

Appendix B

Title V Document Review

September 20, 2005

Summary

During the site visit on September 20-21, 2005, USEPA completed a file review of selected Wisconsin Title V permits. Prior to USEPA's arrival WDNR was requested to choose operation permits from five different categories for USEPA's review. USEPA evaluated the permit application, permit, and statement of basis in each file, and answered questions from the file review questionnaire for each permit file. Note that this was a cursory review, with approximately only an hour or two spent per permit file. The categories and chosen permits are listed below:

- A. A synthetic minor source: Skyline Steel Incorporation
- B. A permit containing compliance assurance monitoring (CAM): Algoma Hardwoods; and a Title V renewal permit: Algoma Hardwoods
- C. A General Permit: Jefferson County Highway Department (this permit is also a synthetic minor permit)
- D. A permit whose public notice generated significant public comment: Madison Kipp Corporation
- E. A source subject to either a NSPS or MACT and BACT regulation: Wisconsin Public Service Corporation - Madison Gas and Electric
- F. A permit that had netting and BACT applied previously in the permitting process (in a construction permit): Charter Steel

General Permit File Contents

A. Skyline Steel Incorporation, # 111048520-F01

9/26/02 Letter to Skyline from WDNR requesting a permit application be submitted

3/25/05 Certified mail receipt (to EPA)

3/21/05 Letter to facility with final signed permit

9/4/03 Full Air Compliance Evaluation Summary

11/6/03 Letter of non-compliance to facility (close out of enforcement action)

9/29/03 Letter to the facility request for additional information for operation permit

10/10/03 Letter from Skyline to WDNR responding to information request

2/17/05 Copy of newspaper notice with public notice

2/10/05 Letter to facility with copy of draft permit

2/10/05 Official signed public notice

Name of newspaper for public notice to be published and list of interested persons/entities for public notice to be sent

2/10/05 Letter to public library with copy of draft permit (and PD and public notice)

3/21/05 WDNR internal memo regarding an after the fact construction permit to be issued

1/19/05 WDNR internal memo with air dispersion analysis for facility

Permit writer notes and e-mail messages regarding air dispersion analysis

3/9/04 Letter from Skyline to WDNR with additional information for operation permit and

7/23/03 Permit application (requested a construction permit and FESOP)

10/03 Permit Application from Skyline for control equipment (baghouse /fabric filter) and copy of site plan, and application for compliance certification and MRR description, application for unit summary, for HAP summary, for painting and coating operations, etc.

B. Algoma Hardwoods, # 431004970-P10 and P11

7/26/05 Letter to Algoma with final operation permit (revision to Title V renewal)

6/27/03 Letter to Algoma with final operation permit (renewal)

11/17/98 Letter to Algoma with final operation permit (revision to original)

P01 is not included in the file, it's unclear whether P02 replaces P01 in its entirety. Says P01 had a "material mistake"

1/30/98 Letter to Algoma with final after the fact construction permit

9/16/88 Letter to Algoma with State issued permit to construct and operate

1/20/05 WDNR memo with stack test review data

7/03 Stack test data from 2003

9/7/95 WDNR Air Compliance Inspection Summary

12/16/91 WDNR Inspection Report

1986 through 1987 WDNR Inspection Reports

3/7/03 Letter of noncompliance to facility

6/5/97 Letter of noncompliance to facility

9/18/95 Letter of noncompliance

3/19/92 Letter of return to compliance

6/27/91 Notice of Violation

1991 Letters of noncompliance

6/9/03 WDNR request to USEPA for expedited permit review for Title V renewal

9/2000 Letter from Algoma to WDNR - biannual report

2/99 letters between Algoma and WDNR regarding coverage of some units from a construction permit in the Title V permit revision (P02)

12/98 Preliminary Stack Test Review also from 1997 too,

10/97 letter to Algoma regarding modeling and stack parameters

8/31/95 Title V permit application submitted

9/1/95 Letter from WDNR to Algoma regarding malfunction prevention and abatement plans

2/18/93 Letter to Algoma regarding RACT rule applicability

1991 Preliminary Stack test review

1991 Letter to WDNR with Algoma's coating material inventory

1986 letters between WDNR and Algoma's regarding the SO2 rule and fuels used

Multiple letters between WDNR and Algoma dating back to 1980

Letter to WDNR on 4/7/05 with application to reduce stack height

Copies of newspaper notices for P11, (4/29/05) and copy of public notice and interested persons list

4/14/05 letter to Algoma with copy of final permit (P11)

3/14/05 Initial Notification Report

7/25/03 letter from USEPA expediting review of permit

Copy of public notice, newspaper notice, interested persons list 4/2/03 for P10 (along with a construction permit revision concurrently)

5/3/02 Algoma submitted the Title V operating permit renewal application (huge file with 17 sections)

1/17/00 Algoma's Facility Annual Report for Permit P02

6/25/98 newspaper public notice for permit P02.

8/28/98 Algoma's Facility Biannual Report for P01

6/5/98 public notice document for permit P02, and interested persons list

6/5/98 letter to Algoma and copy of final permit revision P02 (P01 had an incorrect pressure drop range and mislabeled a stack. These changes went through public comment.)

5/4/98 letter to Algoma with copy of final permit P01

5/21/98 WDNR memo to file with public comments on P01

1/22/98 copy of news paper notice for P01 and interested persons list

11/18/94 letter to Algoma that Title V application is complete

10/31/94 part 70 permit application from Algoma for Title V permit

4/26/01 letter from Algoma with MACT application

7/21/94 letter from DNR to Algoma regarding extending the deadline for filing an application (requested by source)

copies of final P01 permit, 1/14/98 (signed)

12/22/97 additional application materials and data from Algoma

10/31/94 official or another copy of part 70 application (large)

several construction permit requests/proposals/applications, such as 7/19/99 proposed construction of a new paint spray booth, so revision of P02 to P03, 7/9/99 letter to source requesting information on this booth, unclear whether P03 was ever issued

11/11/97 after the fact construction permit for mineral core sanders, and Newspaper notice, affected persons list, copy of permit, response to comments on permit (memo to file 1/27/98)

10/31/97 permit application for construction for the mineral core sanding, source and site descriptions, additional documentation

WDNR modeling results of this project (sanding)

12/17/97 DNR notice of permit revocation of construction permit since unit was dismantled, and public notice on this (21 day notice) and copy of interested persons list

4/6/05 DNR memo to file, air dispersion analysis results for modeling, and internal notes, and e-mails regarding this analysis, site plans, terrain descriptions, etc.

1/27/86 SO2 modeling results to meet statewide limit

C. Jefferson County Highway Department, #399035450-G10

General Operation Permit (GOP) Crusher Permit to Jefferson County

Crusher PD, general, no sources listed

3/7/05 letter to facility with final permit

9/16/04 letter of non compliance close out to submit construction permit application

8/17/04 letter to facility regarding construction permit application

11/1/04 newspaper public notice of FESOP (for #3999035450-F01)

10/15/04 letter to facility regarding fees

10/15/04 public notice of construction and con-op and FESOP

10/15/04 letter to library w/ permit

copy of interested persons list - includes IEPA, MDEQ, and MPCA

PD from 10/4 and permit for 10/4 are for construction, con-op, and FESOP (final signed permit was 12/3/04)

9/20/04 GOP application form

D. Madison Kipp Corporation # 113014220-P01

5/10/04 permit fee invoice for construction permit

4/26/04 letter to facility with signed construction permit to modify two aluminum melt furnaces

12/20/00 permit application fee invoice

12/20/00 letter to facility with copy of signed construction permit to construct a replacement 2000 KW diesel generator.

5/10/01 letter to facility with copy of signed Title V permit (Title V permit to incorporate 95-MWH-027-OP, 97-POY-071, and AM Orders AM-96-01 and AM-95-06)

several other fee invoices, various dates

12/08/00 letter to facility with signed construction permit - for the construction of a reverberatory aluminum furnace with chlorine demagging. (00-BSP-944)

12/8/00 letter to facility with signed copy of construction permit - to construct a reverberatory aluminum furnace with chlorine demagging. (99-BSP-912)

12/2/98 letter to facility regarding construction permit exemption

4/26/98 letter to facility regarding construction permit exemption

8/13/97 letter to facility with signed construction permit for construction of three emergency generators (97-POY-071)

6/12/97 letter to facility regarding construction permit exemption

3/21/96 letter to facility regarding an administrative order

11/2/95 letter to facility with signed con-OP permit to operate an aluminum melt furnace (95-MWH-027-OP)

11/2/95 letter to facility regarding administrative order

7/6/95 letter to facility with signed copy of after the fact construction permit to construct an aluminum melt furnace (95-MWH-027)

2/16/95 letter to facility with signed copy of con-OP permit to operate a 2500 KW output gas turbine generator (93-DCF-016-OP)

3/31/93 letter to facility with signed construction permit to construct a 2800 KW gas turbine generator (93-DCF-016)

1/15/93 letter to facility with signed construction permit to construct two 1208 KW Diesel emergency generators (92-DCF-137)

3/16/89 letter to facility with signed construction permit to construct a 4 ton per hour reverberatory aluminum melting furnace (89-JFH-402)

Numerous complaint/inquiry reports:

7/1/02 complaint and follow-up

10/11/00 complaint

8/28/00 complaint

4/28/99 complaint

9/29/99 complaint

Numerous complaints, dating back to '97 with at least a dozen in '98 and '99

10/5/04 letter to facility to closeout a 2/2/04 Notice of Violation

2/2/04 letter to facility with a NOV that facility had emitted more than permitted levels

4/11/97 letter to facility to closeout a 2/27/95 NOV

4/11/97 letter to facility to closeout letters of non-compliance from March '94, Dec. '94, and Feb '95.

11/13/96 letter to facility from USEPA: Request for Information Pursuant to the CAA (section 114 request)

10/24/97 - Police report regarding complaint at facility

11/6/97 - letter from Senator to DNR regarding citizen complaints at facility

9/25/97 letter from facility to WDNR regarding permit conditions in construction permit 95-MWH-027

9/16/97 facility contact report regarding complaints

9/8/97 facility contact report regarding complaints

8/11/97 letter from facility regarding permit fees

8/14/97 Madison Department of Public Health, "Madison Kipp Corp Surveillance Questionnaire"

7/29/97 letter from consultant regarding applicability of NR 406 to facility

7/97 numerous letters from consultant regarding applicability, construction, permits, etc, and letters from facility to consultant regarding furnace maintenance

6/4/97 letter from facility to its friends and neighbors to assure them they are a good neighbor

numerous letters dated 1996 through 1997 to WDNR from citizens, regarding Madison Kipp, questions on emission, concerns with facility, etc.

Several more facility contact reports from 1997 and 1998 and follow up

12/6/96 letter to WDNR from Madison Kipp with information WDNR requested

other letters between WDNR and Madison Kipp regarding information requests, units, applicable requirements and administrative orders dated in '95, '96, and '97.

Numerous citizen complaint/inquiry reports from 2002

7/31/02 copy of air pollution control operation permit six month report from Madison Kipp, also one from 2/28/02

7/26/02 preliminary stack test review

4/10/01 "source testing protocol for RCI Reverberatory Furnance" prepared by Madison Kipp

7/26/01 operation permit 6 month report from Madison Kipp

several other letters regarding compliance between WDNR and Madison Kipp, and applicability and exemptions

12/9/00 WDNR memo to files - summary and response to public and EPA comments on permit 00-BSP-929 and 929-OP

12/18/00 addendum to Title V PD because Madison Kipp requested a more restrictive PM limit to comply with NAAQS

letters to and from WDNR and Madison Kipp regarding permit applications

10/15/00 petition from Clean Air Madison to WDNR requesting that testing for dioxins be done at Madison Kipp. Petition includes signatures of citizens

8/27/98 Application for S01 permit - state only, non part 70

6/26/95 letter to facility from WDNR regarding facility's request for an extension to submit the operation permit application. This was granted until 11/15/95

10/25/95 Madison Kipp's Title V permit application (very large, 8 sections)

E. Wisconsin Public Service Corporation (WPSC) - Madison Gas and Electric (MGE)

1/14/00 Comments by WPSC on the preliminary permit 99-RV-136

1/19/01 Copies of operating permit application, monitoring and compliance certification forms for MGE

1/22/04 Analysis, Preliminary Determination, and Draft permit

2/04/04 WDNR letter to MGE approving the PD and draft permit for public notice

3/31/04 Affidavit of publication

3/15/04 List of persons who were sent the draft permit

12/06/04 WDNR letter to MGE transmitting the final permit

F. Charter Steel

12/07/04 Issuance of permit 246044700-P01

12/19/03 Issuance of permit 02-DCP-178

2/28/02 Issuance of permit 01-DCF-116

File Review Questionnaire

Source A = Skyline Steel

Source B = Algoma Hardwoods

Source C = Jefferson County Highway Department

Source D = Madison Kipp Corporation

Source E = Wisconsin Public Service Corporation - Madison Gas and Electric

Source F = Charter Steel

What To Look For in Applications

Do original and renewal applications in general:

Y N 1. List the non-exempt insignificant emissions units (IEUs), information necessary to determine applicability of, or to impose, any applicable requirement, or to evaluate the fee amount?

Yes the IEU list is provided for A, B, D, E, and F.

No for C, the general permit

2. Contain the following emissions-related information:

Y N a. All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants and additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees?

Yes for A, B, D, E, and F

No for C

Y N b. Identification and description of all points of emissions in sufficient detail to establish the basis for fees and applicability?

Yes for A, B, C, D, and F

No for E. (The list of IEU's is provided, but no calculations are provided because of the permit engineer's experience with similar units. However, in the cover letter for the final permit to the source, WDNR states that emission limitations may apply to a specific list, and that

the source must ensure compliance with all emission limits that apply.)

- Y N c. Identification and description of air pollution control equipment and compliance monitoring devices or activities?

*Yes for A, B, D, E, and F
No for C (N/A)*

3. Contain the following air pollution control requirements:

- Y N a. Citation and description of all applicable requirements?

In general yes for A, B, C, D, E, and F. Part 70 requires sources to list applicable requirements in the application, but many sources mistakenly omit some. WDNR has instructions on how to do this, WDNR application forms 130, 131, and 133. WDNR's application form "current emissions requirements and status of unit" has a column for the pollutant, then a column for the WI code that applies then a column to list the limitation, then a column for the current compliance status. FESOP sources are not required to do this. They just identify their units and WDNR does it.

- Y N b. Description of or reference to any applicable test method for determining compliance with each applicable requirement?

*Yes for A, E, and F
No for B, C, and D*

- Y N 4. Include an explanation of any proposed exemptions from otherwise applicable requirements?

*No for A, C, D, E, and F (no exemptions were included)
B has an exemption to NR 445.05(1)(2)(3)(4) and (4r) for boiler B01 because it burns only natural gas. Also, 40 CFR 63 Subpart JJ, does not apply because the facility does not manufacture wood furniture or wood furniture component.*

5. Contain a compliance plan that contains all the following:

- Y N a. A description of the compliance status of the source with respect to all applicable requirements?

WDNR has a box in the application where the facility is to indicate compliance status.

b. A description as follows:

- Y N i. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements?

WDNR required sources to report their compliance status, but no statement is included that it will continue be in compliance.

- Y N ii. For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis?

This is in WDNR's rule, but not in application itself, see the application forms and instructions

- Y N iii. For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements?

Usually yes this is included in a compliance schedule but none of these permits included a compliance schedule.

c. A compliance schedule as follows:

- Y N i. A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance? Such a schedule shall

include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance.

- Y N ii. A compliance schedule that resembles and is at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject.

Usually yes this is included in a compliance schedule but none of these permits included a compliance schedule.

- Y N d. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation?

Yes (but none of these permits had a compliance schedule)

6. Include a requirement for compliance certification that contains:

- Y N a. A certification of compliance with all applicable requirements by a responsible official?

Yes for A, B, C, D, E, and F

- Y N b. A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods?

Yes for A, B, D, E, and F (WDNR has a form, "Compliance certification - Monitoring and Reporting Description of methods used for determining compliance" where sources list the methods for determining compliance in that it lists the forms it will use for each of the following: such as a CEM, portable monitors, stack testing, fuel sampling, etc.)

No for C

Y N c. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act?

Yes for A,B, D, E, and F

No for C

What To Look For In Permits

Y N 7. General permits only - Are the eligibility criteria clear? Attach.

Yes for C, they are described in the PD and are based on capacity per hour.

Y N 8. Are all the emission units at the sources addressed in the permit or, if multiple permits are issued, are all the emission units addressed through all the permits that apply to the source? (Note: for nonmajor sources, the T5 permit(s) need only include the emissions units that cause the source to be subject to the part 70 program.)

Yes for A, B, C, D, E (Except for the IEU's), and F

Y N 9. Are all applicable requirements included in the permit or, if multiple permits are issued to one source, are all the applicable requirements addressed through all the permits that apply to that source? (Note: for nonmajor sources, the T5 permit need only include "all applicable requirements applicable to emissions units that cause the source to be subject to the part 70 program") (Identify any missing requirements.)

Yes for A-F

a. General permits only - Are there sources that are authorized to operate under a general permit that have source specific requirements not included in the general permit (or in another permit, if multiple permits are issued) (e.g., NSR permit terms; compliance schedules).

Yes for C, they have a construction permit, but it contains the same requirements as the general permit, so the construction permit can just be rolled into the general. (So there are no requirements outside of the general permit.)

Y N b. Are all SIP requirements applicable to the sources included in the permit?

Generally yes for A-F (Each permit writer has to check this for each permit, but we did not have the time during our review to verify this for every single requirement.)

Y N c. If the applicable MACT or NSPS includes multiple emission limits (e.g., depending on fuel type), compliance options, monitoring, recordkeeping, or reporting requirements, or other decision trees, does the permit specify the method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with required monitoring?

*None found for A, B, and D, N/A for C
Yes for E, and F*

Y N d. Does the permit clearly specify the method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with required monitoring?

Yes for A, B, C, D, E, and F

Y N 10. Does the permit describe the origin and authority of each term and condition?

Yes for A-F

11. Are the following standard terms and conditions included in the permit (or, if multiple permits are issued, are these terms and conditions included as applicable to the source overall):

Generally yes for all of #11 for A-F, except where otherwise indicated below. (This is found in Part 2 of all permits, the General Requirements)

- Y X N **Severability clause (§70.6(a)(5)):** If any part of this permit is declared invalid, the remainder of this permit shall remain in effect and enforceable
- Y X N **Duty to comply (§70.6(a)(6)(i)):** The permittee must comply with all conditions of the part 70 permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application
- Y X N **Need to halt or reduce activity not a defense (§70.6(a)(6)(ii)).** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit
- Y X N **Modification, revocation, etc for cause (§70.6(a)(6)(iii)).** The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition
- Y X N **No property rights (§70.6(a)(6)(iv)).** The permit does not convey any property rights of any sort, or any exclusive privilege
- Y X N **Duty to provide information (§70.6(a)(6)(v)).** The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the

permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality

Y X N **Inspection and entry (§70.6(c)(2)).** Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the permitting authority or an authorized representative to perform the following:

(i) Enter upon the permittee's premises where a part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(iv) As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Y X N **Payment of Fees (§70.6(a)(7)).** The source must pay fees to the permitting authority consistent with the approved fee schedule

Y N **Changes provided for in permit (§70.6(a)(8)).** No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit

This is not included in the general conditions. However, the general requirements state that changes in permit content are regulated under Wisconsin's permit flexibility provisions.

Y X N **Certification of all documents and reports (§70.5(d) and 70.6(c)(1)).** Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

YX N **Compliance certification (§70.6(c)(5)).** A schedule for submission of compliance certifications to the permitting authority and EPA during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority . Compliance certifications shall include:

(I) The identification of each term or condition of the permit that is the basis of the certification;

(ii) The compliance status;

(iii) Whether compliance was continuous or intermittent;

(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with required monitoring; and

(v) Such other facts as the permitting authority may require to determine the compliance status of the source;

(Note: depending on the PA's approved certification rule, a different compliance certification may be appropriate.)

Y X N **Permit term (§70.6(a)(2)).** Does the permit expire at the end of 5 years, or does it expire upon renewal?

The permit expires in 5 years. The permit states, "A renewal application must be submitted at least 6 months,

but not more than 18 months, prior to this expiration date. No permittee may continue operation of a source after the operation permit expires, unless the permittee submits a timely application for renewal of the permit. If you submit a timely application for renewal, the existing operation permit will not expire until the renewal application has been finally acted upon by DNR."

Note: Permit term of up to 5 years for most sources; fixed term of 5 years for acid rain sources; up to 12 years (with a 5 year review) allowed for solid waste incineration units combusting municipal waste subject to §129(e) standards.

Y N **Federally-enforceable requirements (§70.6(b)).** All terms and conditions of this permit, including any provisions designed to limit potential to emit, are enforceable by EPA and citizens under the Clean Air Act unless they are specifically designated as not federally enforceable .

Wisconsin's permits don't exactly state this, but it is accomplished by default language. The preamble language states, "An Asterisk "" throughout this document denotes legal authority, limitations and conditions which are not federally enforceable" thus, those not marked are federally enforceable."*

Note: Terms and conditions must be designated as not federally enforceable (i.e. "state only") if they are not required under the Clean Air Act or under any of its implementing regulations.

Y X N **Permit shield (§70.6(f)).**¹
(a) Compliance with permit conditions shall be deemed compliance with [identification of applicable requirements included in and specifically identified in the permit] as of the date of permit issuance.

¹Not all states require a permit to contain the permit shield. Changes under the following provisions are not entitled to the shield: operational flexibility changed under § 70.3(b)(12)(i) and (ii); off permit changes under § 70.3(b)(14); certain administrative amendments under § 70.7(d); and minor permit modifications under § 70.6(e) (including group processing).

(b) The following requirements have been determined not to apply to the permittee as of the date of permit issuance for the reasons specified [permit must include the reasons for the determination of inapplicability or a concise summary thereof]. Y

(c) Nothing in this permit shall alter or affect the following (optional):

- (i) The provisions of section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
- (ii) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- (iii) The applicable requirements of the acid rain program, consistent with section 408(a) of the Act; or
- (iv) The ability of EPA to obtain information from a source pursuant to section 114 of the Act.

Did not find this language in Wisconsin's permits.

- Y X N **Reopenings for Cause (§70.7(f)).** The permit shall be reopened and revised under any of the following circumstances :
- (i) Additional applicable requirements under the Act become applicable to the permittee with a remaining permit term of 3 or more years.² Reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No reopening is required if effective date of the requirement is later than the date of permit expiration, unless the original permit or any of its terms and conditions has been administratively extended.
 - (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
 - (iii) The permitting authority or EPA determines the permit contains a material mistake or that inaccurate

²Reopening is required in such a case only for major sources.

statements were made in establishing the emissions standards or other permit terms or conditions.

(iv) The Administrator or permitting authority determines that the permit must be revised or revoked to assure compliance with applicable requirements.

(v) [Other circumstances identified in the permit as cause for reopening the permit occur prior to expiration of the permit.]

Y X N 12. Does the permit contain all monitoring required by applicable requirements?

Yes for A-F

Y X N 13. Does the permit have sufficient monitoring (i.e., monitoring added through periodic monitoring or 70.6(c)(1) authority) to assure compliance with all applicable requirements as required by the Act³?

Yes generally (from our preliminary review) for A-F

Y N 14. Does CAM apply to any emissions units at this source? If yes does the monitoring in the permit meet CAM requirements including:

No for A, C, D,

Yes for B. (CAM is done as an attachement to permit, with the requirement in the permit to comply with the CAM requirements. Permit also states that where conditions in part 1 of permit are more stringent than CAM, these permit conditions shall apply." We have commented on this language in other permits and need to elevate so that WDNR removes it from its templates. There is also a requirement to report any exceedances of a QIP threshold in the semi annual report.) For B:

Y X N a. indicator(s) to be monitored;

Yes, the pressure drop across the bagfilter

³ The term "monitoring sufficient to assure compliance" means adequate monitoring required by the underlying standard, CAM, periodic monitoring under 70.6(a)(3)(i)(B), sufficiency monitoring under 70.6(c)(1), or if no additional monitoring is required, a justification in the statement of basis that no additional monitoring is appropriate.

- Y N X b. the means or device to be used to measure the indicators;
- Y X N c. performance requirements;
- Y X N d. means by which an exceedance or excursion is defined;
- Y X N e. obligation to conduct the monitoring and fulfill the other obligations specified in §§ 64.7 through 64.9;
- Y X N f. if appropriate, a minimum data availability requirement for valid data collection for each averaging period and, if appropriate, a minimum data availability requirements for the averaging periods in a reporting period;
- Y N X N/A g. if the monitoring requires installation, testing or final verification of operational status, is there an enforceable schedule with milestones consistent with § 64.4(e); and
- Y X N h. is CAM plan not just attached to the permit? [Note: answer yes to this question if the permit correctly includes monitoring based on the CAM plan and no if the permit simply incorporates the CAM plan itself.]
- Y X N 15. Does the permit contain adequate record keeping requirements, such as:

Generally yes for A-F, except as indicated below:

- YX N a. the date, place as defined in the permit, and time of sampling or measurements for all monitoring;
- YX N b. the date(s) analyses were performed;
- Y N c. the company or entity that performed the analyses;
- Yes except this is not included for E**
- YX N d. the analytical techniques or methods used;

- YX N e. the results of such analyses; and
- YX N f. the operating conditions as existing at the time of sampling or measurement?
- Y X N 16. Does the permit require the retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application?

Yes for A - F (in Part II of the permits, the general conditions)

- Y N 17. Does the permit specify a specific time frame for completing the corrective action?
(If this is referring to deviations or malfunctions, then yes, this is included in the general permit conditions of Part II of the permit.)
- Y N X 18. Does the permit specify a specific time by which any new monitoring must be operational?
No for A-F
- Y X N 19. Is credible evidence buster language included in the permit?

The Title V permits generally include phrases from Wisconsin's rules, such as, "shall be limited to", "shall monitor", "shall record," etc. Because such language is inherent in some standards, all permits include the following standard language in the title V preamble, "Notwithstanding the compliance determination methods which the owner or operator of a source is authorized to use under ch. NR 439, Wis. Adm. Code, the department may use any relevant information or appropriate method to determine a source's compliance with applicable emissions limitations."

- Y N X 20. Does the permit allow the source to violate an emission limit for some amount of time before it is a violation? For example, does the permit say it is not a violation to exceed a limit less than 5% of the time.

No for A - F

Y N 21. Are monitoring plans and records for this permit accessible to the public?

Any off permit record or plan is available to view at the WDNR office if requested

Y X N 22. Did the permit go out to public notice?

Yes for A-F

Y N 23. Were the affected State(s) (if any) notified of this permit?

N/A for A, B, D, E, and F

Yes for C (Since portable sources can locate anywhere, WDNR sent notices to MN, MI, and IL. WDNR does this for all portable sources just in case they locate near a border.)

What To Look For In the Statement of Basis

Y X N 24. Does the permit's Statement of Basis justify how the monitoring in the permit will assure compliance including a justification if no additional monitoring was required?

**Yes generally for A-F, however, the SB (PD) states what compliance method will be used, and its not always further justified (some required by rule)
For B, the Statement of basis not included in permit file, but a copy was available on WDNR's website**