



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

*Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.*

### DOCUMENT ID

AM-19-0041

### DOCUMENT TITLE

**Fact Sheet for Natural Minor Source Exemption from Operation Permits**

### PROGRAM/BUREAU

**Air Management**

### STATUTORY AUTHORITY OR LEGAL CITATION

**Section 285.60, Wisconsin Statutes; Chapter NR 407, Wisconsin Administrative Code**

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

**October 28, 2019**

### DATE FINALIZED

**November 25, 2019**

No comments were received during the comment period 28OCT2019 to 18NOV2019

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

November 20, 2019

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Signature

Date



### What is the Natural Minor Source Exemption?

The Department of Natural Resources (DNR) created an exemption from air pollution control operation permit requirements for facilities that are considered natural minor sources. This exemption is ideal for facilities that have never needed any construction permits but were required to apply for a state operation permit. However, any facility that meets the Natural Minor Source definition may use this exemption, even those with existing operation and construction permits.

For larger facilities that do not qualify for this exemption from operation permits, DNR has several other options that might be right for the facility. Learn more on registration operation permits, general permits, and the exemptions based on actual emissions at <http://dnr.wi.gov/topic/AirPermits/Options.html>.

It is important to understand that exemption from the requirement to get a permit does not exempt a facility from other air pollution regulations. The DNR's Small Business Environmental Assistance Program (SBEAP) has resources to help facilities determine what rules apply and how to show compliance with them. Go to their web page at <http://dnr.wi.gov/topic/smallbusiness/>.

### What are the benefits of the Exemption?

- No annual reporting fee.
- No annual permit compliance certification and summary of monitoring report required.

### Who qualifies for this Exemption?

Facilities that have maximum theoretical emissions below the following levels may qualify for the exemption:

Eligibility Threshold	
Pollutant	Maximum Theoretical Emissions
Particulate matter less than 10 microns (PM <sub>10</sub> )	100 tons per year
Sulfur dioxide (SO <sub>2</sub> )	100 tons per year
Carbon monoxide (CO)	100 tons per year
Nitrogen oxides (NO <sub>x</sub> )	100 tons per year
Volatile organic compounds (VOCs)	100 tons per year
Lead	100 tons per year
Any single federally regulated hazardous air pollutant (HAP)	10 tons per year
Total of all federally regulated HAPs combined	25 tons per year

NOTE: For a list of federally regulated HAPs: <http://www.epa.gov/ttn/atw/orig189.html>

In addition to emitting below these thresholds, the facility cannot be one of the following:

- otherwise defined as a Part 70 Source,
- a synthetic minor source for either an operation or construction permit issued under chs. NR 405, NR 407 or NR 408, or
- a major source under either ch. NR 405 or NR 408.

Calculating maximum theoretical emissions can be complex for some facilities. There are resources available from the SBEAP to help with those calculations:

- Fact Sheet: MTE Calculations for Air Permit Exemptions (AM-548) <http://dnr.wi.gov/files/PDF/pubs/am/AM548.pdf>

- MS Excel Spreadsheet for MTE Calculations:  
<http://dnr.wi.gov/topic/SmallBusiness/documents/air/EmissionsWorksheetMTE.xlsx>

## How does a facility apply for the Natural Minor Source exemption?

Facilities wishing to use the Natural Minor Source Exemption will need to notify the department in writing of their intent to operate under the exemption. To notify the DNR of the intent to operate under the Natural Minor Source exemption, a facility should complete Form 4530-100 *Facility Details and Permit Actions*, <http://dnr.wi.gov/files/PDF/forms/4500/4530-100.pdf>, and select the appropriate Operation Permit exemption option. In addition, the facility should submit any information to support eligibility for the exemption, including an estimate of the maximum theoretical air pollution emissions from the facility. A list of items that should be included in the submittal to allow the most efficient review by DNR is included at the end of this document.

Mail the exemption notification to:

Wisconsin Department of Natural Resources  
Bureau of Air Management  
AM/7 – Natural Minor Source Exemption  
PO Box 7921  
Madison, WI 53707-7921

## Does a facility still need to report annual emissions under ch. NR 438?

Facilities that emit air pollution above the reporting thresholds of Table 1 in s. NR 438.03, Wis. Adm. Code, must submit annual emissions reports using our online reporting system. If a facility emits more than five tons per year of PM, SO<sub>2</sub>, CO or NO<sub>x</sub>, or if a facility emits more than three tons per year of VOCs, the facility will need to report. Emissions of any hazardous air pollutant above its Table 1 value will also trigger reporting requirements. More details are provided in Table 1 in ch. NR 438 at [https://docs.legis.wisconsin.gov/code/admin\\_code/nr/438.pdf](https://docs.legis.wisconsin.gov/code/admin_code/nr/438.pdf).

## What happens after DNR receives a notification?

A notification of intent to operate under the Natural Minor Source exemption puts into motion several actions at the DNR.

**Revocation:** The notification serves as a request to revoke any existing operation permits issued to the facility. Before sending confirmation of the exemption, DNR will send the facility a letter notifying it of the intent to revoke the existing permits. By law, DNR must then wait 21 days before formal revocation takes place.

If construction permits have been issued to a facility, they will not be revoked and will remain effective. All compliance demonstration, recordkeeping, and monitoring requirements contained in existing construction permits continue to apply.

Once an operation permit revocation is confirmed, the facility should mark the operation permits “revoked” but keep them in their files. These revoked permits can be valuable resources for understanding and demonstrating compliance with state and federal air pollution regulations.

**Withdrawal:** If a facility is covered under a registration or general permit, the notification serves as a request to withdraw the facility from coverage under those permits. (This is similar to revocation, but “withdrawal” is the term used for the general and registration permits.) Similarly, if the facility submitted an application for an air pollution control permit, DNR will consider the notification a request to withdraw the application. No notification or waiting period is required for the application withdrawal process.

**Approval:** After DNR receives written notification of intent to operate under this exemption, the department will confirm the exemption from operation permits under s. NR 407.03(1s), Wis. Adm. Code. If appropriate, confirmation will also serve as a formal notification of withdrawal from registration or general permit coverage, and any pending permit applications. As mentioned above, if there were existing operation permits issued to the facility, DNR will send a letter formally revoking them. These letters and email notifications should be retained on file at the facility.

## What does a facility need to do after the exemption is approved?

In order to maintain an exemption, the facility must do the following:

- Maintain records needed to demonstrate the facility meets all criteria for this exemption.

- Report actual annual emissions if required under ch. NR 438.
- Comply with all existing construction permits and any other state and federal air pollution rules that may apply and maintain supporting compliance records.
- Apply for construction permits when needed, for new projects that are not eligible for exemptions in ch. NR 406.

## Is there a downside to the Natural Minor Source Exemption?

Yes. When this exemption is used, the facility does not have a permit document to list what air pollution rules specifically apply to the facility. If there are concerns about understanding what applies to a facility, please review the compliance and monitoring summary checklist (See Form 4530-179 under the Compliance tab on the Air Permit and Compliance Forms page <http://dnr.wi.gov/topic/AirPermits/Forms.html>) provided for facilities covered under the Registration Permit as a way to learn what regulations might apply.

In addition, some operation permits established limits to keep a facility or an emission unit from having to meet certain standards or control requirements. If the operation permit is revoked, then the facility may now have to comply with the requirements. In other cases, operation permits contain case-by-case determinations necessary to comply with state hazardous air pollutant requirements such as best available control technology (BACT) or lowest achievable emission rate (LAER). Another common case-by-case determination is latest available control techniques (LACT) which facilities can request in lieu of having to meet 85% control for process lines emitting organic compounds. Construction permitting may be required to permanently hold these limits before a facility can have an existing operation permit revoked in order to use the natural minor exemption.

Another consideration in operating under the Natural Minor Source Exemption is that the facility must continue to obtain and follow all requirements in construction permits that have been issued to the facility. Facilities with low emissions that have construction permits or are planning construction projects may want to consider applying for a Registration Operation Permit, even if the facility qualifies for the Natural Minor Source exemption. Once a facility is covered under a registration permit, its old construction and operation permits are revoked and the facility is exempt from needing to obtain construction permits going forward. To learn more about the Registration Permit program go to <http://dnr.wi.gov/topic/AirPermits/Options.html> and click on the Registration Permit tab.

The SBEAP also has materials that can help facilities determine what the applicable requirements are and learn how to comply. Visit the SBEAP website at: <http://dnr.wi.gov/topic/smallbusiness/>.

## For help or to find out more:

- For more information on the Natural Minor Source Exemption, visit the DNR Exemptions web page at <http://dnr.wi.gov/topic/SmallBusiness/Exemptions.html> and click on the “Natural Minor” tab.
- Contact the SBEAP at [DNRsmallbusiness@wisconsin.gov](mailto:DNRsmallbusiness@wisconsin.gov) or call toll-free at 1-855-889-3021.
- Call the Air Program and ask for the Permit Exemption Coordinator at (608) 266-7718.

**DISCLAIMER** —This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, DC 20240. 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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**PUB-AM-547 2016**

## Submittal Elements for Natural Minor Exemption Request

1. Complete form 4530-100, Facility Details and Permit Actions:  
<http://dnr.wi.gov/files/PDF/forms/4500/4530-100.pdf>.
2. Provide a description of the facility and attach emission estimates and calculation methods. The description may be more detailed than the following examples, but at a minimum the type of operation and air pollution emitting equipment should be provided.

**Example 1.** The facility is a brass instrument repair shop with both a chromium and nickel electroplating bath. The facility also has a spray paint booth, a lacquer booth, and a shot blast unit all with external exhaust

**Example 2.** The facility is a hospital with one 750 kW portable diesel generator manufactured in 1995, one ethylene oxidizer sterilizer with emission abator, and a 9.0 MMBtu/hr. natural gas fired boiler with propane backup manufactured in April, 1989.

**Example 3.** The facility is a vegetable cannery with five can printing lines with uncontrolled emissions, a spray paint booth with fabric filter control with outdoor exhausted stack, and a Stoddard solvent parts washer.

Please note that this is also considered a request for revocation of existing operation permits and withdrawal of any pending permit applications, or, if appropriate, a request of withdrawal from coverage under a general or registration permit. Revocation and withdrawal from coverage both require the DNR to make a formal notification of our intent to revoke or withdraw and wait 21 days. After the 21 day notification waiting period is over, the DNR will send out the final decision on the operation permit exemption request.