

PUBLIC HEARING VS. PUBLIC MEETING

Public meetings and public hearings are different in terms of the level of public interaction.

- In a public meeting the DNR can discuss a proposed action with the public, including answering questions.
- In a public hearing, DNR staff will explain what the permit is for and will summarize DNR's review of the application. The public can attend and deliver comments orally or in writing. Discussion of comments does not occur. After the hearing, a letter is sent to the people who attended about the changes that were made to the permit as a result of the comments.

To learn about public input opportunities for an air permit you can refer to the public notice or visit the air management web page at:

<http://dnr.wi.gov/topic/airpermits/>.

REQUESTING A PUBLIC HEARING

- Within 30 days after the Department gives notice of the permit, a person who is affected by the issuance of the permit may request a public hearing by submitting a written request to the DNR permit writer specified in the public notice.
- The Department is required to hold the public hearing within 60 days after the deadline for requesting a hearing if it deems that there is significant public interest in holding a hearing.
- Remember, public hearings are not intended to be informational meetings.

AFTER THE HEARING

- DNR answers comments in writing in a Response to Comments document which is sent to all who attended the hearing.
- If no comments are received, DNR makes a decision on whether to issue or deny the permit.
- If comments are received, DNR may modify certain permit conditions in response to those comments before issuing the permit.
- DNR has 60 days to issue the permit once the hearing is held (unless there is a request to extend).

STATE AND FEDERAL APPEAL RIGHTS

Once a permit is issued, both the facility and members of the public have an opportunity to appeal the Department's decision. Persons other than the facility receiving the permit have to meet the requirements of s. 285.81(2), Wisconsin Statutes in filing a challenge to a permit.

Occasionally US EPA gets petitioned on specific operation permits at major source facilities. You can learn more about that process by visiting: <http://www.epa.gov/region07/air/index.htm>.

AFTER A PERMIT IS ISSUED— INSPECTIONS AND REPORTING

The DNR inspects facilities periodically. In addition, facilities must submit periodic reports. These reports include:

- Results of monitoring required by permits;
- An annual compliance certification with the terms and conditions of the permit;
- A report on the facility's emissions (through the DNR's consolidating reporting system);
- Other reports specifically required in the permit.

In general, the Department's files are public records that can be viewed by members of the public by contacting the air management engineer for the area.



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This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please contact the Bureau of Air Management, phone 608-266-7718, for more information.

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Citizen's Guide to the Air Permit Process

LEARN MORE ABOUT:

- DNR's air permit process
- How to become involved
- Concerns the DNR can consider
- Concerns the DNR cannot consider

WHAT IS A PERMIT?

A permit can be thought of as a legal contract between a facility and the State of Wisconsin in which the facility agrees to limit air emissions by specified means.

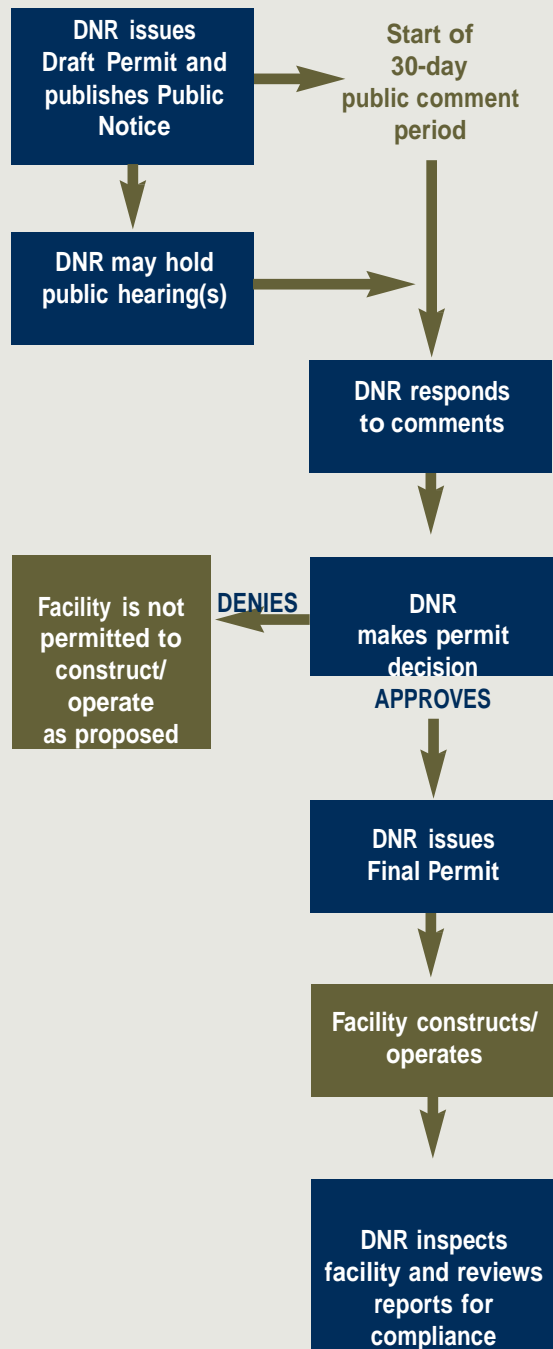
The diagram inside shows the permit processing steps.

DNR must issue a permit if it finds the source will:

- Meet emission limitations;
- Neither cause nor worsen a violation of an air quality standard or ambient air increment;
- Not prevent the construction or operation of any other source(s) in the area.



PERMIT PROCESSING STEPS



BECOME INVOLVED

Informed citizens can play an important role in the air permit process as air permits are considered for approval. The DNR announces pending permit decisions through several venues: newspaper legal ads, the DNR Calendar, bulletins, online permit tracking systems, and mailing lists. Public notices usually include a specific time period (usually a 30 day public comment period) during which people can send comments to the DNR about a proposed permit. DNR sometimes holds public meetings and hearings in association with the public comment period. Comment periods and public hearings are opportunities for members of the public to offer information to the DNR regarding local conditions or the draft permit. Become involved by:

- Staying informed:
 - Read the permit documents available at the local public library or on the DNR website.
 - Contact the permit writer, as listed in the public notice, with any questions about the permit.
 - Submit written comments to the address provided in the public notice and/or attend a public hearing.
- Visiting the Air Permits web page <http://dnr.wi.gov/topic/airpermits/>.
- Checking Public Hearings and Meetings Calendars <http://dnr.wi.gov/news/input/hearings.html> and <http://dnr.wi.gov/news/input/Meetings.html>
- Getting on the email list to receive public notices as permits are being considered. Contact Air Management's Joydeb Bhattacharyya at joydeb.bhattacharyya@wisconsin.gov.
- Reviewing permit documents by visiting http://dnr.wi.gov/cias/am/amexternal/public_notices.aspx or your local public library to access DNR permits currently in public comment.

WHAT THE DNR CAN CONSIDER

The DNR can legally base its permit decisions only upon whether the proposed activity will result in air pollution that exceeds the health and environmental standards specified in the laws and statutes. Areas of comment the DNR can consider include:

- The draft permit contains technical inaccuracies.
- The draft permit fails to address all significant emission sources covered in the permit application.
- The permit fails to include all state and federal air pollution requirements, including emission limitations, compliance demonstrations, monitoring or record keeping.
- The monitoring of air pollution emissions or emission control device operations is insufficient.
- Concerns about case-by-case determinations such as latest available control techniques (LACT), best available control technology (BACT), and lowest achievable emission rate (LAER).

WHAT THE DNR CANNOT CONSIDER

Often members of the public are concerned not only about impacts on air quality, but other things as well – noise, traffic, aesthetics, and land use, to name a few. DNR is not allowed to consider any of these other factors in deciding whether or not to issue an air permit. There may be other venues, such as local zoning meetings, where those factors can be considered. Areas of comment that the DNR cannot consider include:

- Items not required by law.
- Noise, traffic, lighting, hours of operation (unless necessary to meet an air pollution limit), or whether the facility is sited in a proper location (with some exceptions such as wetland sites).
- Indoor air pollution.
- Emission sources at an existing facility which are not covered in the permit project under review.

