

DNR GUIDANCE 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.

DATE: November 1, 2016

TO: Permit Writers and Compliance Inspectors

FROM: Kristin Hart

SUBJECT: Implementation of new combined Part II for Construction and Operation Permits

In early September 2016, a new combined Part II for air permits was finalized. This new Part II combines the general requirements for chs. NR 405, NR 406, and NR 408 (construction permits) and NR 407 (operation permits.) It is no longer necessary to attach two separate Part II's to an integrated permit or figure out which Part II to attach to your Part I. All permits will have the same Part II going forward.

A number of other significant changes were made to the document:

- All language was verified to assure consistency with chs. NR 400-499 requirements and where necessary was revised to match code rather than paraphrasing.
- Sections specific to only a construction **or** operation permit are identified.
- Clarity of Scope (section A) was updated and now includes all parts of the permit
- Underlining added to pollutants throughout General Emission Limits (section C) for ease in scanning and identifying the effected pollutant
- General limit for mercury was added (item C.2.r)
- Change in Ownership or Control (section H) no longer requires an administrative revision application; "notify the department in writing" is the replacement language.
- Removed the requirement to copy the US EPA for Compliance Certification (section N)
- Added Credible Evidence Language (section T)
- Added Stack Test Methods (section U)

Implementation

1. *Draft Documents heading for public comment*

Beginning immediately, please attach the new Part II when going to public comment with any type of permit action where a Part II would be attached.

2. *Documents already in public comment*

For permits already in public comment, please finalize with the Part II that was attached to the draft permit. Some of the changes to Part II, specifically, adding the credible evidence language in Section T., are significant enough that they should go through public comment.

Other changes

Once you've verified that a condition in Part I of a permit is now contained in the new Part II, it may be deleted from Part I when you are processing a permit revision or renewal. This can be done at the permit writer's discretion in consultation with the compliance inspector and supervisor and considering the complexity and urgency of a permit project. The place where this will come up most is with the moving of the reference stack testing methods to Part II. Many existing permits repeat the appropriate reference method in each row of Part I of the permit. Most of these methods are now listed in Part II of the permit and do not need to be listed in Part I. **Please note, however, that the actual requirement to conduct one-time or periodic tests and any approved alternative testing methods that vary from the language in Part II must be retained in Part I.**

Please assure that the preliminary determination has a discussion about and clearly lists all conditions removed from Part I to Part II.



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-19-0075

DOCUMENT TITLE

Guidance on Implementation of Part II for Air Pollution Control Permits

PROGRAM/BUREAU

Air Management

STATUTORY AUTHORITY OR LEGAL CITATION

Section 285.60, Wisconsin Statutes; Chapters NR 405, NR 406 NR 407, and NR 408, Wisconsin Administrative Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

December 16, 2019

DATE FINALIZED

February 3, 2020

No comments were received during the comment period 16DEC2019 to 06JAN2020

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.

January 10, 2020

Signature

Date