

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.

Notice: Section NR 439.03(4), Wis. Adm. Code, contains various requirements for an owner or operator of a source to report to the department by the next business day any deviation from permit requirements and certain malfunctions or other unscheduled events at the source that were not reported in advance to the department. You may use this form to submit your Deviation Report. Use of this Form is voluntary. Please note that Deviation Reports must be signed by a responsible official, as defined in NR 400.02(136), Wis. Adm. Code. Personally identifiable information collected on this Form may be provided to requesters as required by Wisconsin's Open Records law (ss. 19.31-19.39, Wis. Stats.).

Facility Name:	Facility Identification No. (FID):
Permit No. and Condition(s) Affected:	Permit Process No./Unit Description:
Start/Stop Time(s) of Deviation/Malfunction:	Pollutants Affected (and estimate of excess emissions emitted with basis/calculations of estimate):

Description of Deviation/Malfunction:

Cause(s) of Deviation/Malfunction:

Method Used to Determine Deviation/Malfunction:

Corrective Action(s) taken during the period of deviation/malfunction to address problem and minimize emissions (including when they were taken and the period of time necessary to correct the deviation/malfunction):

Status of Operation:

Measures Taken During and After Deviation/Malfunction To Prevent Re-Occurrence:

Was the facility's Malfunction Prevention and Abatement Plan revised (please provide if revised)? Yes No

Certification

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this document are true, accurate and complete.

Report prepared by: _____

Signature of Responsible Official	Title	Date
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DEVIATION REPORTING FAQ

What is a deviation?

A **deviation** occurs any time an owner or operator cannot claim complete conformance with every term and condition of applicable permits and regulations.

When should deviations be reported?

Wisconsin Administrative Code chapter NR 439 requires deviations to be reported twice. The initial report is required by the next business day in accordance with section NR 439.03(4). Subsequently, all deviations are required to be identified in the facility's compliance monitoring report in accordance with section NR 439.03(1)(b). [Note: there are rules that may require other reporting timeframes. For example, a hazardous air spill requires immediate notification in accordance with NR 439.03(4)(a)1 & NR 445.16; a MACT startup, shutdown, or malfunction deviation allows the reporting timeline as provided in 40 CFR 63.6(e)(3)(iv) & 63.10(d)(5)(ii)]

What should be reported when a deviation occurs?

The following information is required or recommended to be reported in the initial deviation report. Form 4530-182 has been created for your use. Example deviation forms are found at <http://dnr.wi.gov/topic/AirPermits/Forms.html> under the Compliance tab. [Note: there are rules that may require additional information to be provided. For example, a MACT startup, shutdown, malfunction deviation report is required to contain the information listed in 40 CFR 63.10(d)(5)(ii)]

1. Description of deviation
2. Permit condition deviated (e.g., I.B.3.c.(4))
3. Permit process number (e.g., boiler B10)
4. Start/stop time of deviation
5. Cause(s) of deviation
6. Method used to identify deviation
7. Corrective action(s) taken (including when they were taken)
8. Status of operation
9. Measures taken to prevent re-occurrence
10. Provide updated malfunction prevention and abatement plan (MPAP) if revised

To comply with the deviation reporting requirement in compliance monitoring reports you may attach a copy of the completed (all recommended information included) initial reports, complete form 4530-171 (<http://dnr.wi.gov/topic/AirPermits/Forms.html>), or another method approved by the department.

Who needs to submit the reports?

NR 439.03(10) requires each report to be certified by a responsible official as to its truth, accuracy and completeness. In addition, the report shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete. Responsible official is defined in NR 400.02(136).

Where do I submit the reports?

Initial deviation reports and compliance monitoring reports should be submitted to the WDNR Air Compliance Engineer assigned to your facility. If you do not know the WDNR Air Compliance Engineer assigned to your facility please log into the WDNR switchboard at <http://dnr.wi.gov/topic/Switchboard> and click on review facility contacts.



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-19-0077

DOCUMENT TITLE

Air Permit Next Business Day Deviation Form

PROGRAM/BUREAU

Air Management

STATUTORY AUTHORITY OR LEGAL CITATION

Section 285.17, Wisconsin Statutes; Chapter NR 439, 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