

EPA Region V Wisconsin SIP Submittal Completeness Review

Submittal Letter

1. Signed by Governor's Designee (Bill Baumann)? Yes X No ___
2. Date of Submittal: January 18, 2012
3. WDNR Person in charge of SIP submittal.
Name: Ralph Patterson
Telephone Number: (608) 267-7546
Fax Number: (608) 267-0560
E-mail Address: Ralph.Patterson@wisconsin.gov
4. WDNR Technical Person in charge of answering questions on SIP Submittal
Name: Joseph Hoch
Telephone: (608) 267-7543
Fax Number: (608) 267-0560
E-mail Address: Joseph.Hoch@wisconsin.gov

Incorporation Into Wisconsin Administrative Code

5. Is evidence that the State incorporated the revision into the Wisconsin Administrative Code supplied in this SIP package?

Yes ___
No ___ (if No, explain)
Not applicable X (if Not applicable, explain answer)

This SIP submittal is a non-rule submittal.
6. The effective date of the regulation is or was:

Not applicable
7. Are test methods/rules incorporated by reference correctly? (Has approval been obtained from the state Attorney General)

Yes ___
No ___ (if No, explain)
Not applicable X (if Not applicable, explain answer)

This SIP submittal is a non-rule submittal.
8. Has WDNR provided evidence that it has necessary legal authority under State law to adopt and implement the revision? Provide additional explanation (if necessary).

Yes
 No

9. Did the State include a copy of the actual regulation or document for USEPA review? Provide additional explanation (if necessary).

Yes
 No

10. Did the State provide evidence that it followed all of the requirements of its Administrative Procedures Act (ch. 227, Wis. Stats., Administrative Procedure and Review) in conducting and completing adoption/issuance of the revision? Provide additional explanation (if necessary).

Yes
 No (if No, explain)
 Not applicable (if Not applicable, explain answer)

This SIP submittal is a non-rule submittal.

11. Did the State include evidence that Public Notice was given of the revision, including date of publication? Provide additional explanation (if necessary).

Yes
 No

12. Did the State provide a copy of the certification that public hearings were held in accordance with the information provided in the public notice (copy of notarized Class I paper proof). Provide additional explanation (if necessary).

Yes
 No

13. Does the submittal contain a compilation of public comments and the State's response? Provide additional explanation (if necessary).

Yes
 No

Technical Issues

14. Name all the regulated pollutants affected by the revision.

- Oxides of nitrogen (NO_x)
- Particulate Matter (PM)
- Sulfur Dioxide (SO₂)

15. Does the submittal identify the designation, status of the attainment plan and attainment date for the area(s)? Provide additional explanation (if necessary).

Yes ___
No X

Not applicable.

16. Does the submittal identify the location and types of affected sources? Provide additional explanation (if necessary).

Yes X
No ___

17. Does the submittal quantify the changes in SIP-allowable emissions and estimate or quantify the changes in actual emissions from affected sources? Provide additional explanation (if necessary).

Yes X
No ___

18. Has the State demonstrated that the NAAQS/PSD Increment/RFP demonstration/visibility will be protected if the revision is approved and implemented? Provide additional explanation (if necessary).

Yes X
No ___

19. Has the State provided modeling information to support the revision.

Yes X
No ___

20. Has the State provided evidence that emission limitations are based on continuous emission reduction technology? Provide additional explanation (if necessary).

Yes X
No ___

21. Has the State provided evidence that the revision contains emission limitations, work practice standards and record keeping/reporting requirements where necessary, to ensure emission levels? Provide additional explanation (if necessary).

Yes X
No ___

22. Does the submittal contain enforcement/compliance strategies including how compliance will be determined in practice, and at what frequency? Provide additional explanation (if necessary).

Yes X
No ___

STATE APPROVABILITY CHECKLIST- ENFORCEABILITY

USEPA USE ONLY

SIP Package Number _____

Date Received by USEPA _____

Date Due _____

State: WISCONSIN

WDNR Information

Subject Matter: Implementation of Protection of Visibility by Application of Best Available Retrofit Technology (BART)

Applicability

USEPA Question	USEPA Requirement	State Response
What sources are being regulated?	Clear discussion	Any sources subject to Reasonable Further Progress (RFP) requirements.
What are criteria for exemption?	Clear discussion	Little / no impact on visibility
Is calculation procedure for exemption clearly specified?	Supply example calculation or clear explanation of how to determine exemption (line by line, etc.)	Yes.
Is emission inventory listed in the background document of the attainment demonstration?	Inventory including allowable and actual emissions in source category should be included, for enforcement purposes and independent of any Clean Air Act requirements, in the attainment demonstration if such data is necessary for determining baselines in regulations.	Not applicable.
Is the averaging time(s) used in the rule different from that of the ambient standard?	The averaging time in the rule must be consistent with protecting the ambient standard in question. Normally, it should be equal to or shorter than the time associated with the standard. Longer term averaging is available only in limited instances provided that the ambient standard is not compromised.	Not applicable (no ambient standard).
What are the units of compliance (lbs VOC per gallon of solids applied less water, grains per standard cubic foot?)	Clearly stated in the rule.	Not applicable.

USEPA Question	USEPA Requirement	State Response
Is bubbling or averaging of any type allowed? If yes, state criteria. Could a USEPA inspector independently determine if the criteria were met?? Does USEPA have to approve each case?	Explicit description of how averaging, bubbling, or equivalency is to be determined. VOC equivalency must be on a "solids applied" basis. Any method must be independently reproducible. Provision must be explicit as to whether USEPA case-by-case approval is required. If provision intended to be "generic" then USEPA bubble policy must be met.	Not applicable.
If there is a redesignation, will this change the emission limitations? If yes, which ones and how?	Regulation may not automatically allow for self nullification upon redesignation of area to attainment. New maintenance demonstration required to order to drop regulation.	Not applicable.

Compliance Dates

USEPA Question	USEPA Requirement	State Response
What is the compliance date?	The compliance date must not be later than the approved or about to be approved date of attainment unless emission reductions are not necessary for attainment. In some cases, it will be necessary for the regulation to specify dates in compliance schedules that are required to be submitted by source to state.	RFP relies on current controls that are already in place.
What is the attainment date?	Clearly defined.	Not applicable.

Specificity of Conduct

USEPA Question	USEPA Requirement	State Response
What test method is required?	Test method must be explicitly stated.	Not applicable.
What is the averaging time in the compliance test method?	Averaging time and application of limit must be explicit.	Not applicable.
Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC).	Clearly defined.	No.
If a compliance calculation is necessary, list the formula, period of compliance, and/or evaluation method.	Formula must be explicit.	Not applicable.

Incorporation by Reference

USEPA Question	USEPA Requirement	State Response
What is the state authority for rulemaking.	Clearly stated.	Not applicable (non-rule).
Are methods/rules incorporated by reference in the right manner?	Clearly stated.	Not applicable (non-rule).

Recordkeeping

USEPA Question	USEPA Requirement	State Response
What records are required to determine compliance?	Clearly stated.	Records associated with current "on-the books" controls.
In what form or units (lbs/gal, gr/dscf, etc.) must the records be kept? On what time basis (instantaneously, hourly daily)?	Records to be kept must be consistent with units of compliance in the performance requirements, including the applicable time period .	The records vary depending on what current control is being discussed.
Does the rule affirmatively require the records be kept?	There must be clearly defined and distinguishable from what constitutes a violation.	Not applicable (non-rule).

Exemptions

USEPA Question	USEPA Requirement	State Response
List any exemptions allowed.	Must be clearly defined and distinguishable from what constitutes a violation.	Not applicable.
Are the criteria for application clear?	Clearly stated.	Yes.

Malfunction Provisions

USEPA Question	USEPA Requirement	State Response
Are there any malfunction provisions in the rule?	Rule must specify what exceedances may be excused, how the standard is to be applied, and who makes the determination.	Not applicable.