

Air Permit Informal Conflict Resolution Process

Introduction

This document outlines informal procedures that can be followed when a permit applicant or Department of Natural Resources permit writer encounters either communication problems or difference of opinion on technical issues when issuing or revising an air pollution control permit. Please note that this is an informal process and does not preclude the right to comment on permit conditions during the public comment period or the right to challenge, appeal or contest permits or permit conditions as allowed under Wisconsin Statutes.

I. Dealing with Communication Issues

Conflicts happen when the permit applicant and permit writer have a disagreement on aspects of processing the permit or have communication problems. They can include situations where:

- Permit application has not been deemed complete. Permit applicant feels all the requested information has been submitted and that the application should be deemed complete. However, the permit writer believes the requested information has not been adequately addressed in the submittals and they are unable to deem the permit application complete.
- Permit applicant is unhappy with the length of time taken to process the permit.
- Permit applicant or permit writer feels that they are being ignored because phone calls are not returned.

1. A. As a first step, permit writers and permit applicants are encouraged to use informal conflict resolution by using good communication and listening skills to attempt to resolve differences. By using the "Good Communication Practices" (attached) it is hoped that most communication problems and concerns related to unclear understanding of the permit process will be minimized.

A helpful aid to understanding Wisconsin's Air Program permit process can be found at: <http://dnr.wi.gov/topic/AirPermits/Process.html>.

I. B. In those cases where a permit applicant or permit writer feels that a third person would be helpful in resolving problems involving aspects of processing the permit, then the permit writer's direct supervisor should be contacted to help resolve the concerns. A list of staff and their supervisors is listed at <http://dnr.wi.gov/topic/AirQuality/Contacts.html>. In addition, the Wisconsin Small Business Clean Air Ombudsman would be available to small businesses (businesses that employ less than 100 employees) to help address concerns. More information on the Ombudsman along with contact information can be found here: <http://dnr.wi.gov/topic/CompAssist/sb/>. In cases where conflicts cannot or are not able to be resolved with the intervention of the direct supervisor, then the issues can be brought to the Regional Air & Waste Leader (listed at <http://dnr.wi.gov/topic/AirQuality/documents/AMstaffdir.pdf>) for issues involving regional staff or contact the Air Management Bureau Director for issues involving Madison central office staff.

II. Dealing with Permit Technical Issues

In addition to communication based problems, conflicts happen when the permit applicant and permit writer cannot come to an agreement on a permit condition(s). This type of conflict involves technical issues such as situations where there are concerns about:

- whether a permit condition is appropriate for the type of process
- frequency of monitoring required for process or control equipment
- type of monitoring required for a specific process or piece of control equipment
- other technical issues related to permit conditions

II. A. As a first step, permit writers and permit applicants are encouraged to use informal conflict resolution by using good communication and listening skills to attempt to resolve differences. By using the "Good Communication Practices" (attached), most communication problems and concerns related to the technical aspects of the permit content will be minimized.

II. B. If good communication still results in a difference of opinions on permit content, the second step in the informal conflict resolution process would be to involve the permit writer's direct supervisor and/or, for a small business (businesses that employ less than 100 employees), the Wisconsin Small Business Clean Air Ombudsman <http://dnr.wi.gov/topic/CompAssist/sb/>.

II. C. If steps II.A and II.B do not produce satisfactory results and there still remains an honest difference in opinion on permit content between the permit applicant and DNR permit writer, either the permit applicant, DNR permit writer, or both can request a review of the issue(s) for resolution by the Chief of the Permits Section in the Bureau of Air Management.

How to request a review by the Chief of the Permits Section? E-mail the Chief of the Permits Section Kristin Hart at Kristin.Hart@wisconsin.gov. Some items to include in the request are listed below.

1. Name, address, phone number and e-mail address of person submitting request
2. Name, address and ID (FID, or permit number) of the facility
3. If needed, would you prefer a meeting or conference call to further discuss the issue?
4. What is the permitting issue that this conflict is about?
5. What steps were taken to resolve the conflict prior to requesting this review?
6. What is the proposed solution?
7. Are there any additional persons (consultant, industry representative, DNR personnel, etc.) that you want included in any meetings or conference calls? If so, please include their contact information (i.e. name, company, phone number, e-mail address, and area of expertise).

What will happen after you submit your request? The Chief of the Permits Section (or designee) will contact you within 14 days with a response to the issue raised. If you have requested a meeting to address the conflict issue, you will be contacted within 7 days to set up a meeting date or conference call. A response to the issue can be expected within 14 days of the meeting or conference date.

Good Communication Practices

What can I do as a permit writer to increase good communication for the permitting process?

1. Return telephone calls and emails in a timely manner.
2. When possible, call or email the permit applicant for more information while reviewing the application and during the permit review process for quicker turn-around times. Formal written requests can still be mailed but the applicant will know sooner what information is needed.
3. Whenever possible provide examples of application materials or permits to applicants.
4. Educate the applicant about the permit process when needed. Assist the applicant to identify the proper forms needed in the application and point them to other resources such as the University of Wisconsin Extension Solid and Hazardous Waste Education Center (SHWEC), the Small Business Clean Air Assistance Program, and/or consultants for help on technical issues.
5. Conduct yourself in a professional and respectful manner.
6. When appropriate, suggest that the applicant meet with you or the Small Business Clean Air Assistance Program to review, correct, or fine-tune their application materials.
7. Whenever possible, supply a copy of the draft permit language to the company before it is public noticed in the newspaper to allow the applicant a chance to check for any misunderstandings or corrections. Proper records retention procedures should be followed.

What can I do as an air permit applicant to increase good communication for the permitting process?

1. Become familiar with the air permitting process. The Air Management Website is a good source with lots of information available. An overall schematic of the air permitting process can be viewed at: <http://dnr.wi.gov/topic/AirPermits/Process.html>. Also, an interactive Permit Primer that provides a step-by-step question-and-answer tour of DNR regulatory programs can be accessed at <http://dnr.wi.gov/topic/compassist/primer/>.
2. If you feel unsure about how best to proceed with the air permit application, contact the Air Program Regional Office and arrange for a pre-application meeting. Note that small businesses (businesses that employ less than 100 employees) can contact the Small Business Clean Air Assistance Program for help. It is in everyone's best interest for the permit review to go smoothly, and starting off with a good application can help. Information on the Small Business Clean Air Assistance Program can be viewed at: <http://dnr.wi.gov/topic/CompAssist/sb/>.
3. Review permits received by similar sources to see examples of what your final permit may look like. Electronic versions of permits issued by Air Management can be accessed at: <http://dnr.wi.gov/topic/AirPermits/Search.html>.
4. When possible, call or email the permit writer with additional information during the permit review process to get quicker turn-around times. Formal written submittals may still be required for the file and can be mailed, but the permit engineer will receive the information sooner.

5. Conduct yourself in a professional and respectful manner.
6. Return telephone calls and emails in a timely manner.

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