

Your Air Pollution Permit and the Public Comment Period

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The Department of Natural Resources (DNR) Bureau of Air Management requires businesses to obtain either construction or operation permits for operations or activities that emit air pollution. The permit issuance process consists of four main steps: a company submits an application to DNR; the Air program reviews the application and issues a draft permit; the DNR invites public comment on the draft permit; and the permit is issued or denied.

Going "Public"

After submitting a permit application, the DNR Bureau of Air Management will review your application and, if your facility meets the applicable requirements, create a draft permit and preliminary determination. Next, the DNR will publish a public notice:

- ⇒ in a local newspaper for the area most likely affected by the emissions in the permit,
- ⇒ on their web site at http://dnr.wi.gov/cias/am/amexternal/public_notices.aspx, and
- ⇒ if requested, to interested parties.

During this time, the general public may react to your draft permit. It is also your last opportunity to provide input to the Air program on your draft permit.

When Does the 30-day Public Comment Period Start and End?

On the day your public notice is posted on the website, the clock on the 30-day public comment period starts. The period lasts for 30 calendar days. If the 30th day falls on a weekend or holiday when state offices are closed, the comment period ends on the next business day. The website will list the date the public comment period closes. Comments must be postmarked or received at DNR by phone or email by the close of business on the last day.

What Should I Do During the Comment Period?

The public comment period is the time to negotiate changes to your permit. Since the permit spells out how your facility must comply with air pollution requirements, you need to be certain you can meet all conditions in the permit for its entire term (18 months for construction permits; five years for major source or until revised for minor source operation permits). Once you receive notice from DNR that your permit is in public comment, **download and read through the draft permit and the preliminary determination carefully!** Be sure to provide comments to DNR before the comment period ends.

To download your permit documents, click on the public notices link http://dnr.wi.gov/cias/am/amexternal/public_notices.aspx, and scroll through the table for your permit. Click on the permit number or the facility name and it will take you to the Air Program's permit database.



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Once you see your facility information, click on the “Permit and Permit Applications” tab. There you will see a list of active permits for the facility. Click on “Select” for the permit with a recent public notice date and no issued date listed. Scroll down the page until you see another list of documents. Click on “Dwnld” for each document you wish to review. Key documents to review will include in their file name: “Preliminary_Determination.pdf” and “Draft_Permit.pdf”. Open and save each document to your computer.

As you review the draft permit, if you cannot meet a requirement or if you don't understand part of it, call the DNR air permit reviewer to request changes before the permit is issued as final. If there is a conflict between a requirement in the permit and the way you currently operate or monitor a process, you may want to discuss the situation with the permit reviewer. The permit reviewer may agree that your current procedure is an acceptable way to demonstrate compliance.

What is in My Draft Permit?

Pay attention to the specific requirements in the permit. A construction permit may list specific criteria you must meet during construction of your process or related equipment or structures.

Some key issues to look for in a **draft** permit include:

- A new or existing process may have to perform a stack test to demonstrate that emissions in the exhaust stack meet permit limits.
 - ◇ Ductwork and exhaust stacks may need to have test ports installed so testing equipment can be placed in the exhaust stream.
 - ◇ See the *Stack Testing* fact sheet for more details at <http://dnr.wi.gov/files/PDF/pubs/am/AM477.pdf>.
- Control devices and equipment designed to capture emissions from your process and carry them to the control device or exhaust point may have to meet certain criteria.
 - ◇ Discuss with the DNR permit reviewer how permit condition may affect the design specifications for the equipment.
 - ◇ These devices may also have conditions to install and operate equipment to monitor process parameters. Consider how these may affect the design of the process.
- Certain requirements may dictate the type of raw materials you can use.
 - ◇ For example, there may be limits on the VOC content of the coatings or inks applied, or the amounts used each month by a painting, coating, or printing operation.
 - ◇ Consider how this will affect your operation, and make sure you can operate within the limits.

Can the Permit Be Changed?

It is significantly easier to change items in the permit before the final permit has been issued. Although it is possible to modify or revise your permit later, changes to a final construction permit entail additional review fees. Revising an operation permit would not involve any fees but may take some time to complete the review process and result in a new final permit.

Either way, any permit modification or revision whether for a construction or operation permit will cost you time. You can save time and money by ensuring that your permit is correct before it is issued.



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What Happens if DNR Receives Many Public Comments?

Any neighbor, competitor, as well as environmental organization can comment on your permit. The weight of their comments will depend on the environmental or legal significance of the issues they raise. DNR will respond to all comments. If the comments are numerous and reveal significant environmental concerns, DNR may modify the permit to address concerns it considers warranted.

Another step may be added to the process if someone requests a public hearing on the permit. However, if this does not occur, DNR can issue the permit when the public comment period ends.

If DNR must hold a public hearing, it will publish a notice stating the date, time and location of the hearing. The hearing will be held within 60 days of the end of the public comment period. Unless DNR learns about strong evidence that your permit should not be issued, they will respond to all the comments received at the hearing, modify the permit as needed, and then issue the final permit.

For more information on the permit process, go to: <http://dnr.wi.gov/topic/AirPermits/Process.html>.

DISCLAIMER — This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.



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