

Meeting Summary  
Air Management Advisory Group Meeting  
Tuesday, June 4, 2024

David Bittrich, TRC  
Philip Bower, DNR  
Noelle Brigham, A.O. Smith Corp\*  
Natalene Cummings, Forest Co. Potawatomi\*  
Craig Czarnecki, DNR  
Bryant Esch, WCMA  
Page Huhta, Fond du Lac Band of Lake Superior  
Chippewa  
Joe Geiger, Essity  
Gail Good, DNR  
Ashley Gray, DNR  
Kristin Hart, DNR  
Curtis Hedman, DHS\*  
Maria Hill, DNR  
Joe Hoch, WUA\*  
Jodi Jensen, WTBA  
Mark Lee, Masonite  
Jeremy Luebke, Geosyntec Consultants  
Chris Lutzen, AECOM  
Nathan Kilger, Bad River Band of Lake Superior  
Chippewa

Matthew Knippen, Michels Corp.  
Ashley Korrer, WEC Energy Group  
Jason Martin, Foth Infrastructure and  
Environment  
Matt Matrise, DNR  
James Mevedren, Mevedren Environmental  
Barb Pavliscak, DNR  
Todd Palmer, Michael Best & Freidrich\*  
Katie Praedel, DNR  
Maria Redmond, WI Office of Sustainability and  
Clean Energy  
Brenda Sargent, MGE  
Brad Sims, Exxon Mobil  
Pat Stevens, WPC\*  
Patti Stickney, Short Elliot Hendrickson  
Steve Stretchberry, WEC Energy Group  
Troy Stucke, resident  
John Tadelski, SCS Engineers  
Steve Tasch, Trinity Consultants  
Pete Tomasi, F&L  
Kate Verbeten, GBMS

\*AMAG member

## Meeting Summary

### Opening remarks and agenda repair

Program Director Gail Good opened the meeting. Craig Czarnecki ran through meeting procedures.

### Hiring and Administrative Update

#### New Hires

- Matt Matrise - New Business Support Section Manager

#### Staff departures:

- Oliva Salmon – SIP and Rule Coordinator – Leaving DNR
- Renee Bashel – Small Business Assistance Coordinator – Retirement
- Kendra Fisher – SE Region Supervisor – moving to DNR Hazardous Waste Program

Updated Field Responsibilities. Map available at: [Air Management Program Organization and Staff Lists | Wisconsin DNR](#)

- Barb Pavliscak – West-Central and South-Central Regions
- Randy Matty - Northern and Northeast Regions
- Mike Szabo - Southeast Region and Asbestos Program

## **Proposed Guidance, rules and legislative update**

### Proposed/Final DNR Rules

AM-05-21 - NOx Reg - Updates to Reasonably Available Control Technology rules to control emissions of Nitrogen Compounds – This rule is final with an effective date of 4/1/2024.

AM-05-22 – Compliance Demonstration Rule - Updates to NR 439 testing, monitoring, recordkeeping, reporting requirements for compliance. The public comment period ended 4/25/2024. More information can be found on the [Rulemaking to Revise Chapter NR 439 | Wisconsin DNR](#) webpage.

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. Public comment on Economic Impact Assessment (EIA) ended on 4/2/2024. More information can be found on the [NR410 Rulemaking | Wisconsin DNR](#) webpage.

### Proposed EPA rules/Guidance

Permit Guidance for RNG Processors - Guidance on how to determine air permit needs when installing renewable natural gas (RNG) systems associated with digesters. Joint comments were received from WMC/ Wisconsin Dairy Alliance and Venture Dairy Cooperative. The guidance is moving forward to be finalized.

#### NR 410

The department received several comments during the EIA-phase comment period. The department has met with commenters and is considering revisions to the draft rule in light of those comments. The public comment is expected to begin in July.

More information can be found on the [NR 410 Rulemaking page](#).

#### NR 439

Entering the final phase of rule adoption by Natural Resources Board (NRB) and Governor. Board order and EIA are being updated based on public comments and response to comments. The NRB meeting requesting adoption is scheduled for 8/14/24. If NRB approves, the revised rule would be submitted to the Governor's office 8/16/2024.

More information can be found on the [NR 439 Rulemaking page](#).

### Proposed EPA rules/Guidance

[Clarifying the Scope of "Applicable Requirements"](#). Under State Operating Permit Programs and the Federal Operating Permit Program. DNR Submitted comments. Comments were due 4/10/2024.

[Supplemental Federal Good Neighbor Plan Requirements](#) for the 2015 8-hour Ozone National Ambient Air Quality Standards. DNR submitted comments. Comments were due 5/16/2024.

[Revisions to Regulations Related to Project Emissions Accounting](#). DNR does not intend to comment. Comments are due 7/2/2024.

Non-Regulatory Docket: [Power Plant GHG: Regulating Existing Gas Plants](#). The DNR submitted comments, largely re-stating issues raised in 2023 joint DNR-PSC comment letter. Comments were due 5/28/2024.

Non-Regulatory Docket: [Regional Haze Round 3](#). The DNR will not be submitting independent comments on updating the regional haze rule for Round 3 planning. Focused on and prioritizing health-based standards with limited resources. Engaging with NACAA and LADCO as opportunities arise to communicate Wisconsin perspective.

#### Finalized EPA rules/Guidance

Power Plant GHG Rule - [NSPS and EG \(Coal Plants\)](#) Finalized 5/9/2024 - The EPA finalized NSPS for coal and gas units and emission guidelines for existing coal units under 111(d). The rule requires the DNR to develop a state plan for the coal unit emission guidelines by 5/8/2026 (24 months from publication in FR).

[NESHAP: Coal and Oil-Fired EGUs](#) Finalized 5/7/2024 - Also known as Mercury Air Toxics Standards (MATS). The EPA's final rule further limits the emission of non-mercury HAP metals from existing coal-fired power plants. The EPA is also tightening the emission standard for mercury for existing lignite-fired power plants to a level that is aligned with the mercury standard that other coal-fired power plants have been achieving under the current MATS. The EPA's final rule strengthens emissions monitoring and compliance.

[Update of PM<sub>2.5</sub> Data from T640/T640X PM Mass Monitors](#) – Finalized 5/15/2024.

#### **Particulate Matter NAAQS (Notetaker: Maria)**

The 2024 Particulate Matter (PM) NAAQS published in the Federal Register on 3/6/2024 and is effective as of 5/6/2024. The PM<sub>2.5</sub> annual standard was strengthened from 12 µg/m<sup>3</sup> to 9 µg/m<sup>3</sup>. In the next two years, the EPA needs to make final determinations of which areas of the country are meeting or 'attaining' the standard and which are not meeting the standard or are in 'nonattainment'. It is too early to say if any areas of the state will be in nonattainment. The data for 2023 is preliminary and data from the previous three years will change moving forward.

#### **EPA's PM<sub>2.5</sub> Method Data Alignment**

On 5/15/2024, the EPA signed the federal register notice allowing the historic PM<sub>2.5</sub> monitoring data collected using the Teledyne T640 and T640X to be aligned to improve comparability with the filter-based monitors. This impacts PM<sub>2.5</sub> data collected in Wisconsin since 2018. On 7/10/2023, the DNR updated the firmware on the Teledyne PM instruments to incorporate this change from that point forward.

Attendees had several questions about exceptional events and background concentrations.

PM<sub>2.5</sub> and PM<sub>10</sub> Networks

The DNR operates 16 regulatory PM<sub>2.5</sub> monitors, and tribal partners operate two additional monitors for a total of 18 PM<sub>2.5</sub> sites.

The DNR operates seven PM<sub>10</sub> sites.

### **Annual Network Plan**

The Wisconsin Air Monitoring Network Plan (ANP) is an annual report required under the Code of Federal Regulations (40 CFR 58 § 58.10(a)(1)). The plan details the siting and operation of each monitoring site in the network, must be made available for 30-day public comment and submitted to the EPA prior to July 1. The EPA is required to approve or disapprove of the ANP within 120 days of submittal.

Creating an ANP consists of many different tasks including assembling and revising the information, soliciting comments, incorporating comments, posting drafts to the DNR website and submitting to the United States Environmental Protection Agency (EPA) Region 5.

Policy and funding are the influencing factors in each years proposed network changes. Most changes are implemented after EPA ANP approval.

The public comment period for the annual network plan closed 6/12/2024. The DNR intends to submit the final plan to the EPA by 7/1/2024.

Link to webpage resource - <https://dnr.wisconsin.gov/topic/AirQuality/Monitor.html>

### **Air Monitoring Workshop**

Air Management's Monitoring section hosted a workshop on 5/30/2024. Topics included updates from the Air Management program, the Air quality index and Wisconsin trends, the American Rescue Plan funded air monitoring projects, tours of the air labs and a hands-on demo of air sensors.

The workshop provided an opportunity for the DNR to engage with community partners in air quality monitoring. Goals achieved during the open house include:

- Inform on monitoring activities in the Menomonee Valley
- Educate attendees on differences between regulatory monitors and low-cost sensors
- Educate attendees interested in deploying low-cost sensors on appropriate data uses, quality assurance and siting requirements

### **Members Update**

**DHS, Curtis Hedman** – Using updated EPA guidance, DHS is revising their guidance for public health professionals for advising the public when to limit outdoor activities during air pollution events. Using AirNow and other forecasting has improved lead times for DHS to get needed public health information out ahead of air quality alerts. DHS appreciates its collaboration with the DNR.

**Tribal Liaison, Natalene Cummings with Forest Co Potawatomi Community (FCPC)** – The Inflation Reduction Act (IRA) provided funding to update, create or replace air quality monitoring equipment. The FCPC applied for and were awarded such a grant which will be used to replace most of their monitoring equipment. Natalene noted the assistance DNR air monitoring staff have provided.

**Todd Palmer, Michael Best and Fredrich** – A study from Purdue University shows significant emissions of VOC from non-industrial residential and commercial buildings. This may be of interest to the DNR as it continues to discuss the role of transported emissions on Wisconsin's ozone concentrations. [Study: Urban office buildings pump out volatile chemicals to the outdoors, comparable to traffic emissions - Lyles School of Civil Engineering - Purdue University](#)

**WPC, Pat Stevens** – WPC appreciates the DNR's participation in its Spring Environmental Conference. Hearing directly from DNR staff is very helpful for WPC members.

WPC also mentioned the letter signed by Governor Evers and Senator Baldwin expressing concern about the possible economic consequences of the more stringent PM<sub>2.5</sub> national ambient air quality standards and urged the DNR to continue working to limit impacts of the new standards where possible.

**WUA, Joe Hoch, Alliant Energy** – There are many new regulations affecting utilities. WUA urges the DNR not to foreclose the possibility of developing a state plan to implement the greenhouse gas NSPS and emission guidelines for fossil fuel-fired power plants. WUA believes there is needed flexibility that would be available through a state plan.

**WCMA, Bryant Esch, Waupaca Foundry** – low staffing in the DNR's construction permit group has been noted by WCMA members who are uncomfortable that the DNR is no longer prioritizing permit exemption determination requests. While they understand that scarce resources need to go to reviewing applications for permits, they hope that the DNR will return to reviewing exemption determination requests as soon as possible.

Also a concern for WCMA members is the EPA finalization of rules that removed the affirmative defense provisions from Title V of the Clean Air Act. This concern is more about malfunction than startup/shutdown or other, predictable situations.

**Technical colleges representative Noelle Brigham** – New sustainability regulations have been passed in the European Union requiring many companies to publish regular reports on the social and environmental risks they face, and on how their activities impact people and the environment.

## **Litigation Update**

Start Up, Shutdown, Malfunction (SSM)

In 2015, the EPA found the 45 state and local jurisdictions needed to revise and submit state plans to remedy SSM-related deficiencies (2015 SSM SIP Call). On 2/24/2023, the EPA proposed to find three Wisconsin SSM rule provisions substantially inadequate. Seven other states were included in the EPA's proposed 2023 SIP Call.

D.C. Circuit decided *Environmental Committee of the Florida Electric Power Coordinating Group v. EPA* (15-1239) on 3/1/2024. Petitioners challenged EPA SIP Calls related to four types of SSM provisions: automatic exemptions, director's discretion provisions, affirmative defenses, and overbroad enforcement discretion (TN only). The court largely vacated the EPA's SSM SIP Call, but left the door open for the EPA to make additional determinations subject to judicial review.

Good Neighbor Plan

In March 2023 the EPA finalized the “Good Neighbor Plan” for the 2015 ozone NAAQS to address transported emissions for that ozone NAAQS. Air Management identified numerous deficiencies with the final rule, including:

- Failure to address upwind state contributions to Wisconsin nonattainment areas
- Only addressed upwind NO<sub>x</sub> emissions
- Did not address emissions from mobile sources (just power plants, some industry)

Wisconsin is actively involved in litigation in the D.C. Circuit (*Utah v. EPA*, Case No. 23-1157), seeking a rule that more completely addresses upwind state contributions to Wisconsin. Opening briefs were due April 1; oral arguments likely in fall 2024.

## Ozone Topics

### Ozone Planning Update

Finding of Failure to Submit on Moderate area planning requirements - Due May 2025

- Attainment demonstration
- RACT
- Contingency measures
- Reasonable further progress
- Transportation conformity budgets

Moderate area attainment date for the 2015 NAAQS is 8/3/2024.

Reclassification to Serious based on 2021-2023 data, anticipated by 2/3/2025.

### Ozone Design Values

Reviewed data resources available [on the DNR's Ozone webpage](#), under the design values tab, to communicate current attainment status.

### Ozone Data Resources

Air Management created several new signs which will be displayed at air quality monitoring stations. The signs include QR codes which allow users to immediately access the DNR air quality mapping tool and to sign up to receive air quality advisory notifications via email or text.

**Next AMAG Meeting.** The next study group meeting will be held on **Thursday, Sept. 5** at 9 a.m.