

## Your Air Permit Application, Your Specific Responsibilities

The Wisconsin Department of Natural Resources (DNR) Air Management Program has certain responsibilities for reviewing applications. A facility or other entity completing a permit application for a proposed project or existing facility also has responsibilities.

The Air Program has the authority to determine whether the source(s) covered by an application meets all applicable requirements in Wisconsin's Statutes or Administrative Code. Based on that determination, DNR will issue or deny the permit.

Beyond that, the applicant is responsible for everything else. So, what are applicant's responsibilities?

### Types of air pollution permits

There are two types of source-specific Air Pollution Permits: Construction Permits and Operation Permits. Each permit entails slightly different responsibilities for the facility submitting the application.

The Small Business Environmental Assistance Program (SBEAP) has fact sheets on both types of permits on their *Air permit types for small business* page: <https://dnr.wi.gov/topic/SmallBusiness/PermitTypes.html>. These fact sheets help businesses determine whether a permit is needed. You can also review DNR's Permit Primer—at <https://dnr.wi.gov/topic/SmallBusiness/Primer/> (select the Air section) to determine if a permit may be needed. If you need to apply for a permit, the following information will help you complete that application.

### Construction permit applications

Construction permits are required if you want to add a new process line to your facility. A process line can be a piece or series of equipment that makes or completes a step in the making of your final product.

If the new line produces air pollution emissions and **is not** exempt from the requirement to get a construction permit, complete a construction permit application. There is a SBEAP fact sheet on *Air Pollution Construction Permit Basics* <https://dnr.wi.gov/files/PDF/pubs/am/AM428.pdf> with information about exemptions.

It is your responsibility, or that of any consultant you hire, to complete the necessary application forms. Providing a complete application requires:

- ◆ collecting size and raw material throughput information about the proposed equipment
- ◆ gathering any data needed to perform emissions calculations
- ◆ providing any additional information the DNR permit writer needs to complete the review
- ◆ evaluating and choosing options for any requirements that allow options specific to your operations

Some requirements in the Wisconsin Administrative Code may require additional work and decisions after the initial application is submitted. One example, for all operations that are not exempt, is the General Organic Compound Rule. There is a SBEAP fact sheet on the *General Organic Compound Rule in s. NR 424.03* at <https://dnr.wi.gov/files/pdf/pubs/am/am478.pdf>. Check this fact sheet to find out if the rule might apply to your operations.



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While DNR has expertise regarding air pollution rules and how to apply them for permit purposes, it doesn't have the expertise to run your facility. When options are available, it is up to you to decide which will work best for your business.

Hiring a consultant may be worth the cost because they can work with the equipment and raw material suppliers to gather data and can perform complex calculations for you. Your ability to gather necessary information and perform permit application calculations will depend on your skills in basic chemistry and math principles (beyond simple addition/subtraction) and your time constraints.

### Lacking exact equipment dimensions?

Obtain the best possible size estimates for the design and set-up of your planned new process. Underestimating size may result in later permit revisions or even a completely new permit application. Additional fees could result.

### Constructing a whole new facility?

Construction permits are also required when new facilities are built, and similar responsibilities are involved. Depending on your location, an application for a completely new source may also require a **modeling analysis**. Completing a modeling analysis requires the use of a complex computer program. An experienced consultant should be hired.

Usually, a modeling analysis is only required of very large **new** sources. However, smaller facilities located in specific Wisconsin counties (nonattainment areas) may be required to do modeling analysis if their air doesn't meet National Ambient Air Quality Standards (NAAQS). In nonattainment areas, state and federal air pollution agencies define the threshold for "large" sources at lower levels than in areas where the air is cleaner. That's why smaller businesses may be affected by requirements usually only applicable to large sources.

For facilities located outside the nonattainment areas, the DNR would perform the modeling analysis during the permit review step.

## Operation permit applications

In addition to the requirements for a construction permit application, the responsibilities for an operation permit application include:

- ◆ choosing compliance options if a National Emission Standard for Hazardous Air Pollutant (NESHAP) standard applies (information on specific NESHAPs is available at <https://dnr.wi.gov/topic/SmallBusiness/Regulations.html> under the "federal regulations" tab)
- ◆ making decisions on stack configurations or emissions limits based on modeling results (see the *Modeling Emissions for Air Pollution Permits* fact sheet <https://dnr.wi.gov/files/pdf/pubs/sb/sb116.pdf> available from SBEAP)
- ◆ paying construction permit fees if the DNR reviewer finds that you should have received a construction permit for an old project
- ◆ knowing your existing control equipment

### NESHAP compliance options

The NESHAPs, established by EPA, restrict emissions of hazardous air pollutants (HAPs). The standards define a specific level of HAP reduction and outline multiple compliance options by which sources can reach that level of reduction. Compliance options range from use of materials up to a maximum HAP content only, to installation of control equipment (depending on the process, one or more may be needed to achieve the same level of reduction), to simply using certain work practices (covering storage containers, using certain application methods).

## Modeling results

The whole facility's emissions are modeled for operation permits. Meeting the NAAQS is often as simple as raising stacks or restricting operations below the maximum throughput. More complex facilities could require multiple options to meet the NAAQS. In that case, a consultant should be hired to perform complex modeling and determine the right combination of options for meeting NAAQS.

## Construction permits after the fact

The operation permit includes all significant process lines at your facility. The review step includes determining whether all process lines have received a construction permit. The construction permit rules were established in 1979, so if you installed a process line anytime after 1979 and it was not exempt from a construction permit, one will be issued to you along with the operation permit. Three construction permit fact sheets published by SBEAP discuss the exemptions. See the *Air permit types for small business* web page at <https://dnr.wi.gov/topic/SmallBusiness/PermitTypes.html> for details.

For every construction permit issued, fees apply. If construction permits are issued with an operation permit, the usual fees will be billed. SBEAP's construction permit factsheets list basic fees. For a complete listing of permit fees, refer to chapter NR 410 in the Wisconsin Administrative Code.

## Know your control devices

You may already have certain control devices installed. Many facilities have installed cyclones or baghouses to control dust from a process like sanding, grinding or welding. Pumping dust outside improves air quality for workers but could create emissions problems. To protect both indoor and outdoor air, control devices must operate properly. Operation permits may include some conditions for control devices.

Permit conditions could include a pressure drop across a cyclone or baghouse (difference in pressure between inlet and outlet) or regular inspections of the device to check that inlet and outlet ducts are not plugged or that filter bags don't have holes. Permit conditions must be met regularly and records or a log kept for documentation. Penalties could result if conditions are not met.

Make sure that your process equipment can meet all permit conditions. To set conditions in the permit to the right levels, you must know design and operation details for your equipment and control device(s). If you don't have documentation for a device or piece of equipment, consult the manufacturer or find manufacturers with data on similar devices.

## Requirements of a draft permit

No matter what type of permit you are issued, a public comment period will be required. At that time, DNR will send you a **draft** permit. Pay attention to the specific requirements in the permit. Note any criteria you have to meet during construction of your process or modification of an existing process. Note any criteria applying to installation or redesign of related equipment or structures. The draft permit stage is the easiest time to negotiate if permit requirements will be difficult to meet.

If you wait until the permit is final and find you cannot meet certain requirements, you may be in violation of that permit from the day it is issued. It can take a long time to resolve issues after a permit is final. As a result, your facility could be in violation of a permit for an extended period of time, or you could be required to delay construction.

Here are some key issues to look for in a **draft** permit:

- √ Any new or existing process may be required to perform a stack test to demonstrate that exhaust emissions meet the limits in the regulations. Duct work and exhaust stacks may need test ports installed to allow testing equipment to be placed in the exhaust stream. See the *Stack Testing* fact sheet <https://dnr.wi.gov/files/PDF/pubs/sb/sb119.pdf> from SBEAP for details.

- √ 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 writer how permit requirements could affect the design criteria for these items. These devices may also have requirements for installation of equipment to monitor operating parameters. Consider how these may affect the design of the process.
- √ Certain requirements may dictate the type of raw materials you can use in your process. For example: painting, coating, or printing operations may be limited as to the VOC content of the coatings or inks applied or the amount used each month. Consider how this will affect your operations, and make sure you can operate within the limits.

## Once you have a final permit

**Do not** just file your permit away as your ticket to construct and/or operate. The final permit outlines all the conditions you will be required to meet on a regular basis. As with your draft permit, pay attention to the details. Establish a system for gathering and recording the information needed to show DNR that you are meeting each condition in your permit.

Downloading the *Air Permit Compliance Calendar* (available from SBEAP at <https://dnr.wi.gov/topic/SmallBusiness/documents/air/WIECompCal.pdf>) can help you get started. It includes sections to help you track monthly records with reminders in pertinent months. It also has blank spaces on each month's page for you to add reminders of specific deadlines in your own permit.

Review your permit at regular intervals to make sure you haven't missed anything and that you fully understand your obligations. If you are unsure about any of your permit requirements, SBEAP can help! They can be reached at the contact information below.

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