

Meeting Summary
Air Management Study Group Meeting

Thursday, August 5, 2021

9:00 am

Doug Aburano, EPA Region 5	Brenda Kubasik, MGE
Rene Bashel, DNR	Mark Lee, Masonite Corp
Rob Bermke, Georgia-Pacific	Caitlin McAleavey, Jefferson County
Phillip Bower, DNR	Jason Martin, Foth
Nicole Braun, The Sigma Group, Inc.	John Mooney, EPA Region 5
James Bridges, DNR	Melissa Mrotek, Georgia-Pacific
Noelle Brigham, Marquette University*	Rita Neff, Manitowoc Public Utilities
Mike Cassidy, Kohler Co.*	Cynthia Neitzel, GLA
Joe Cebe, FCPC	Katie Nekola, Clean Wisconsin
Rebecca Clarke, SORA	Todd Palmer, Michael Best*
Craig Czarnecki, DNR	Barb Pavliscak, DNR
Donald Gallo, Axley Brynson LLP	Benjamin Peotter, Ayres Associates
John Gibbons, Tetra Tech	Katie Praedel, DNR
Gail Good, DNR	Raymond Ramos, Stantec
Ashley Gray, DNR	Tamara Sands, Tetra Tech
Bob Greco, WEC Energy Group	Sean Schnepfer, John Deere
Rajpreet Grewal, DNR	Andrea Simon, Interested Party
Mark Hammers, SCS Engineers	Renee Smits, Spectrum Engineering
Art Harrington, Godfrey & Kahn s.c.*	Sheri Stach, DNR
Kristin Hart, DNR	Patrick Stevens, Wisconsin Paper Council*
Robert Harmon, Amcor Flexibles North America	Andrew Stewart, DNR
Curtis Hedman, WI DHS*	Patti Stickney, Short-Elliott Hendrickson, Inc.
Maria Hill, DNR	Craig Summerfield, WMC*
Eric Hoven, Dairyland Power Cooperative	Steven Tasch, Trinity Consultants
Mark Johnson, EOSS Assoc.	Jason Treutel, DNR
Bailey Juedes, Tetra Tech	Deanna Webster, Verso Corp.
Mike Kolb, WEC Energy Group	David Whitford, TRC Environmental Corp.

*AMSG member

Action Items

Next AMSG Meeting. The next study group meeting will be held on **Thursday, November 4** at 9 a.m.

Meeting Summary

Opening remarks and agenda repair

Gail Good opened the meeting. Craig ran through Zoom procedures.

Return to Workplace/SER Office

Program staff were instructed to return to workplace on July 6. Many staff are utilizing telework agreements that allow them to work remotely up to 60% on a trial basis. In-person meetings are now allowed, but DNR is continuing to evaluate changing conditions. DNR is currently considering offering November AMMSG in-person with a virtual option.

The Southeast Region Office has moved to:

1027 W. St. Paul Avenue
Milwaukee WI 53233

Hiring Update

The state hiring freeze has been lifted. The Monitoring Quality Assurance Coordinator position is out for recruitment. There will be further discussion with AMMSG on program revenue and vacancy rates in the future.

Proposed Guidance, rules and legislative update

Proposed guidance and rules and legislative update

Municipal Solid Waste Landfills - An Air Program team of permit and compliance inspectors is working with the Waste Program to update guidance for landfills based on new NSPS, NESHAPs, and Emission Guidelines. As rules are finalized, the team will be moving forward on finalizing draft guidance.

Regulation of Non-road and Motive Engine Testing Operations – The Permitting section continues to work through the comments received on the non-road engine testing technical support document.

Next Day Deviations – The Permitting section continues to work through the comments received on the next day deviations guidance document.

A study group member requested clarification on the non-road and next day deviations timelines. Andrew Stewart indicated the goal is to respond comments and post by end of August.

Proposed/Final DNR Rules

VOC RACT - Primarily updates the RACT rules in Ch 422 to meet current EPA guidelines for metals and plastics coatings and miscellaneous industrial adhesives. Since the last AMMSG meeting, the Natural

Resources Board (NRB) and Governor Evers have approved the rule and it has been sent to the Legislature for review. Legislative review is the final stage of the rulemaking process.

2015 Ozone NAAQS – Since the last AMMSG meeting, the public comment period and legislative council review concluded and the draft rule was finalized; the NRB has approved the rule and it's currently awaiting Governor Evers' approval, the final step will be the legislative review period.

Emissions Inventory Rule – Since the last AMMSG meeting, Economic Impact Analysis (EIA) statement was completed and put out for public comment; two commenters responded. The next step will be preparing materials for the public comment period which is scheduled to start in mid-September.

NOx RACT Rule - Since the last AMMSG meeting, Governor Evers has approved the scope statement; scope statement has been published in the Administrative Register. The next step will be to attend the September NRB meeting to either request authorization for a preliminary hearing (if requested by the Joint Committee for Review of Administrative Rules) or scope approval.

Proposed EPA rules/guidance

DNR provided brief comments on the Municipal Solid Waste landfill rule correction. The program's comments mostly supported the corrections, but did urge EPA to go further and provide additional clarifications which would address some of the comments the program is receiving from landfills on the rule language.

California Motor Vehicle Pollution Control Standards – This action allows the continuation of California's authority to set their own fuel efficiency standards. The Air Program provided comments.

Phasedown of Hydrofluorocarbons (HFC) – EPA is proposing to establish hydrofluorocarbon production and consumption baselines and establish an allowance allocation program for the phasedown of HFC production and consumption. The Air Program did not comment on this rule.

Finalized EPA rules/guidance

Reclassification of Major Sources as Area Sources under S. 112 reverses once-in-always-in applicability or NESHAP was signed October 1, 2020 but is not yet published.

Project Emissions Accounting which affects netting analysis methodology in New Source Review permitting was signed October 23, 2020 but is not yet published.

New Source Review Error Corrections Rule was finalized July 19, 2021.

Rescinding the Rule on Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking process was finalized May 14, 2021. The Air Program did not comment on this action.

SIP Submittal Updates

Regional Haze

DNR has been working on the Round 2 Regional Haze SIP submittal that covers the 2018-2028 period. Since the last AMMSG meeting the draft documents went through public comment period and legislative review period and was updated based on comments and updated resources. This SIP was submitted to EPA July 30, 2021.

Rhineland Redesignation

Regarding the Rhineland Nonattainment area (NAA), there are two actions that have progressed since the last AMMSG meeting. A supplement to the attainment plan for the partial Oneida county NAA was submitted March 29, 2021 and EPA proposed approval on July 22, 2021. DNR expects EPA to issue final approval later this year, but because one of the elements is related to a permit condition that will not be in effect until December 31, 2021, DNR expects EPA to use that as the effective date.

DNR has also completed work on a redesignation request for this area as well. Since the last meeting this also went through a public comment period and legislative review period with some updates made based on the comments received. This SIP was submitted July 28, 2021.

Manitowoc Redesignation

DNR has begun work to update the redesignation request for Manitowoc County for the 2015 ozone rule. DNR had originally submitted a redesignation request in February of this year, but due to the ozone remand, an update the request to incorporate the remanded area is necessary. The DNR schedule plans for a public comment period to begin in late September with the goal of submitting this request to EPA in late November. This request is being made based on the clean data set from 2018-2020.

Nonattainment New Source Review

This SIP action is limited in scope in that it certifies that the policies and procedures that are already in place for to the 2008 ozone standard meet the requirements of the 2015 ozone standard. There are no changes to the regulated community based on this SIP activity. Since the last SIP meeting this action also went through a public comment and legislative review period and was submitted to EPA on July 27, 2021.

DERA Funding

The Diesel Emission Reduction Act (DERA) has been in place for many years and provides grant funding administered at a national and state level. Wisconsin DNR has been administering the state DERA program for many years. The Wisconsin DERA grant program primarily provides match funding for the retrofit or replacement of older diesel equipment with more efficient or cleaner emitting engines. Wisconsin has focused primarily on bus upgrades for schools and municipalities in the past, but the program has expanded in recent years to include more projects allowed by the grant program.

The Fiscal Year 2020 grant cycle was delayed due to COVID. 18 applicants submitted 32 eligible projects for consideration. DNR is currently working to finalize agreements for 12 projects with some leftover funding to make a partial award. Match funding percentage differs depending on the type of project. Projects offered awards include:

- 8 bus replacements
- 2 construction equipment replacements
- 2 stationary pump engine replacements
- Replacing 2 diesel tractors with an electric tractor

The Fiscal Year 2021 grant cycle is expected to be funded in October, which will kick off in another application and award cycle towards the end of the 2021 calendar year.

Ethylene Oxide (EtO)

EPA revised the risk factor for Ethylene Oxide in 2016 to be 57 times more toxic than it was previously listed. The appendix of the May 2021 Office of the Inspector General (OIG) report specifically mentions Evonik Corporation in Milton, Wisconsin. DNR is working with Evonik to encourage commitment to ultimately reduce EtO emissions from this source. Wisconsin DNR has worked with Evonik for several years to obtain the best annual emission estimates for EtO, but this has been challenging. The majority of calculated emissions are not from stacks or vents but are released from over 2,000 fugitive sources such as valves, flanges, connectors, pumps and seals. The intermittent nature of these fugitive emissions is difficult to quantify.

EPA has granted American Chemistry Council's petition for review of the unit risk factor for EtO. Environmental groups have separately asked the EPA to look at aspects of the rule, including what they described as failing to provide an opportunity to comment on new information, failing to get rid of unacceptable cancer risk and failing to require monitoring at the edges of polluting facilities.

Permit Surveys

DNR recently updated operation permit renewal application forms and instructions. The goal of the updates is to improve the quality of information in operation permit applications. Permit writers have noted a need for refined application materials for greater efficiency and effectiveness. Since January the program has seen a clear increase in the number of renewals issued each month.

The program also wants to understand how the permittees are experiencing the Part 70 program and the value they find in it and ways DNR can improve not only the process of applying for and receiving the permit, but also if there are ways to improve the value of the program to the permit holder. To do this, the program put together 3 separate surveys.

The first survey went out in January and surveyed all Part 70 sources about the value their Part 70 permit provides to them.

Over the next 12-24 months, the program will be using Survey Monkey to send surveys on the

application process and the permit issuance process. These surveys will be sent monthly to those who submitted an application in the previous month and to those who received their final permit in the previous month.

The program has seen a 30% response rate with the initial survey. Most respondents took the time to provide written comments which are valuable to the program as we evaluate the survey.

Of 135 respondents, 58.5 percent indicated it was important or very important to have a renewed permit before their current operation permit expires. Many respondents noted that predictability of when DNR will work on their operation permit is important for budgeting and resource planning.

Of 123 respondents, 95.1 percent indicated it was important or very important to have an operation permit that is up-to-date and contains all applicable requirements and adequate compliance demonstration methods. The permit lays out what the facility needs to do to be in compliance. Some respondents noted it helps with inspections since DNR inspectors also know what they will be needing from compliance records.

Of 122 respondents, 84.4 percent indicated that their current operation permit clearly or very clearly identifies which requirements apply to their facility. Many respondents also provided suggestions for how to make the permit even clearer and useful to the permit holder. The program will review those comments carefully to understand where improvements can be made.

Of 116 respondents, 88.8 percent indicated that their current operation permit is helpful or very helpful when preparing for a department inspection of the facility. Here also, respondents provided suggestions for improving the permit and how it interacts with the compliance inspection so the program will review and consider those responses as well.

A comment box was provided at the end of the survey for more general comments on operation permit program. Here again, a lot of thoughtful and constructive comments were received that the program will be able to use to continue working to improve the permit program.

Thanks to all who provided responses. And we look forward to hearing more from permit holders on how we can improve the application materials and the permit renewal issuance process.

An AMSG member asked what follow-up the program will be doing on the suggestions for improvement received from these surveys. Kristin Hart indicated there are several things the program can consider. For example, the program can look at how permits are formatted, how questions are asked on applications, providing additional assistance materials, how information can be provided and how to make permits clearer.

NR439 Focus Groups

The Air program wants input on Chapter NR 439 Wis. Adm. Code, which focuses on reporting, recordkeeping testing, inspection and determination of compliance requirements. The program is beginning the rule development process and is inviting externals to attend any one of three upcoming listening sessions.

The department is offering three listening sessions to collect your input:

- [Aug. 26, 2021, 9-11 a.m.](#)
- [Sept. 22, 2021, 2-4 p.m.](#)
- [Oct. 11, 2021, 9-11 a.m.](#)

If attending, please review [chapter NR 439 Wis. Adm. Code](#) prior to the session.

You can register through Zoom by clicking the link on the date you would like to attend.

Contact [Maria Hill](#) for any questions.

Member Updates

Arthur Harrington shared information announced this morning that President Biden will be issuing an executive order requiring 50% of vehicle production by 2030 be zero emissions.

An attendee of the meeting asked if there will be any guidance on what needs ink signatures versus e-signatures. Kristin Hart indicated permit applications require ink signatures or a Cross-Media Electronic Reporting Regulation (CROMERR) approved signature. The program is working to provide a CROMERR approved e-signature process. Because the pandemic has made obtaining ink signatures more time consuming, the program has been considering the electronic applications to start the permit review, but the ink signature is required before permit issuance. The program will provide training when the permit e-signature process is available.

Maria Hill provided clarification related to compliance reports. Per chapter NR 439 Wis. Adm. Code, there are three reports that require ink signature: annual compliance certification, monitoring report (annual or semiannual) and next day deviation. There is a CROMERR approved e-signature option for these reports. If the e-signature option is not used for these reports, the ink signature needs to be mailed to the program. All other reports have been accepted with scanned signatures or e-signature submittal.

2015 Ozone Standard Revised Nonattainment Areas (Katie)

Presented by: Doug Aburano, Chief, Air Programs Branch John Mooney, Director, Air & Radiation Division U.S. Environmental Protection Agency, Region 5

On October 1, 2015, EPA strengthened the National Ambient Air Quality Standards (NAAQS) for ground-level ozone to 70 parts per billion (ppb). The Clean Air Act (CAA) requires EPA to designate all areas of the country based on which areas are meeting or not meeting the NAAQS. EPA explained the process and timing of attainment designations.

Generally, where there is a violating monitor, there is a nonattainment designation. The geographic extent or boundary of the area is determined using EPA's five factor analysis:

- Air quality data
- Emissions and emissions-related data
- Meteorology
- Geography and topography
- Jurisdictional boundaries

In 2018, EPA designated 52 areas as nonattainment for the 2015 ozone NAAQS. Wisconsin had five areas designated as nonattainment. *Clean Wisconsin v. EPA* challenged the 2015 ozone NAAQS designations. Petitioners argued that EPA improperly designated counties (in whole or part) as attainment that should have been designated as nonattainment based on contributions to nearby counties with violating monitors.

On July 10, 2020, the DC Circuit Court issued its decision on the 2018 designations. The court granted EPA's request for voluntary remand associated with four nonattainment areas. In Wisconsin, the court granted voluntary remand for Northern Milwaukee/Ozaukee Shoreline, WI, Manitowoc County, WI, and the Wisconsin portion of Chicago, IL-IN-WI.

The court upheld EPA's original decision for Lake County, IN, associated with the Chicago, IL-IN-WI area. The court sided with petitioners for all other areas, and the court remanded those areas to EPA. In Wisconsin, the court sided with petitioners for Sheboygan County, WI and Door County, WI.

In its decision the court required EPA to "issue revised designations as expeditiously as practicable" EPA reevaluated the designations for the remanded counties, and considered the specific facts and circumstances of the areas using the existing record.

On June 14, 2021, EPA published a final action revising the boundaries for six nonattainment areas in four states (Illinois, Indiana, Missouri and Wisconsin) and reaffirming the 2018 designation associated with Ottawa County, MI. This impacted Wisconsin, in that Door, Manitowoc, Sheboygan and Kenosha counties nonattainment areas extend further from the shoreline of Lake Michigan. The Milwaukee five-county nonattainment area was expanded significantly to include all of Ozaukee and Milwaukee counties and partial Racine, Waukesha and Washington counties.

EPA explained the current, preliminary 2019 -2021 design values for the Wisconsin and Chicago areas. If design values don't change; Chicago would be eligible for redesignation of the 2008 standard and Milwaukee, Sheboygan and Chicago would likely bump-up to Moderate non-attainment for the 2015 standard. Manitowoc and Door would have potential for redesignation of the 2015 standard.

A member asked if there were provisions in the CAA to allow EPA denial of a potential redesignation of the 2008 standard based on similar emission estimate strategies utilized by EPA to designate partial Waukesha county despite having a monitor that was not violating the standard. EPA said there is not, a good neighbor policy would be utilized.

Ozone Update

Design Value Update

Updated design values are currently being tracked closely by DNR to determine if/when to begin activities for redesignation requests

- Chicago area monitors have only had one monitor with a single exceedance of the 2008 critical value for a clean data determination so far in 2021. If this trend continues, the Chicago area including the Kenosha Nonattainment area will have clean data for 2019-2021 which would allow for a redesignation request.
- For the 2015 standard, many areas (Milwaukee, Sheboygan, Chicago) have already exceeded their critical design values too many times for a redesignation request to be made based on 2019-2021 data.
- Manitowoc County had clean data in 2018-2020 and has had no exceedances of its critical value in 2021 which is allowing DNR to begin efforts to assemble an updated redesignation request based on 2018-2020 data (original request submitted in February 2020, but needs an update due to the expanded nonattainment area from the remand action) with minimal risk or impact from the final 2019-2021 design value determination.
- The Door County 2019-2021 preliminary design value is currently meeting the standard but has had two exceedances of its critical value. DNR will continue to monitor this closely as the ozone season progresses prior to determining if redesignation activities may begin.

Enhanced Ozone Monitoring (EOM) Efforts

DNR is monitoring for ozone precursors to study how they travel and age to help inform ozone policy. This includes sampling for Volatile Organic Compounds (VOCs) and Carbonyls at monitoring sites in Sheboygan and Kenosha counties. The program plans on collecting on 8 sample days including 5 event and 3 non-event sample days.

EOM Wind Lidar and Pandora

U.S. EPA has asked DNR to host NASA's Pandora Spectrometer System at the Chiwaukee site. This equipment was designed to specifically look at levels of ozone, nitrogen dioxide and formaldehyde in the atmosphere. What makes the Pandora unique from other ground-based networks at NASA is that it can measure total column profiles, observing different layers of the atmosphere at once.

Wind Lidar is deployed at Chiwaukee as well. It is operated by Brad Pierce from the University of Wisconsin and is used to capture 3D images of the vertical column and determine the size and distribution of the pollutant plume impacting the monitor.

EOM Drones

DNR research partners are utilizing drones to study ozone along Wisconsin's Lake Michigan shoreline, which has a long history with ozone formation due to transported emissions. Multiple drone flights

coordinated by UW-Eau Claire with Purdue University and the University of Colorado, measure ozone concentrations in the vertical air column, along with wind speed and direction to better understand the role lake breezes play in ozone transport. Funded by the National Science Foundation, this research took place on May 22, 2021, when DNR regulatory ozone monitors were measuring elevated ozone concentrations along the shoreline at the [Chiwaukee Prairie State Natural Area](#) monitoring site.

WIDEN Page

The Air Program's Air Monitoring Team is excited to introduce a data sharing platform allowing staff and external partners easy access to Wisconsin's EOM data. The new sharing platform aims to engage and support external agencies by offering an efficient way to share often requested DNR special purpose air monitoring data and information.

The EOM collection will primarily consist of raw data sets as well as EOM-related documents and reports. New EOM data and documents will be added to the collection as they become available.

Data sets currently in the EOM collection include:

- 2019-2020 Mobile Air Monitoring Lab (MAML) data sets
- Historical Design Values
- Current Preliminary Design Values
- 1-min data

Weekly Ozone Design Value updates will also be added to the EOM collection during ozone season.

The EOM data collection is accessed by a Widen portal link located on the [Air Quality Monitoring](#) webpage under Additional Resources, direct access via this link:

<https://wi-dnr.widencollective.com/portals/iwvftorq/AirMonitoringData>.

Instructions on how to search and download files are available on the portal webpage. The portal link works best in modern web browsers, such as Google Chrome or Microsoft Edge.

[Enhanced Ozone Monitoring Portal Link](#)

Contact [Cody Converse](#) or [Erin Howard](#) for EOM content suggestions or questions regarding the EOM data collection.

Gail Good the concluded the meeting. The next AMMSG meeting is scheduled for November 4, 2021.