Implementation of the Title V Operation Permit Program in Wisconsin

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Abstract
Wisconsin was one of the first states to receive interim approval from the United States Environmental Protection Agency (USEPA) of its plan to implement the Title V Operation Permit Program when its State Implementation Plan (SIP) was published in the Federal Register on March 6, 1995 with an effective date of April 5, 1995. The Title V Operation Permit Program was one part of the Amendments to the Clean Air Act signed by President George Bush in 1990. Under the Title V program, all major sources of air pollution are required to submit permit applications summarizing air emissions from each significant emissions unit at their facility. After processing the permit applications, state and local agencies will issue operation permits to major sources that will be valid for a period of five years. There are approximately 1100 major sources of air pollution in the state of Wisconsin that will need to obtain Title V permits. The ability to issue these Title V permits will depend on both the regulating and regulated communities continuing to develop their expertise in the areas of regulatory requirements, industrial processes, and air pollution control.

Introduction

The state of Wisconsin has implemented and begun administering the Title V Operation Permit Program mandated by the 1990 Amendments to the Clean Air Act. The Title V program requires approximately 1100 sources of air pollution in Wisconsin and tens of thousands of sources nationwide to obtain operation permits. Wisconsin was one of the first states to receive interim approval from the United States Environmental Protection Agency (USEPA) of its State Implementation Plan (SIP) which outlined how the state would comply with the requirements of the Title V program. Through December 31, 1996, permit engineers in Wisconsin had issued permits to 215 of the approximately 1100 major sources in the state and were steadily working towards issuing the remaining permits in a timely manner. The remainder of this paper discusses various issues associated with Wisconsin's experience with the Title V program including the background a person needs to work in the air quality field, who needs a Title V permit, a brief history of the Clean Air Act, implementation and status of the Title V program in Wisconsin, and how Title V permit applications are processed in Wisconsin.

What does a person need to know to work in Air Quality?

Managing the nation's air quality is a complex and multi-disciplinary endeavor within the environmental engineering field. An individual working in the air quality field needs to have

strong problem solving and communication skills along with a knowledge of chemistry, environmental law, and industrial processes. At present, most plant and regulatory agency personnel come to their jobs in air quality with general skills and learn the specifics of managing air quality on the job.

From the agency perspective, managing air quality has two components, permits and compliance. Permit engineers write air pollution control permits while compliance engineers verify that facilities are complying with their permits. Air Management Engineers in Wisconsin (both permit engineers and compliance engineers) need to have an engineering degree or have passed an engineering equivalency exam. Most permit engineers (37 of 38 surveyed) have engineering degrees since an engineering background helps the individual handle the complexity of writing air pollution control permits. Any type of engineering degree is acceptable though a chemical engineering degree provides the best background. Of the 38 permit writers surveyed, 20 have degrees in Chemical Engineering, 5 have degrees in Mechanical Engineering, and 5 have degrees in Civil & Environmental Engineering. Chemical Engineering was also the most common field of study for compliance engineers as 11 of the 32 compliance engineers surveyed have a Chemical Engineering degree.

More important than the type of engineering degree are the individual's ability to solve problems, communicate effectively, and understand the complexities of the regulations. The ability to solve problems is important because no two permits are alike and there are many decisions to make while processing a permit application. Communication skills are critical because regulatory agency personnel are often required to work with companies to lead them through the regulatory maze and point them to the regulations that affect their operations. One significant area where an agency person's knowledge of air quality issues is used is in the implementation of the Title V Operation Permit Program mandated by the 1990 Amendments to the Clean Air Act.

The Title V Operation Permit Program will expand the number of facilities that are required to obtain air pollution control permits. Industrial facilities of various shapes and sizes throughout the entire United States are required to comply with the federal air regulations in 40 CFR Part 70 (Title V Operation Permit Program) and section 112 of the Clean Air Act (hazardous air pollutants). In addition, facilities located in Wisconsin are required to comply with the regulations in Chapters NR 400 to 499 of the Wisconsin Administrative Code. These regulations apply equally to paper mills with thousands of employees and the neighborhood dry cleaner employing less than a dozen people.

The resources that facilities have available for environmental compliance in general and compliance with air quality regulations in particular varies with the size of the facility. Large facilities with numerous processes and various types of air pollution control equipment generally have staff with more expertise in environmental issues than the neighborhood dry cleaner with only a few employees. As a result, Wisconsin has developed a Small Business Clean Air Assistance Program to provide technical assistance to the small businesses with limited resources available for environmental compliance. This program is a joint effort between the Air Management Program in the Wisconsin Department of Natural Resources and

the Wisconsin Department of Commerce. Additional resources are available to facilities that have questions about their status under the Title V program and the details of their permit applications.

Who Needs a Title V Permit?

The Title V Operation Permit program requires all major sources of air pollution to obtain an operation permit from the local or state regulatory agency with jurisdiction over their particular location. Most states (Wisconsin included) have a single state agency that oversees air quality issues for the entire state while a few states (California and Washington for example) have several regional agencies with jurisdiction for a part of the state. There are approximately 1100 major sources of air pollution in Wisconsin and over 25,000 nationwide that will receive permits under the Title V program. A facility is considered a major source if the facility meets one or more of the following criteria:

- the source emits or has the potential to emit 100 tons or more per year of any criteria pollutant (carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds [i.e. ozone precursors]),
- the source emits or has the potential to emit 10 or more tons per year of one or more of the 188 federal hazardous air pollutants identified in section 112(b) of the Clean Air Act,
- the source emits or has the potential to emit 25 or more tons per year in aggregate of the federal hazardous air pollutants identified in section 112(b) of the Clean Air Act.

An exception to the 100 ton per year threshold for criteria pollutant emissions exists for volatile organic compound and nitrogen oxide emissions in ozone non-attainment areas. In these areas, the major source threshold drops to 50 tons per year if the area is classified as "serious", 25 tons per year if the area is classified as "severe", and 10 tons per year if the area is classified as "extreme".

In addition to major sources, there are three other categories of sources that need to obtain Title V permits. These categories are sources subject to New Source Performance Standards (regulations that apply to the construction of certain new air pollution sources), sources subject to National Emission Standards for Hazardous Air Pollutants (the technology based standards in the revised section 112 of the Clean Air Act), and sources subject to the acid rain provisions of Title IV (many existing power plants and most new electricity generating units).

The potential to emit a particular air pollutant is often critical in determining whether a particular source is a major source. According to the Wisconsin Administrative Code, "potential to emit" is defined as "the maximum capacity of a stationary source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed shall be treated as part of its design if the limitation is enforceable by the administrator", (section NR 400.02(71), Wis. Adm. Code). Consequently, "potential to emit" assumes a facility is operating for 8760 hours per year (24 hours per day, 365 days per year) at maximum capacity unless there is some type of air pollution control equipment in use or some type of operating limitation in place. Examples of air pollution

control equipment include baghouses, scrubbers, and cyclones while examples of operating limitations include limits on hours of operation, raw material usage, or raw material composition.

An example of air pollution control equipment used to limit the potential to emit would be the use of a baghouse to control particulate matter emissions from a boiler. While operating at maximum capacity, a boiler may have uncontrolled particulate matter emissions of 160 pounds per hour (700.8 tons per year). However, if a baghouse with a control efficiency of 99 percent is installed, the potential to emit is reduced to 1.6 pounds per hour (7.01 tons per year).

An example of operating limitations used to limit potential to emit would be setting limits on the number of gallons of paint a facility could use and the amount of volatile organic compounds (VOCs) that could be in the paint. If a company had a spray gun capable of spraying 10 gallons of paint per hour and the worst case paint had 6 pounds of VOCs per gallon, the potential VOC emissions would be 60 pounds per hour (262.8 tons per year). However, if the company requested limits of 10,000 gallons per year and 4 pounds per gallon on the VOC content, the potential to emit would be reduced to 40 pounds per hour and 20.0 tons per year.

The issue of potential to emit is important because it determines what type of Title V operation permit a facility obtains. The two options are (1) a Part 70 permit or (2) a synthetic minor, non-part 70 permit. Synthetic minor operation permits are called Federally Enforceable State Only Permits (FESOPs) in Wisconsin. Sources with actual emissions of any pollutant over the corresponding major source threshold are automatically required to obtain a Part 70 permit. Sources with actual emissions of all pollutants below the major source thresholds, but with a potential to emit above the corresponding major source threshold may elect either option. To receive a FESOP, a facility may need to install control equipment or limit their operations to bring their potential to emit below the major source threshold. In Wisconsin, 465 out of the 1095 major sources have requested synthetic minor permits. The differences between the two types of permits include the monitoring requirements, recordkeeping requirements, and the level of involvement by USEPA (there is more USEPA involvement with Part 70 permits because these permits are for the largest sources). Before discussing the implementation of the Title V permit program, some background information will be presented concerning the history of the Clean Air Act.

History of the Clean Air Act

The Title V Operation Permit Program was one part of the 1990 Amendments to the federal Clean Air Act signed into law by President George Bush on November 15, 1990. The 1990 Amendments addressed issues that the Clean Air Act and its subsequent amendments were unable to resolve. The Clean Air Act was originally passed by Congress and signed into law by President Lyndon Johnson in 1963. The Clean Air Act was amended several times during the 1960s, but it was not until the Clean Air Act of 1970 was signed into law that significant steps to address the effects of air pollution on human health and the environment were put into place.

The goal of the Clean Air Act of 1970 was to make "ambient" air "safe to breathe". The Clean Air Act of 1970 attempted to deal with urban smog and people getting sick in cities by setting National Ambient Air Quality Standards (NAAQS) for six criteria pollutants (sulfur dioxide, lead, carbon monoxide, nitrogen oxides, particulate matter and ozone). These standards were divided into two groups: primary standards designed to protect human health and secondary standards designed to protect public welfare (damage to buildings, crops, and urban visibility). The NAAQS were the basis for the first significant industrial and automobile controls. In addition to setting NAAQS, the Clean Air Act of 1970 authorized USEPA to set risk based standards for the emission of hazardous air pollutants (HAPs) and initiated New Source Performance Standards (NSPS) for various categories of new and modified sources. The setting of standards for HAP emissions was the beginning of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) contained in section 112 of the Clean Air Act.

The Clean Air Act of 1970 was amended in 1975 and 1977 to address USEPA's failure to set standards for the emission of hazardous air pollutants and to establish permit review requirements for new and modified sources to ensure attainment of the NAAQS. USEPA was instructed to set standards for 38 hazardous air pollutants, but was still required to use a risk based approach to setting these standards. A pollutant was considered innocent until proven guilty so the burden of proof was on USEPA, requiring much costly research. As a result, it was virtually impossible to set standards for hazardous air pollutants because an acceptable level of risk could not be determined. By 1988, USEPA had set standards for only 7 hazardous air pollutants: asbestos, beryllium, mercury, radionuclides, vinyl chloride, benzene, and inorganic arsenic.

Some improvements to air quality were achieved as a result of the passage of the Clean Air Act of 1970 and its subsequent amendments, but there were still a number of issues that needed to be addressed. USEPA's failure to set standards for hazardous air pollutants and the unhealthy air in many major metropolitan areas (101 non-attainment areas for ozone and 44 non-attainment areas for carbon monoxide in 1988) provided the inertia for the Clean Air Act to be amended in 1990. The Title V Operation Permit program was the answer to some of these issues.

The 1990 Amendments to the Clean Air Act addressed air pollution concerns under three general categories: air toxics, acid rain, and urban smog. Some of the goals of the 1990 Amendments were to: clean up nonattainment areas, regulate mobile sources, expand air permitting of industrial sources (Title V program), reduce ozone formation in the lower atmosphere, expand enforcement activities, and modify the way National Emission Standards for Hazardous Air Pollutants were set. Some of the specific provisions of the 1990 Amendments to be carried out by Title V include:

- reducing toxic air pollutants (there were 2.7 billion pounds of toxic air emissions nationwide during 1988; secton 112 was revised to require best available technology to control pollutants at the source and use more stringent standards for emissions which remain a threat to human health or the environment),
- controlling acid rain from power plants (effects of acid rain include environmental

damage, deterioration of structures, and human health problems),
- expanding the permit program to include existing sources of air pollution, and
- controlling industrial air pollution (acid rain, air toxics, etc.).

The implementation of the Title V program is discussed in the following sections.

Initial Implementation of the Title V Program

The Title V Operation Permit program was generally modeled after the national water discharge permits program of the Clean Water Act of 1972. All industrial and municipal entities that discharge water to surface water bodies were required to obtain discharge permits after the Clean Water Act became a law. Sources were covered by an application shield after submitting their applications so they could continue operating until their application was processed by the regulatory agency (USEPA or state agency). These permits would be good for five years and set discharge limits based on the characteristics of both the discharge stream and the receiving water body. There were no fees associated with the permit program, however, discharge fees were instituted based on discharge quantities. The discharge fees were used to fund the permit program. Many of the time frames and procedures of the water discharge permits program were included in the Title V Operation Permits Program.

States had the option to submit a State Implementation Plan (SIP) indicating how they would implement the Title V program or defer to USEPA to administer the program in their states. Deferring the implementation and management of a major permit program might appear attractive at first, but there are advantages to the states for implementing the program themselves. These advantages include:

- avoiding sanctions (USEPA could impose more stringent requirements on new and modified sources in the affected states or collaborate with the Department of Transportation to withhold federal highway funds),
- doing it themselves (keeps USEPA out of states' business, the money collected from annual emission fees would go to run the program in the states rather than going to the federal treasury, and provide better customer service for local industries), and
- putting all applicable requirements into a single document (previously a source's obligations were contained in various state and federal regulations, but Title V will provide a mechanism to pull all applicable requirements into a single document so the source, the regulatory agency, USEPA, and the public will have one document to use to determine what is expected of a particular source).

Each state was originally required to submit its SIP to USEPA by November 15, 1993 (three years after the amendments were signed) for approval. The SIP was to identify how the state would implement the Title V program and comply with the requirements of the 1990 Amendments. USEPA would have one year to approve or disapprove the SIP after it was submitted by the state so all SIPs were expected to be approved by November 15, 1994. All permit applications were required to be submitted within one year of program approval and all permits were required to be issued within three years of final program approval. These dates have slipped, however, and the law has not been changed to reflect the changes.

Wisconsin had a head start over most states in implementing the Title V program because it had been issuing New Source Permits (construction permits) since 1980 and had initiated an operation permit program in 1985 called the Mandatory Operation Permits (MOP) Program. Sources with emission rates over certain permit applicability thresholds (9.0 pounds per hour for sulfur dioxide and carbon monoxide for example) were required to submit MOP applications. Mandatory Operation Permits were to be issued with no expiration dates, however, the plan was to review each permit every five years for accuracy. Over 1000 sources submitted MOP applications between 1985 and 1987, but less than 200 permits were issued by 1993. The main reason this permit program was unsuccessful was because processing of these permit applications was not a primary responsibility for any of Wisconsin's Air Management staff. Staff members had other primary responsibilities (compliance or the issuance of construction permits) so MOPs were processed on a time available basis. In December 1993, the MOP program was updated to incorporate the requirements of the Title V program. Two major changes were hiring additional staff to be dedicated to writing the Title V permits and raising the emission fees to fund the new permit program.

Implementation and Status of Title V in Wisconsin

Even with the head start afforded by the Mandatory Operating Permits (MOP) program, Wisconsin was not the first state to receive interim approval from USEPA of their State Implementation Plan (SIP). Wisconsin received interim approval of its SIP from USEPA when it was published in the Federal Register on March 6, 1995 with an effective date of April 5, 1995. This interim approval expires April 5, 1997, but can be extended ten months due to the Part 70 revisions recently promulgated by USEPA. Eight states, including Oregon and Hawaii, received interim approval of their SIPs before Wisconsin did. However, Wisconsin and Oregon are considered the leaders in implementing their permit programs based on the number of permits issued and the stability of their programs. As of July 11, 1996, 38 states (including the District of Columbia and Puerto Rico) and between 55 and 60 local agencies had received interim approval of their SIPs by USEPA.

Wisconsin prioritized Title V permit applications by placing facilities into three categories based on their emission levels and the type of Title V permit they requested (Part 70 or FESOP). Highest priority was given to facilities with actual emissions of one or more pollutant between 50 and 100 percent of the applicable major source threshold(s) that wanted synthetic minor permits because there was concern that these facilities might need to obtain Part 70 permits. Making a status determination for these facilities within one year of program approval was critical as it barred certain types of legal action by citizen groups. Second priority was given to sources applying for Part 70 permits while third priority was given to all other sources requesting synthetic minor permits. Through February 28, 1997, operation permits have been issued to more than 90 percent of the facilities in the highest priority category. Permit engineers are now focusing on writing permits for the Part 70 sources. Wisconsin began issuing draft permits early in 1995 with the first draft FESOP being issued on January 30, 1995 while the first draft Part 70 permit was issued on April 6, 1995. As for final permits, the first FESOP was issued on April 7, 1995 and the first Part 70 permit was issued on July 11, 1995. Hawaii issued the first Title V permit in the country, but has issued only a

few additional permits since that time. Through December 31, 1996, Wisconsin had issued 215 Title V operation permits, including 49 Part 70 permits and 166 FESOPs.

The deadlines in the 1990 Amendments to the Clean Air Act require Wisconsin to issue permits to all major sources in the state (approximately 1100 sources) by April 5, 1998. There is a one year grace period before USEPA can implement sanctions against the state for failure to issue all of the required permits. The probability of meeting the April 5, 1998 deadline is unlikely while the probability of meeting the April 5, 1999 deadline is more likely. However, based on the December 31, 1996 status report which indicates that approximately 80 percent of the Title V permits still need to be issued, the April 5, 1999 deadline may also be out of reach.

The three main reasons that Wisconsin is unlikely to meet the final deadline for issuing Title V permits are that the state's budget for its Air Management Program has not been sufficiently funded to fill positions that have been vacated by attrition, the number of hours required to process each permit has been nearly 1.5 times higher than originally projected, and construction permit applications are given priority over operation permit applications.

Wisconsin's Air Management Program is administered through the Wisconsin Department of Natural Resources (WDNR). The WDNR has been in the process of an agency-wide reorganization since 1995. The Air Management Program was reorganized in 1993 to prepare for implementation of the Title V program, but has been subject to the distractions of the reorganization of the entire Department of Natural Resources as well. Due to the desire of senior management in the WDNR to avoid layoffs to anyone in the agency during reorganization and their inability to carry out the reorganization in a timely and efficient manner, most vacancies created in the agency during the past two years have not been filled. As a result, there are fewer engineers available to write Title V permits than are needed to accomplish the task within the timeframes specified in the 1990 Amendments to the Clean Air Act.

In addition to inadequate staffing, it has taken permit engineers longer than anticipated to write permits. When the staffing plan for implementation of the Title V program was developed, it was based on permit applications taking an average of 120 hours to process. For fiscal year 1995-96 (July 1, 1995 to June 30, 1996), the statewide average was 171 hours per permit based on the issuance of 154 permits (mostly FESOPs). The per person average ranged from 51 hours per permit to over 1000 hours per permit, but the majority of the 154 permits (134) were issued by 19 permit engineers who averaged between 51 and 200 hours per permit (112 hours overall). The remaining 20 permits were issued by 12 additional permit engineers who averaged 572 hours per permit. There are three reasons why permits have taken longer to process than originally predicted:

- many of the permit engineers were inexperienced when the Title V program started (they were new hires or individuals who had transferred from elsewhere in the agency),
- some of the permit processing procedures were inefficient, and
- more work was required to process applications than was expected (emission calculations submitted by the sources often had to be redone, applicable requirements needed to be

verified, and previous permits needed to be reviewed and reconciled as a part of consolidating all applicable requirements into a single permit).

In addition to inadequate staffing and needing more time than expected to process individual permits, the Air Management Program gives priority to construction permit applications over operation permit applications. Construction permit applications receive this priority treatment because sources are not allowed to commence construction until they receive an air pollution control construction permit for the new or modified emission unit(s) involved. Sources that need construction permits often put considerable pressure on the Air Management Program to process their applications in a timely manner. As a result, permit engineers are sometimes required to put operation permit applications aside to process construction permits. This situation develops when a large number of construction permits are received in a short time frame. While the number of sources needing Title V operation permit applications was known at the time the program was implemented, the number of construction permit applications the Air Management Program receives each year and their timing is not known ahead of time. This situation sometimes leads to adjusting the work responsibilities of permit engineers so that construction permits can be processed in a timely manner.

Several steps have been taken to improve the efficiency of operation permit processing and address the issue of operation permits taking longer than expected to process. These steps include:

- providing professional development opportunities for less experienced permit engineers so they can become more knowledgeable about what they are doing,
- encouraging permit engineers to develop expertise in the processing of permit applications for a particular type of industry (flexographic printing, paper making, or wood products manufacturing for example),
- developing general operating permits for certain types of sources,
- reducing the number of people who review a particular permit and giving more accountability to those individuals who do permit reviews,
- encouraging permit engineers who are familiar with a particular source or type of source to process these permit applications, and
- developing partnerships with industry to streamline the permitting process.

The steps taken to make permit processing more efficient will help the permit engineers to issue as many permits as possible, however, the number of hours per permit may not decrease because most of the largest, most complex permit applications have not been processed. Some of these large, complex sources will take more than 500 hours each to process. Despite some problems, the Title V program in Wisconsin is maturing and has reached a point where it is relatively stable. Permit engineers are steadily issuing permits and are trying to issue permits as quickly as possible without sacrificing quality. Though it is unlikely all major sources in Wisconsin will have their Title V permit by April 5, 1998 or even April 5, 1999, they will receive their permits as soon as possible based on the staff and resources available.

How is a Title V Permit Processed?

Facilities in Wisconsin that are considered major sources were required to submit their Title V permit applications by a due date based on the county in which the facility is located. The earliest due date was May 1, 1994 while the latest due date was October 1, 1995. The applications were checked for administrative completeness after being received (Note: An application is considered to be administratively complete if all of the necessary forms were submitted and each form had the proper blanks completed). Incomplete applications are returned to the facility with a request for additional information. Facilities that submitted their applications by the appropriate due date and responded to all requests for additional information in a timely manner are allowed to legally operate without a permit until their permit is issued.

A permit application provides a summary of the sources of air pollution at a particular facility and gives detailed information about each significant emissions unit at the facility. Each application identifies emission sources, lists the fuels and raw materials used by the facility, identifies the capacity of equipment (flow rates, usage levels, etc.), and provides specifications and parameters of any air pollution control equipment in use at the facility. In addition, the facility is expected to identify the requirements applicable to each significant emission unit and indicate how compliance with these requirements will be maintained.

This information is provided on a standard set of application forms that Wisconsin originally developed for its Mandatory Operating Permits Program. There are 37 separate forms, each having a unique number and purpose. The specific forms and the number of copies of each form that need to be submitted are unique to the facility filing the application. Permit applications can range in size from 15 pages to thousands of pages based on the size and complexity of the facility. All facilities are required to submit certain forms like Form 100 - Facility Identification, Form 101- Facility Plot Plan, and Form 129 - Facility Emissions Summary. Other forms like Form 115 - Control Equipment - Electrostatic Precipitators need to be submitted only by those facilities that actually operate an electrostatic precipitator. Multiple versions of some forms like Form 103 - Stack Identification may need to be submitted (one copy of the form for each stack at the facility).

Once an application is received and determined to be administratively complete, it is available for a permit engineer to process. The assignment of applications is arbitrary since permit engineers select applications based on facility location, facility size, facility type, and type of permit requested by the applicant. The state of Wisconsin is divided into five regions for the purpose of administering environmental programs so staff in each region generally handle issues and permits for their region.

The permit engineer sends a letter to the company indicating that the review of their application has begun, requests for additional information may be necessary, and that a plant visit may be requested. Initial processing of the application generally includes familiarization with the facility and its operations, checking the files for other permits held by the facility, and checking the facility's emission calculations. After becoming familiar with a facility's operations, the permit engineer will usually visit the facility with the compliance engineer assigned to the facility to meet plant personnel and get a facility tour. The tour allows plant

and agency personnel to meet one another and gives the permit engineer visual images of the facility's equipment and operations. The permit engineer spends the days, weeks, and months following a facility visit completing the review and processing of the permit application and generating draft versions of the various permit documents.

The draft versions of the permit documents are peer reviewed by another permit engineer and the compliance engineer assigned to the facility. The permit engineer receives comments during this peer review step and then makes changes and corrections to the draft permit documents before giving the documents to the regional program supervisor for review and signature. After receiving the approval of the regional program supervisor, the draft permit and a preliminary determination are issued for a 30 day public comment period (Note: The preliminary determination is technical document drafted for the general public that summarizes the operations at the facility, the emissions from each significant emissions unit, the regulatory requirements applicable to the facility, and provides background information concerning the requirements in the permit). There is a 30 day public comment period associated with each Title V permit that commences with the publication of a Class I Legal Notice in the primary newspaper in the source's location. Draft permits are issued to allow for public input into the permitting process.

Comments are received and reviewed during the 30 day public comment period. Changes may be made to the draft permit before it is issued as a final permit. If the permit is for a facility that requested a FESOP, the final permit can be issued once all comments are addressed. Otherwise, the draft permit goes to USEPA for an additional 45 day comment period before it can be issued as a final permit. Each permit is good for five years so the process would start again as the five year anniversary of permit issuance is approached. For renewals, application due dates will be based on the issuance date of the original Title V permit.

Conclusion

This paper discussed various aspects of Wisconsin's implementation of the Title V Operation Permit Program mandated by the 1990 Amendments to the Clean Air Act. Highlights included the background a person needs to work in the air quality field, who needs a Title V permit, a brief history of the Clean Air Act, implementation and status of the Title V program in Wisconsin, and how Title V permit applications are processed. The Title V Operation Permit Program has become the primary tool state and local agencies have at their disposal to regulate industrial air pollution. In the nearly two years since Wisconsin received interim program approval by USEPA of their State Implementation Plan for the Title V program, WDNR's Air Management Program has issued permits to 215 of the 1095 sources in the state that will require one of these permits. Wisconsin's Air Management Program has encountered some obstacles as staff attempt to process and issue all of the Title V permit applications by April 5, 1999. Based on the number of permits that have already been issued, the amount of time that was required to issue these permits, and current reduced staffing levels it appears unlikely that all affected facilities will receive their permits by April 5, 1999. Permit engineers and their supervisors are continuing to explore ways to make the permitting process more efficient so that all Title V permits can be issued in a timely manner.

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Biography

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Note: The views expressed in this paper do not necessarily reflect the views of the Air Management Program or the Wisconsin Department of Natural Resources.