

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.
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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 | Nine (9) Electric Generating Units (EGUs) and One (1) Non-EGU |
| What are criteria for exemption? | Clear discussion | Section NR 433.05(2): “The department may not make a determination of BART for SO ₂ or for NO _x if the potential to emit of a BART-eligible source is less than 40 tons per year of the respective pollutant; or for particulate matter, if the potential to emit PM ₁₀ of a BART-eligible source is less than 15 tons per year.” |
| 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. | 30-day and annual emission mass limits. |

| 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. | Emissions averaging between boilers as described in the SIP submittal and in accordance with the EIP. |
| 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. | Section NR 433.05(1)4.: “The requirement that the owner or operator of each source subject to BART shall install and operate BART as expeditiously as practicable, but in no event later than December 31, 2015.” |
| 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. | Described in the Administrative Order. |
| What is the averaging time in the compliance test method? | Averaging time and application of limit must be explicit. | 30-day and annual. |
| Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC). | Clearly defined. | Yes. |
| If a compliance calculation is necessary, list the formula, period of compliance, and/or evaluation method. | Formula must be explicit. | Described in the Administrative Order. |

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. | 30-day and annual emissions. |
| 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 . | Tons/30-day and Tons/Year. |
| 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. | Section NR 433.05(2): “The department may not make a determination of BART for SO ₂ or for NO _x if the potential to emit of a BART-eligible source is less than 40 tons per year of the respective pollutant; or for particulate matter, if the potential to emit PM ₁₀ of a BART-eligible source is less than 15 tons per year.” |
| 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. |