

MACT Area Source Compliance Absent Title 5

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*STAPPA/ALAPCO Enforcement and Compliance Workshop
Austin, TX
June 2006*



MACT Area Source Compliance Absent Title 5

*For Wisconsin, “Absent Title 5” means significant
funding, implementation issues*

- *How did we get here?*
 - *Background, context*
 - *Funding changes driven by other factors*
 - *EPA area source permit exemption (12/05)*
- *What’s in the future?*



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Air Toxics Control Options in Wisconsin

- *Federal MACT's*
 - *State enforceable if codified in state rule, or*
 - *State enforceable if MACT requirements put in permit*

- *State Toxics Program (NR 445)*
 - *Standards on a pollutant-by-pollutant basis (~500 substances)*
 - *Superseded by MACT requirements (statutory, messy)*
 - *Generally unpopular w/industry*



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Approach for Area Source Activities in Wisconsin

- *Target a source category*
 - *Number of affected sources in state (info very difficult to obtain)*
 - *Relative risk from emissions (qualitative)*
 - *More art than science*
- *Conduct inspections/FCE's at source category facilities*
- *Follow-up (compliance assistance, enforcement)*



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Past MACT Area Source Activities in Wisconsin

- *Chromium Plating (16 sources)*
 - *Non-compliance at 60% of facilities*
 - *Serious (non-paperwork) violations at 20% of facilities*
- *Solvent Degreasing (15 sources)*
 - *Non-compliance at 60% of facilities*
 - *Serious violations at 20% of facilities*
- *Dry Cleaners (compliance assistance effort, 13 sources)*
 - *Non-compliance at 54% of facilities*
 - *Serious violations at 15% of facilities*



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Air Program Funding (prior to EPA NOD)

- *Emission Fees*
 - *FOP & FESOP permit & compliance activities*
 - *Fees collected “above presumptive minimum” available for funding other program parts*
- *105 Grant*
 - *State toxics program development*
 - *Minor source compliance (open burning, odor complaints, etc.)*
 - *Other program elements*



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Air Program Funding (after EPA NOD)

- *Title 5 Emission Fees*
 - *permit, compliance activities at majors*
- *Non-Title 5 Emission Fees (new FY '07 funding source)*
 - *Permit, compliance activities at non-majors w/permits required*
- *105 Grant*
 - *Same activities eligible, grant decreasing*



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Impact of EPA Area Source Permit Exemption (12/05)

- *Area source work ineligible for T5 funding*
- *Area source work ineligible for non-T5 funding*
 - *Area source work not eligible w/o permits*
 - *“More stringent than federal” prohibited by statute*
- *Fund area source activity with 105 grant?*
 - *Area source work theoretically 105 eligible*
 - *Other 105 funded activities already being cut*
- *More area source MACT’s coming*



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The Future for Area Source MACT's in Wisconsin

- *Increase/find alternative funding?*
 - *Any “fix” would come after July '07 (next state biennium)*
 - *Political considerations*
- *“Give back” the area source MACT program?*
 - *EPA Region 5 limitations*
- *Minimal area source activity near term*
 - *1 FTE (105 grant) allocated for all minor source compliance activities statewide, including MACT area sources*
 - *Complaint driven, reactive*

