The attached guidance memorandum titled "Malfunction Prevention and Abatement Plan (MPAP) Applicability" was developed to clarify when MPAP requirements apply to air emission sources. The requirement for affected facilities to prepare a Malfunction Prevention and Abatement Plan (MPAP) has been in s. NR 439.11, Wis. Admin. Code since 1986, and has not been changed. Questions periodically arise from both internal staff and externals about MPAP requirement applicability – when a source is required to prepare a MPAP, and how encompassing the plan must be. The guidance is intended to improve consistency in interpretation of those requirements by air program permit and compliance staff.

Comments related to this draft guidance memorandum should be sent to Colin Duffy, Colin.Duffy@wisconsin.gov; (608)267-9767.

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: April 7, 2015

TO: Air Management Permit and Compliance Staff

FROM: Kristin Hart and Bill Baumann – AM/7

SUBJECT: Malfunction Prevention and Abatement Plan (MPAP) Applicability

Purpose

The requirement for affected facilities to prepare a Malfunction Prevention and Abatement Plan (MPAP) has been in s. NR 439.11, Wis. Admin. Code since 1986. This code provision is part of the air program's EPA approved state implementation plan (SIP) and reflects Clean Air Act requirements. Questions periodically arise from both external and internal parties regarding applicability of the MPAP requirement. The purpose of this memo is to provide guidance and clarity on what circumstances require preparation of a MPAP, and to subsequently promote statewide consistency on implementing the existing administrative code requirements.

MPAP Applicability

The preparation of a MPAP is required under NR 439.11, for any direct or portable source that is an "air contaminant source" emitting one or more air pollutants (contaminants) meeting either of the following criteria:

- May emit hazardous substances, or
- Emits more than 15 pounds in any day or 3 pounds in any hour of any air contaminant for which emission limits have been adopted.

The criteria above apply on a process line basis:

- A MPAP must be prepared for any process meeting either of the two criteria above.
- A source is not required to prepare an MPAP for processes that do not meet at least one of the criteria above.
- A facility-wide MPAP is not required unless all the processes at a facility meet at least one of the above criteria.
- Whether a process includes control equipment is not a factor in determining applicability of the MPAP requirement.

It should be noted that NR 439 requires <u>preparation</u> of MPAPs, but provides discretion to the department regarding <u>submittal</u> by the source, and <u>review and approval</u> by the department of MPAPs ("the department may order…"). See s. NR 439.11(1) & (2). Permit language should not require routine submittal of MPAPs. Compliance staff should verify that sources prepare and update MPAPs as required under NR 439.11(1) as part of full compliance evaluations or inspections. Submittal of an MPAP for department review and approval should be required when update of the MPAP is part of the resolution of a letter of noncompliance (LON) or Notice of Violation (NOV).

Implementation Considerations

Permit template language for both construction and operation permits will be reviewed to assure consistency with NR 439 requirements, and revised as necessary. Any revised permit language will be incorporated into operation permits as the permits are renewed.