/Priorities

David Bizot

Air Quality Planning and Standards Section Chief

Rulemaking process/priorities

- Program employs a deliberative process to determine what rulemakings to undertake.
- Generally, a discussion of the potential rulemakings to undertake each year is completed by the Air Management Team as part of the annual work planning process (e.g., Jan-Mar). Resources are then allocated to this activity.
- Factors considered when prioritizing rules include:
 - Rule changes needed for program to meet federal requirements
 - Issues raised by stakeholders, regulated sources, legislature, etc.
 - Issues identified by staff and managers
 - Legal considerations
 - Available/appropriate resources

Rulemaking process/priorities

- Additional planning factor: 2017 Act 39 places a 30-month timeline on a rule that begins when the scope statement is published and ends when the final draft rule is submitted to the legislature for review. If that part of the rulemaking process is not completed within that timeline, the rule is rescinded.
- Currently, the program is only actively working on two priority rule packages:
 - Permit streamlining part 2 (AM 24-12)
 - Lithographic printing rule (AM 18-13)

Permit Streamlining and Lithographic Printing RACT Rule

Kristin Hart

Permits and Stationary Source Modeling Section Chief

Lithographic Printing RACT Rule

- The current lithographic printing reasonably available control technology (RACT) rule has a two-part format and overlapping applicability thresholds

CONFUSING!

- Worked with printing trade associations, EPA and DNR Air Program staff to revise rules
- Proposed rule assures all lithographic printers are subject only to Part 1 or to Part 2 of the RACT rule
- Other clarifying changes
- Periodic stack testing for low emitting printers is removed; maintaining initial stack test remains a requirement

Permit streamlining

- Adding permit exemptions
 - External combustion furnaces burning ultra low sulfur diesel
 - Incineration of confiscated drugs by law enforcement
- Changing permit exemptions
 - Clarifying when an exemption can be used
 - Expanding when an exemption can be used
- Updates to assure DNR can implement electronic reporting and document digitization plans
- Other cleanup and clarification

Updates to exclusion from modification

406.03(1e) EXCLUSIONS. Notwithstanding the definitions of “commence construction” and “commence modification” in s. NR 400.02 (44) and (45) respectively, for projects reviewed under this chapter ~~that, prior to issuance of a permit, would not be considered a major modification or construction of a major source under ch. NR 405 or 408,~~ all of the following activities may be excluded when determining if construction, reconstruction, replacement, relocation, or modification has commenced:

- ~~(a) Installation of building supports or foundations.~~
- ~~(b) Laying underground piping or conduit.~~
- (c) Erecting temporary storage structures.
- (d) Dismantling existing equipment or structures.
- (e) Ordering equipment or control devices.
- (f) Temporary storage of equipment on site.
- (g) Site clearing.
- (h) Programs undertaken to locate underground utilities.
- (i) Installation of erosion control measures.
- ~~(j) Paving.~~

- Changes to construction permit waiver under NR 406.03(2) clarify eligibility for many minor construction projects

Defining “Cause or Exacerbate”

- Department held many internal and external stakeholder meetings to discuss possible definitions
- Ideas for definition examined include:
 - creating definitions for each pollutant type
 - creating definitions for each permit or source type
 - codifying the Significant Impact Level (SIL)
 - creating a different type of de minimis threshold for exacerbation
- Final analysis:
 - Definition unlikely to add clarity or simplify processes
 - Stakeholders recommended DNR rely on 40 years of implementing “cause or exacerbate” through established permit and SIP planning processes

Defining “Cause or Exacerbate”

- Still remaining: s. 285.27(3) statutory requirement from 1979 to define “the cause or exacerbation of an ambient air quality standard or ambient air increment”
- How should the program document the decision?

Estimated Rule Schedules

- **Soliciting Comments for Economic Impacts**
 - Lithographic Printing RACT – August 2018
 - Streamlining – Sept/Oct 2018
- **Public Hearings** – typically held 6 months after solicitation
 - Lithographic Printing RACT – November 2018
 - Streamlining – January 2019
- **Final Rule Adoption**
 - Lithographic Printing RACT – June 2019
 - Streamlining – August 2019
- **Effective Date** – typically 6 months after adoption
 - Lithographic Printing RACT – January 2020
 - Streamlining – March 2020

Letter of Noncompliance (LON) Recoding

Maria Hill

Compliance, Enforcement and Emission Inventory Section Chief

LON Recoding

Issue Awareness

- The Air Program is required to send compliance and enforcement data to EPA's Integrated Compliance Information System (ICIS).
- Currently, when information on a state Letter of Noncompliance (LON) is sent to ICIS, the LON gets coded as a "Warning Letter."
- **EPA Region 5 has requested that the state LON now get coded as a violation in ICIS.**



LON Recoding

Clarifications

- Wisconsin already meets EPA requirements for reporting the violations themselves.
- This change is only to address the letter type used (noncompliance vs. warning) resulting from those violations.
- Wisconsin is the only state in Region 5 that is not currently coding LONs as noncompliance.
- Data in ICIS feeds the EPA public website Enforcement and Compliance History Online (ECHO).

LON Recoding

Three-Year Compliance History by Quarter



Statute	Program/Pollutant/Violation Type				QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
	CAA (Source ID: WI0000005514100003)				10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18
	Facility-Level Status				HPV	HPV	HPV	HPV	HPV	HPV	HPV	HPV		Violation		
	HPV History				Unaddr-State	Unaddr-State	Unaddr-State	Addr-State	Addr-State	Addr-State	Addr-State	Addr-State				
Violation Type	Agency	Programs	Pollutants													
CAA	HPV	WI	CAATVP	Particulate matter		03/02/2016	→	→	→	→	→	→	09/26/2017			
CAA	HPV	WI	CAATVP	Particulate matter	03/18/2013	→	→	→	→	→	→	→	09/28/2017			
CAA	FRV	WI	CAATVP	FACIL		03/30/2016										
CAA	FRV	WI	CAATVP	Particulate matter, Total hazardous air pollutants, VISIBLE EMISSIONS, FACIL										02/28/2018		

Informal Enforcement Actions (5 Years)



Statute	System	Source ID	Type of Action	Lead Agency	Date
CAA	AIR	WI0000005514100003	Warning Letter	State	04/19/2018
CAA	AIR	WI0000005514100003	Warning Letter	State	04/18/2016
CAA	AIR	WI0000005514100003	Notice of Violation	State	03/09/2016





LON Recoding

- Discussion
- Questions and concerns?
- Ideas for moving forward?
- Ideas for outreach to regulated community?
- Thoughts on timing?

Asbestos and ARDN Update

Maria Hill

Compliance, Enforcement and Emission Inventory Section Chief

Asbestos and ARDN Update

New Position - administrative support from central office

- Prioritizing workload
- Increasing customer service
- Coordinating inspector certifications and safety tests
- Developing ARDN system enhancements

ARDN Enhancements

- Redesign of online Notification pages
- Streamlining the Notification form
- Removal of the notarization requirement for online submittal
- Improve enforcement tracking capabilities

Cooperative Compliance

Maria Hill

Compliance, Enforcement and Emission Inventory Section Chief

Cooperative Compliance

More collaborative partnership between the EPA and states

- **Joint work planning.** Senior leadership meetings between states and regions to share information on at least three topics: (1) compliance issues and priorities, (2) inspection priorities and resource sharing, and (3) EPA audits of state programs.
- **State primacy in authorized programs.** States should be the primary day-to-day implementer of their delegated programs. Exceptions include: where states have not addressed a significant issue, in emergency situations or when there is a significant threat to public health, and to address widespread noncompliance problems.
- **Evaluation of the guidance.** Regions will provide progress reports to EPA headquarters, and EPA will update the guidance based on the reports and input from states.