Title V Petition Stakeholder Workgroup meeting
3911 Fish Hatchery Road, Fitchburg
March 14, 2012

Notes:

1. Including information and limits from prior permits and applications – Susan Lindem

Discussion on two topics:

A. Description vs Applicable Requirement

- Recommendation:
    - proposed clarification language in the Emissions Units Table located in the Preamble to state "the information describing processes listed below are from the application materials and were relied upon in determining the applicable requirements";
    - include maximum capacity within body of permit table if required to demonstrate compliance or as applicable limitation
- areas of concern:
    - table language not clear without statement that "not applicable requirements in themselves, but will be included as such if applicable";
    - don't specifically state that "are not intended to be enforceable limitations unless otherwise stated in the permit"
    - concern that this might create unintended shielding in permit;
    - descriptions could differ from limits in FESOPs or other requirements established to avoid NSPS or other rules
    - inspectors concerns with use of information in applications for enforcement without having details included in a permit
    - is a source in violation if the capacity listed in the table is exceeded?
        - is this a violation if heat input/maximum capacity isn't needed to demonstrate compliance with limit or is not an applicable requirement?
        - can information in the Emission Units Table be used as credible evidence in enforcement?;
- Follow-up:
    - Revise statement to provide clarity

    Suggestion: "Except as noted elsewhere in the Permit, Process information in this index and in the Table Headings is provided for information purposes. Enforceable conditions are found in the Emission Limit, Compliance Demonstration, Monitoring and Recordkeeping sections of the Permit."
    - DNR will need to check on whether clarification might lead to unintended permit shield
        - doesn't preclude DNR from using a change in description to see if it changes rule applicability;
    - training for permit writers on writing effective conditions
        - good examples are particularly needed

B. Bundling of Applicable Requirements into single Permit Limits

- Recommendation:
    - minimize bundling citations especially when limits are in different units, or different time frames, or different applicable requirements; example -

separate pound per hour limits to meet NAAQS from NR 415 or NSPS pound per mmBTU heat input limits.
    - compliance demonstration may still be 'bundled' into single requirement
- areas of concern:
    - focus on clear descriptions of rule applicability in permit language
    - appears counter to EPA White Papers to split out
    - EPA's opinion sought regarding unbundling limits -EPA = Not 100% change, but needs close review of scenario and needs to demonstrate compliance at all times
    - permit streamlining focused on listing only most restrictive limit;
    - consistent and smarter writing of permit conditions in applying streamlining policy from EPA white papers
- Follow-up:
  <u>DNR guidance needed on</u>:
    - need examples of when to bundle, when not to and when to/not apply streamlining in bundling limits
    - heat input capacity as limits, scenarios – boilers aren't only units with capacity issues
    - narrative on including capacity as limit in permit
    - 'description' language – after review of shield concerns'
    - SIP specific limits needed

- Next steps:
    - training, guidance and an oversight process

<u>2. PSD Lookback/Permit Shield guidance – Andy Stewart</u>

- have pages of notes from last discussion
- follow up discussions have presented other ideas
- see a connection between PSD lookback and permit shield issues, need to consider that in developing guidance
    - will bring back proposals to discuss, after internal review

<u>3. Workgroup transition – Andy Stewart</u>

- mentioned last time, possible transition to broader permit issues with regular meetings
- interest/concerns?
    - detailed rule discussions may trigger lobbying reporting for some
        - avoid if use group to report out on plans?
    - solicit agenda items from group in advance?

<u>Next meeting:</u>
- survey on dates at mid-end May to put on calendars, in case topics ready for discussion