

Meeting Summary
Air Management Study Group Meeting

Thursday, August 4, 2022

9:00 am

Jeff Artus, DNR	Caitlin Kohlbeck, DNR
Renee Bashel, DNR	Mike Kolb, WEC Energy Group
Noelle Brigham, A.O. Smith*	Brandon Koltz, Brandon Koltz Water & Environmental Consulting LLC
Michelle Castile	Jason Martin, Foth Infrastructure and Environment
Mike Cassidy, Kohler Co.	Rita Neff, Manitowoc Public Utilities
Rebecca Clarke, Sheboygan Ozone Reduction Alliance	Barb Pavliscak, DNR
Megan Corrado, DNR	Bridget Pankonin, Charter Steel
Jane Marie Crocetti-Floerke, DNR	Katie Praedel, DNR
Natalene Cummings, Forest Co. Potawatomi Community	Maria Redmond, WI Office of Sustainability and Clean Energy
Craig Czarnecki, DNR	Nathan Runge, Kinsbury, Inc.
Dave Dettman, Pioneer Metal Finishing, LLC	Brenda Sargent, Madison Gas and Electric
Donald Gallo, Axley Brynelson LLP	John Schroeder, Wisconsin Eye
John Gibbons, Tetra Tech	Sheri Stach, DNR
Ashley Gray, DNR	Pat Stevens, WI Paper Council*
Bob Greco, WEC Energy Group	Emily Storm, Tetra Tech
Erik Gulbranson, Dairyland Power Coop.	Craig Summerfield, WMC*
Mark Hammers, SCS Engineers	John Tadeliski, SCS Engineers
Art Harrington, Godfrey and Kahn, S.C.*	Steve Tasch, Trinity Consultants
Kristin Hart, DNR	David Terpstra, DNR
Curtis Hedman, WI DHS*	Jason Treutel, DNR
Maria Hill, DNR	Kate Verbeten, Green Bay Metro Sewerage District
Joe Hoch, Alliant Energy*	Deanna Webster, Billerud Americas Corp.
Erik Hoven, Dairyland Power Coop.	Liam Wilcox-Warren, DNR
Jeff Jaeckels, Madison Gas and Electric*	Ken Yass, Geosyntec
Linda Karr, University of Wisconsin	
Nathan Kilger, Bad River Band of Lake Superior Chippewa	

*AMSG member

Action Items

Next AMSG Meeting. The next study group meeting will be held on **Thursday, November 10** at 9 a.m.

Meeting Summary

Opening remarks and agenda repair

Acting Program Director Katie Praedel opened the meeting. Craig ran through some Zoom procedures.

Telework Policy

The Department of Natural Resources' (DNR) telework policy standard for the upcoming fiscal year (July 1, 2022 – June 30, 2023) is an allowable 60% telework and 40% in-office. All Air Management staff that have regular contact with the public and facilities have state issued smartphones, this allows staff to be reachable from anywhere.

IT Update/Teams

DNR is undergoing an IT centralization, in which certain IT staff were re-allocated to the centralized DNR IT team. This could allow for more high level, consistent IT support for DNR staff and programs.

DNR recently rolled out Microsoft Teams. This is replacing the former Skype platform. The conference rooms are not all compatible with Teams at this time, so we will stay on Zoom for these meetings until further notice.

Staff Updates

Andy Stewart, Field Operations Director (FOD) has retired. Air Management will address continuing FOD duties over the next year through a rotating chair position, made up of the four regional managers. Susan Lindem, West Central Region Supervisor has retired. Staff and facility coverage were redistributed across the remaining four regional supervisors. Industrial Sand Mine duties have been picked up by Barb Pavliscak. A map reflecting updated coverage across the state can be found here: [Air Management Regional Supervisors](#).

Proposed Guidance, rules and legislative update

DNR Guidance

Landfill Gas and Air Emissions Guidance for Municipal Solid Waste Landfill Owners and Operators – The department updated 2007 guidance to incorporate the new federal air standards and describe what areas are handled by the Waste and Air programs. The document was posted for public comment on July 6, 2022. The comment period closed on July 27. DNR received two comments that were addressed. The department posted [the final guidance](#) August 11.

Proposed/Final DNR Rules

VOC RACT – The rule was published and went into effect on June 1. The rule has been submitted to EPA for incorporation into the State Implementation Plan (SIP).

Emissions Inventory Reporting – The rule completed legislative review by JCRAR, was published July 25 and went into effect August 1. The rule was submitted August 3 for incorporation into the SIP.

NOx RACT – Rule drafting phase – The DNR held a stakeholder meeting May 31. Drafting and review of the updated rule language continues.

Compliance Demonstration Rule (NR-439) – The Governor approved the Scope Statement May 26 and the approved scope statement was published June 6, starting the 30-month rulemaking clock. On June 10 JCRAR called for a preliminary hearing on the scope statement to be held. DNR will be requesting authorization to hold the scope statement hearing at the August Natural Resources Board (NRB) meeting.

Proposed EPA rules/guidance

Since the May AMSG, there were several proposed rules and a whitepaper from EPA that DNR has provided comment on.

- Proposed Heavy Duty Engine and Vehicle Standards
- White paper on “Available and Emerging Technologies for reducing GHG emissions from Combustion Turbine Electrical Generating Units
- Bump up proposal for the 2015 ozone standard
- Transportation Federal Implementation Plan Proposed Rule
- Proposed performance standards for Electric Arc Furnaces at Steel Plants

Finalized EPA rules/guidance

EPA issued a final rule containing amendments to the Maximum Achievable Control Technology (MACT) for Major Source Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT). The rule is in response to three remands by the D.C. Circuit Court. Two were in 2016 in U.S. Sugar Corp. v. EPA and one was in 2018 in Sierra Club v. EPA. The amended rule includes 34 recalculated emission limits for certain subcategories of boilers. Once the final rule is published, DNR will send out a notification to facilities that may be affected by the rule.

EPA Spring Unified Agenda

The spring agenda has several items related to Ozone and PM2.5 NAAQS.

- The agenda indicates bump ups for the 2008 and 2015 standards will be finalized in October 2022, although the program has learned EPA has signed a consent decree to complete the 2008 bump-ups in September, and EPA anticipates finalizing the 2015 bump-ups at that time as well.
 - Due to the recent redesignation of Chicago to attainment for the 2008 standard, Wisconsin fully meets this NAAQS.

- For the 2015 standard the immediate impact will be for New Source Review (NSR) offset ratios increasing from 1.1 to 1.15 for nonattainment areas of Sheboygan, Milwaukee and Chicago, which includes a portion of Kenosha County. Major Source thresholds will not change from the current 100 tons per year.
- The 2015 ozone transport federal implementation plan (FIP) comment period concluded in June and the program is expecting a final in March of 2023 to provide initial reductions by the 2023 ozone season.
- EPA's PM2.5 NAAQS Review is scheduled to issue a proposal in August 2022 with a final rule in March 2023. DNR has recently heard that this is in internal review at EPA and will likely be proposed in October or November.
- EPA's Ozone NAAQS reconsideration proposal is due April 2023.

Several greenhouse gas related proposals are expected in the next year.

- A supplemental proposal is expected in October for Oil and Gas NSPS and emissions guidelines for Methane.
- In March 2023, the department expects proposals for new and existing fossil fuel power plants.
 - The recent Supreme Court decision will likely influence the details of the proposed rules.

Several actions related to mobile sources in the unified agenda are planned in the next year.

- Multiple states including Wisconsin have requested removal of the E10 ethanol 1 psi waiver to allow for better accessibility for E15 fuels year-round. A proposal is expected in August.
- Air Management expects the finalization of MY2027 and beyond heavy duty vehicle standards in December 2022.
- Additional proposals on Light and medium duty emissions standards and fuel efficiency for MY2027 and beyond are expected in March 2023.
- Fuel efficiency and GHG standards for Heavy duty vehicles for MY 2030 and beyond is expected in May of 2023.

There are several planned actions related to permitting and compliance in the unified agenda.

- Fugitive Dust – Originally promulgated in 2007, this rule is not under reconsideration. The 2007 rule would have required fugitive emissions from all sources to be included to determine applicability of PSD permitting.
- EPA is proposing to clarify the definition of "applicable requirement" within its Title V operating permit program regulations to address the extent to which other Clean Air Act requirements, including facility emission control requirements established under the new source review preconstruction permitting program and requirements under the CAA section 112(r)(1) "general duty clause" may be reviewable, implemented, and/or modified through the Title V permitting and petition process.
- Major Modification to Area Source (once-in-always-in under MACT applicability) rule will be revised.
- Project Emissions Accounting Rule will be reopened. This rule affects how netting analyses are done under major construction permitting programs.

- Minor NSR Programs SIP approvability – EPA is proposing to review minor source permitting programs for adequate opportunity for public comment on decisions and the adequacy of synthetic minor limitations.

Web Updates

DNR has a new [Public involvement](#) webpage. The new webpage provides easy access to permit related documents and includes additional resources to explain the public's role in the permit process.

Air permit applications, review documents, and final permits remain available through the [permit search tool](#). The new webpage includes links to permit process flowcharts, the hearings and meetings calendar, EPA's Title V petition process, video tutorials, and example permit review documents with plain language annotations. There are also three new tables that provide easier access to air permit applications currently under review, public notices and review documents for draft permits that are available for public comment, and recent air permit decisions.

Clean School Bus Program

The Bipartisan Infrastructure Law included \$5 billion in funding for a Clean School Bus Program administered by EPA to take place from 2022 to 2026. Half of these funds are specifically directed towards zero emissions school buses (commonly referred to as Electric or EV's) and half directed towards alternative fuel school buses such as propane or compressed natural gas buses, but can also be used for EV's. Region 5 estimates this program could result in 1000-2500 EV buses in Midwest states which would help fuel the transition to lower emission vehicles on our roadways and near our schools and will reduce emissions of ozone precursors and greenhouse gasses.

EPA opened their first application period in May for a \$500 million dollar rebate program.

- The application period closed August 19
- School districts can submit a single application for up to 25 buses and EV charging infrastructure per EV bus.
- The maximum funding available per bus is dependent on bus fuel type, bus size and school district prioritization status. This applies to the current round of funding.
- EPA has identified priority school districts for this round. 198 school districts in Wisconsin are on this list. Priority schools are more likely to be submitted and will receive more funding per bus and charging station. Priority school districts include:
 - High need school districts and low-income areas as listed on the Small Area Income and Poverty Estimates (SIPE) with 2020 data indicating 20% or more students living in poverty, or school districts that self-certify that they meet these criteria.
 - Rural school districts that are classified as rural: remote and rural: distant by the National Center for Education Statistics
 - Tribal school districts including those districts funded by the Bureau of Indian Affairs or schools that support students who reside on tribal lands are also identified as Priority Schools.

NR438 Update – Revised Air Emissions Inventory Reporting Rule

Facilities must comply with the updated [ch. NR 438, Wis. Adm. Code](#) starting with the 2023 air emissions inventory (EI) reporting for calendar year 2022 emissions.

The following sources are now required to report annual emissions of all [criteria](#) air pollutants, lead, and ammonia, regardless of emission amounts:

- Major sources in [nonattainment areas](#).
- Sources with the potential to emit equal to or greater than 100 tons per year of criteria air pollutants or ammonia
- Sources with actual emissions of 0.5 ton per year of lead

Emissions reporting will follow the departments [fine particulate matter \(pm2.5\) policy](#).

Annual EI may exclude emissions from specific emissions units, operations, or activities now listed in s. NR 438.03(1)(am)3., Wis. Adm. Code. NR 438.03(1)(am)3 exclusions are allowed even if the source meets a criteria under NR 438.03(1)(af).

The state administrative code language aligned with federal emissions reporting terminology and is updated to reflect DNR's current emissions inventory reporting process.

Utilities Update

Jeff Jaeckels, the Director of Safety Sustainability and Environmental Affairs at Madison Gas and Electric Company provided a utilities update. In June 2022, announcements were made to shift the retirement dates of some coal-fired generation units in Wisconsin.

- Edgewater Generating Station from 2022 to 2025
 - Owned and operated by Alliant Energy
- Columbia Energy Center from 2023/2024 to 2026
 - Operated by Alliant Energy
 - Co-owned by Alliant Energy, MGE Energy, WEC Energy Group
- South Oak Creek 2023/2024 to 2024/2025
 - Owned and operated by WEC Energy Group

These date shifts were made to balance safe, sustainable, affordable and reliable energy; shifting Midcontinent Independent System Operator (MISO) requirements beyond 2022 and regional short-term reliability concerns; and supply chain challenges in bringing replacement generation resources online, particularly solar panels.

This does not change the greenhouse gas reduction goals for 2030 and 2050. The retirement dates for these facilities remain earlier than originally planned.

Art Harrington noted that additional background about the need for base load generation given developments in the energy markets is available on some of the episodes in the Power Hungry podcasts <https://robertbryce.com/power-hungry-podcast/>

Member Updates

Art Harrington – Shared an August 2 press release stating Wisconsin and three other Midwest states have agreed to set up a network of electric vehicle charging stations so EV driving tourists can make it around Lake Michigan. The collaboration is with Michigan, Indiana and Illinois. The Evers Administration says many of the needed EV chargers operate now, but completing the network for the Lake Michigan EV Circuit will take a few years.

Art also shared WISDOT's plan for \$69 million that is available for EV charging stations. The plan is due for submittal at the end of the month, and the plan focuses on putting EV charging stations along Wisconsin's interstate system.

Art also shared that the League of Wisconsin Municipalities is [hosting its annual conference Oct. 19-21](#), with topics including WISDOT EV charging stations. Wisconsin Automated Connected Electric Shared Mobility (ACES) will also be giving a presentation on EV's during the conference.

Craig Summerfield shared that Wisconsin Manufacturing and Commerce (WMC) submitted comments on states EV charging station plan and encouraged the state to prioritize private sector investments with those federal grants. He says the final plan was already submitted by WISDOT to National Highway Administration. The federal response is due the end of September.

Patrick Stevens said he really appreciates the work DNR does to track rules and regulations at the federal level. He thinks its important DNR submits comments on federal rules, especially ones that impact Wisconsin. He appreciates efforts by the department to review rules and submit comments.

Ozone topics

A relatively hot June resulted in numerous days where monitored concentrations exceeded critical values for the 2015 standard. Preliminary data indicates that design values for 2020-2022 will be above the 2015 standard for one or more monitors in each of our three current nonattainment areas. As a result, none of these areas will be eligible for redesignation at the conclusion of the 2022 ozone season.

The monitoring section concluded several projects in 2022 including installation of toxics multipoint samplers, a drone study looking at ozone concentrations over Lake Michigan, and deployment of Nitrogen Dioxide (NO₂), and meteorological data analyzers on a Viking Cruise science vessel. The team will now turn its attention to data analysis and planning for 2023 season.

AMSG Membership

The Air Management Study Group was formed in 2013. Over time, members have changed but the charter was not reviewed. A few meetings were held to discuss changes to the charter. This included changing the name from Air Management Study Group to Air Management Advisory Group, the addition

of a tribal representative, reviewing membership (individuals serving in roles, not representation) every two years and the addition of a non-DNR co-chair.

The charter will be updated to reflect the decisions and will be discussed at the November meeting with intent to implement the changes for calendar year 2023. In the next few weeks, DNR will send a draft of the updated charter for the membership to review and discuss at the November meeting.