



Flexible Permits in Wisconsin

September 25, 2017

Gail Good

Director

Air Management Program

Wisconsin Department of Natural Resources



What is Permit Flexibility

- Concern about time from concept to groundbreaking
- Permit flexibility can provide:
 - Shorter turn-around on construction permit reviews
 - Reduced need for construction permits
 - Reduced need to revise or modify permits
- Permit flexibility - How to get there?
 - Rules
 - Streamlined processes
 - Standardized documents
 - Easy and quick access to documents
 - Real time tracking of work and workload



WI Permit Program Improvements since 2002

- Permit flexibility
 - General permits
 - Registration permits
 - Exemptions
 - Construction waiver
 - Cooperative Environmental Agreements and Green Tier
- Process improvement and improved IT tools
 - WARP – Document management and tracking
 - Guidance and policy available on the web
 - Centralized permit administrative services
 - Web access to documents



General Permits

- One permit covering many facilities in a source category
 - Permit is written, undergoes public comment and is issued
 - Qualifying sources receive coverage decision under the permit within 15 days of application
 - Allows some modifications without a construction permit
- Currently, 423 facilities in WI covered under a GOP
 - 308 crushers
 - 103 asphalt plants
 - 12 printing facilities
- Issues - Few
 - Printer GOP was a large workload, resulted in fewer users



Registration Permits

- One permit covering many sources with low emissions
 - Permit is written, undergoes public comment and is issued
 - Qualifying sources receive coverage decision under the permit within 15 days of application
 - Allows modifications without a construction permit, as long as facility continues to qualify after the change
 - Since 2006, WDNR has issued 3 types of Registration Permits
 - Type A ROP – For sources emitting less than 25% of major source threshold
 - Type B ROP – For sources emitting less than 50% of major source threshold
 - Type C ROP – For printers sources with less than 25% of major source threshold for criteria pollutants and 50% for HAPs



Registration Permits

- Currently, 679 facilities in WI covered under a ROP
 - 555 Type A ROP
 - 54 Type B ROP
 - 70 Type C ROP for printing facilities
- Issues - Permit does not list applicable requirements
 - Sources do not understand air pollution rules that apply to them
 - Difficult to verify emissions or compliance
 - Adds to difficulty in creating inventories for SIP planning



Exemptions

- Facility-wide operation permit exemptions
 - Actual emissions based operation permit exemption – Facilities that emit less than 10 tons per year of each criteria pollutant do not need an operation permit. *In addition, new construction is also exempt as long as facility remains below 10 tons per year.* Adequate records must be retained.
 - Natural Minor exemption – Exempts facilities that are not major and are not synthetic minor from operation permits. Construction permit still applies.
 - Other exemptions based on maximum theoretical emissions.
 - Other exemptions based on source type and throughput.



Exemptions

- Currently, 299 facilities in WI covered under these exemptions
 - 195 facilities covered under actual emissions based operation permit exemption
 - 17 Natural Minor exemptions
 - 87 sources have determinations under other exemptions
- Issues – Sources still subject to applicable requirements
 - Sources do not understand air pollution rules that apply to them
 - Difficult to verify emissions or compliance
 - Adds to difficulty in creating inventories for SIP planning



Construction Waiver

- Allows sources to begin construction prior to receiving a construction permit
 - Complete application for the permit and a fee is received
 - Project is not a major source or major modification *and* project does not need permit limits to avoid major source status
 - Facility demonstrates hardship
 - Facility may not operate until a permit is issued



Construction Waiver

- Approximately 120 waivers have been granted
- Issues - Few
 - Risk to facility if permit is denied
 - Risk to facility if changes in building or stack configuration are needed for air quality review
 - Issues have not been experienced in practice



Green Tier

- Green Tier and its precursor law, the Cooperative Environmental Agreement, provide regulatory flexibility to facilities demonstrating superior environmental performance
 - Facilities must implement an environmental management system
 - Facilities enter a contract with DNR that lays out commitments of both parties
 - Organizations may enter into charters under Green Tier and their qualifying member facilities can obtain regulatory flexibility
 - Three facilities have flexible air permits as regulatory flexibility
 - Northern Engraving – Minor source flexographic printing facility
 - Serigraph – Minor source screen printer
 - 3M – Specialty plastics, adhesives, etc.
- Issues – Contracts must be renewed periodically, affecting flexible permit renewal



Plant-wide Applicability Limit (PAL)

A PAL caps facility-wide emissions of an NSR pollutant

- Main advantages:
 - As long as the facility does not exceed its cap, any changes are not major modifications and do not require BACT or LAER review
 - Once the PAL is established, the facility may eliminate previously established unit by unit NSR avoidance limits
- Several Wisconsin companies have looked into establishing a PAL, but to date, none have submitted an application
- PAL has a 10 year life and must be lowered upon renewal if actual emissions are too far below the cap
- If a facility decides not to renew its PAL, potential emissions that were added under the PAL are now distributed among emission units at the regulators discretion



Process Improvement and Improved IT Tools

- WARP – Document management and tracking
- Guidance and policy available on the web
- Centralized permit administrative services
- Web access to documents
- Establishment of metrics issuance goals and targets
- Real time tracking of progress on permit review



Thank You!

Gail Good

Gail.Good@wisconsin.gov

608-264-8537