

A DNR Air Program Inspector is Coming ... What Can I Expect?

The Wisconsin Department of Natural Resources (DNR) Air Management Program is given the statutory authority, in s. 285.19 of the Wisconsin Statutes, to inspect any business in the state to assess compliance with air pollution rules and regulations. An inspection may seem like an intimidating process. Pre-planning and timely, up to date record keeping can improve inspection results and eliminate pre-inspection concerns.

If You've Had Minimal Contact with DNR's Air Program

Perhaps your facility has not been contacted by the Department of Natural Resources (DNR) Air Management Program. But you still wonder what to expect if DNR does contact you.

The Small Business Environmental Assistance Program (SBEAP) was created to help small businesses understand how to comply with Clean Air Act requirements. The SBEAP has fact sheets available on a wide variety of air pollution-related topics. For assistance, contact SBEAP or visit our web site at <https://dnr.wi.gov/topic/SmallBusiness/>. The staff can answer questions and provide information to help you understand the rules and requirements that the DNR Air Program addresses in an inspection.

Permit or No Permit

Whether DNR's Air Program has issued permits to you will affect how you prepare for an inspection. The older your permit(s), the more likely your preparations will be similar to those undertaken by businesses having no permit at all. Older permits may reflect outdated or changed standards. Many do not address current requirements or methods for meeting the limits listed there.

If you do not have permits or have very old permits, contact SBEAP staff to find out what current rules might apply to you. Then you can obtain fact sheets to learn about air pollution issues affecting your business.

If You've Been Told You Are Exempt from Air Permits

Any process that was added, moved, changed, or expanded after 1979 should have received a construction permit unless it was exempt. If you don't have any permits, but someone helped you determine that all projects since 1979 were exempt from permits, then you should document those exemptions and keep the information available. You may or may not have received an exemption letter from the DNR Air Program—a letter isn't required. It is more important that you have the appropriate records to show that you meet any exemptions.

If your business added, moved, changed, or expanded **any** processes after 1979, but you **do not** have any documentation that shows they were exempt, be prepared to discuss these processes with the DNR inspector. While these construction activities would be considered a violation of the permit requirements, the inspection should be much less confrontational if you are prepared to present all pertinent information. You will need to submit a construction permit application as soon as possible. Work with your compliance inspector or contact the SBEAP to get the application materials.



Other Requirements

Requirements in the air pollution rules—chapters NR 400-499 of the Wisconsin Administrative Code—apply whether you need a permit or not. Every business must meet opacity limits (i.e., thickness of the smoke or dust plume from your stacks; steam doesn't count) and must minimize odorous emissions. Facilities with volatile organic compound (VOC) emissions might have to meet specific limits depending on the type of process and location of the business.

Look into and understand the rules that affect facilities with or without permits before an inspection is scheduled. The SBEAP has fact sheets on the VOC rules (either RACT rules or NR 424 on general VOCs). You may already comply, so call or visit our web site and get the fact sheets now.

How to Prepare for the Inspection

Look over each permit that the DNR Air Program has issued to you. If you have a number of construction permits, check the most recent ones to see if they superseded any past construction permits. There will usually be a condition near the end of Part I of the construction permit that lists any superseded permit numbers. Superseded permits are no longer active because the new permit has incorporated all requirements that are still applicable to your facility. Look over any construction permits that are still active.

If you have received an operation permit (there are three types: a Part 70, a Synthetic Minor Non-part 70, or a Non-part 70), it should contain all the conditions from every past construction and operation permit you were issued. You should only need to look over the most recent operation permit to prepare for the inspection. The exception is a construction permit for a project that has not been completely constructed yet. This construction permit will not have been rolled into the operation permit yet, so you need to review it as well as the most recent operation permit for a completed project.

Look for any listed conditions that require you to do something like: monitor, record, keep, maintain, inspect, log, calculate, replace, test, etc. Then look at the frequency required to complete the action: hourly, once per shift, daily, weekly, monthly, within 10 days of the end of each month, quarterly, annually, etc. Finally, check the items required under each action. You might be instructed to: record the following, log the date and initials of person performing the inspection, use the following test methods, etc.

Gather all documentation required by the permit(s). Check to see whether you have been performing all actions required at the frequency stated and whether the documents include all items listed.

If You Are Not Following Your Permit Exactly

Begin to correct anything you find that does not match permit conditions. Proactive behavior is always seen in a better light by inspectors. A DNR inspector may be more likely to offer compliance assistance rather than just an enforcement response where a business demonstrates willingness and a good faith effort to address and remedy non-compliant actions.

DISCLAIMER — This document is intended solely for compliance assistance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This document does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This document does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this document will be made by applying the governing statutes and administrative rules to the relevant facts.



Serving Small Businesses and the Environment

**SMALL BUSINESS
ENVIRONMENTAL ASSISTANCE PROGRAM**
DNR.WI.GOV, search "small business"
DNRSMBusiness@WI.GOV • (855) 889-3021

