

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-1

Rev. 3-87

Department of Natural Resources (DNR)

Region or Bureau  
Air Management

Type List Designation  
Type II action

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., \_\_\_\_\_ (date)

Contact Person:  
Raj Vakharia – AM/7

Title Environmental Engineer – Advanced

Address: 101 S Webster Street (Gef II)

Madison, WI 53707

Telephone Number

608-267-2015

Applicant: WEPCO – Oak Creek plant

Address: 4801 E. Elm Rd

Title of Proposal: Low Nox burners with overfire air control technology on units 7 and 8.

Location: County Milwaukee City/Town/Village Oak Creek

Township Range Section(s) \_\_\_\_\_

**PROJECT SUMMARY**

1. General Description (brief overview)

Construct and operate LNB control technology replacement on Oak Creek Power Plant Units 7 & 8 ( Please see attachment 1)

2. Purpose and Need (include history and background as appropriate)

Compliance with NR 428, Control of Nitrogen Compound Emissions and contribute to the achievement of the ozone NAAQS in SE Wisconsin (Please see attachment 1)

3. Authorities and Approvals (list local, state and federal permits or approvals required)

PSCW authorization pursuant to § 196 49, Wis Stats. and § PSC 112, WAC, and DNR air permit pursuant to § NR 406, WAC and 285, Wis Stats

4. Estimated Cost and Funding Source

Total gross project cost is \$31 942.000 and will be met from internal sources and/or from the issuance and sale of securities

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**PROPOSED PHYSICAL CHANGES (More fully describe the proposal)**

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5. Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard., etc.)

None. The project involve the modification of existing boilers, inside existing structures. They will not require the expansion of the current facilities including buildings, roadways, and other on-site or off-site support structures.

Impacts on soils and vegetation apply only to those areas in which there is vegetation if significant commercial or recreational value. There are no known vegetation or soil types in the area that will be harmed by concentration of criteria pollutants below the national ambient air quality standards

6. Manipulation of Aquatic Resources (include relevant quantities - cfs., acre feet, MGD, etc.)

None

7. Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)

None, as noted under (5).

8. Emissions and Discharges (include relevant characteristics and quantities)

Please see attached spreadsheet entitled "Past and Future Actual Emissions" included as part of attachment 2

9. Other Changes

None

10. Identify the maps, plans and other descriptive material attached

Attachment	___	County map showing the general area of the project
Attachment	<u>X</u>	USGS topographic map (Please see attachment 3)
Attachment	___	Site development plan
Attachment	___	Plat map
Attachment	___	DNR county wetlands map
Attachment	___	Zoning map
Attachment	<u>X</u>	Other - Facility Layout (Please see attachment 3)

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**AFFECTED ENVIRONMENT (Describe existing features that may be affected by proposal)**

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Information Based On (check all that apply):

[X] Literature/correspondence (specify major sources)

Permit application and review (Please see attachment 4).

[X] Personal Contacts (list in item 28)

Field Analysis By: [X] Author [ ] Other (list in item 28)

Past Experience With Site By: [X] Other (list in item 28)

11. Physical (topography - soils - water - air)

Air quality

The location of the plant is not within a floodway or the 100-year flood plain. This is an existing power plant. The air quality in the Oak Creek area is classified as attainment/unclassified for all criteria pollutants except for Ozone. The area is non attainment for Ozone.

12. Biological (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered species; wetland amounts, types and hydraulic value)

None. All proposed construction activity will occur within the existing facility. Fauna includes deer, small mammals, and many types of birds, etc. No known endangered resources.

13. Cultural

a. Land use (dominant features and uses including zoning if applicable)

None known. The facility site is currently zoned for industry.

c. Archaeological/Historical

There are no known archaeological or historic resources in the area. Additionally, due to past disturbances at the site when the plant was constructed, there should be no impact on previously unidentified archaeological resources.

14. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

None. Oak Creek is not located near any Class I areas such as national monuments, preserves or refuges. There are no known archeological, historical, endangered species or wetland consideration involved with this project.

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**ENVIRONMENTAL CONSEQUENCES (probable adverse and beneficial impacts including indirect and secondary impacts)**

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15. Physical (include visual if applicable)

Improved air quality. There will be an increase in CO emissions only from the proposed project. The effect of these emission increases was simulated with dispersion modeling. Predicted maximum concentrations from these emission increases were below standards designed to protect human health and welfare. There will be a decrease in NOx emissions.

16. Biological (include impacts to threatened/endangered species)

None

17. Cultural

a. Land Use (include indirect and secondary impacts)

None. No consequences are anticipated.

b. Social/Economic (include ethnic and cultural groups, and zoning if applicable)

Project will contribute to the attainment of the ozone NAAQS and thus the economic growth in the area.

c. Archaeological/Historical

None. No adverse impact is expected.

18. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

None. No adverse impact is expected.

19. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)

No other entities are affected by this project.

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**ALTERNATIVES (no action - enlarge - reduce - modify - other locations and/or methods)**

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20. Identify, describe and discuss feasible alternatives to the proposed action and their impacts. Give particular attention to alternatives which might avoid some or all adverse environmental effects.

see the attached final draft of the CA application to the PSCW, i.e., "Description of Alternatives" included as part of the attachment 5

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**EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)**

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21. Significance of Environmental Effects

- a. Would the proposed project or related activities substantially change the quality of the environment (physical, biological, socio-economic)? Explain.

Yes, it will contribute to the department's goal to achieve the ozone NAAQS, and not violate any other NAAQS

- b. Discuss the significance of short-term and long-term environmental effects of the proposed project including secondary effects; particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas. (The reversibility of an action affects the extent or degree of impact)

There will be an increase in the air emissions of carbon monoxide into the atmosphere as stated in Item 8. The effect of these emission increases was simulated with dispersion modeling. Predicted maximum concentrations from these emission increases were below threshold designated to protect human health and welfare. As such, no substantial change to the air quality of the environment is expected.

22. Significance of Cumulative Effects.

Please see 21. b

23. Significance of Risk

- a. Explain the significance of any unknowns which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analyses would eliminate or reduce these unknowns? Explain why these studies were not done.

Please see 21. b

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires, or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

None, any burner problems will keep the unit out of service.

No new operations, hazards, or response requirements are anticipated as a result of these projects.

24. Significance of Precedent

- a. Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Explain the significance.

No

- b. Describe any conflicts the proposal has with plans or policy of local, state

or federal agencies that provide for the protection of the environment.  
Explain the significance.

None, contributes directly to achieving the ozone NAAQS

The project will be permitted in accordance with state and federal law. All modifications are to take place on existing equipment, in existing buildings. No conflicts with any regulatory agency or local business are anticipated.

25. Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

None known

26. Explain other factors that should be considered in determining the significance of the proposal.

None known

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**SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES**

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27. Summarize citizen and agency involvement activities (completed and proposed).

CA application submitted to the PSCW in 4/2000 and 30-day public comment notice for NR 406 to be issued 8/2001

28. List agencies, groups and individuals contacted regarding the project (include DNR personnel and title).

Date	Contact	Comment Summary
7/20/2001	Roger Dodds - WEPCO	DNR air permit application
7/23/2001	Roger Dodds - WEPCO	Air quality impact analysis results
8/6/2001	Roger Dodds - WEPCO	Additional information for permit application

The following Department of Natural Resources Staff have participated in the review of the this project:

Raj Vakharia - AM/7

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**29. Final Incidental Take Authorization**

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Not applicable

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**EIS DECISION (This decision is not final until certified by the appropriate authority)**

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In accordance with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

30. Complete either A or B below.

A. EIS Process Not Required . . . . . [X]

Analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIS Process. . . . . [ ]

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Raj Val  
Signature of Evaluator - r Date Signed

Noted: Area Director or Bureau Director Date Signed

Copy of news release or other notice attached? [X] Yes [ ] No

Number of responses to public notice 0

Public response log attached? [ ] Yes [ ] No

Sam O'Pore 10/09/2001  
CERTIFIED TO BE IN COMPLIANCE WITH WEPA Date Signed  
Regional Director or Director of BISS (or designee)

**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note. Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats, are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.