

Nearly every business that generates air pollution is required to maintain records of their activities under rules enforced by the Department of Natural Resources' (DNR) Air Program. Even if exempt from air pollution permits or requirements, a business must maintain records to show that they continue to operate under the exemption criteria. The business is then expected to use those records to determine if their operations increase to such an extent that they become affected by one or more of the air pollution rules. If that occurs, they must comply with the requirements as soon as possible.

Which Rules Require Periodic Recordkeeping?

When a rule applies to a facility, there are certain recordkeeping requirements to follow that show DNR the facility is in compliance with the elements of the rule apply to them. Some might assume that if a business is exempt from a rule then they do not have to do anything.

That is a poor assumption. It is often a requirement that a facility exempt from a rule keep records that will show DNR they are maintaining their exempt status. Many recordkeeping requirements are found in ch. NR 439, Wisconsin Administrative Code (Wis. Adm. Code). Others may be in a specific section of the code that applies, like permit exemptions or coating limits.

Permit Exemptions

The permit rules have general, specific and actual emissions based exemption categories. If a business can meet one of these exemptions, then they do not have to submit a permit application and be issued a permit.

Because the general exemptions are based on the maximum theoretical emissions - assuming the worst case design capacity for the operation - there

are only one-time calculations required to demonstrate a facility meets that exemption. The specific and actual emissions based exemptions are based on normal operations, whether by emissions or by material usage or throughput.

Since a business may have spikes or steady increases in their normal operations, they must maintain periodic records to demonstrate that they maintain their exempt status at all times. As soon as a business sees increases in operations that may cause them to exceed an exemption, they should apply for a permit. It would be a violation of the permit rules, in chs. NR 406 and 407, Wis. Adm. Code, to operate above those exemption levels without a permit.

Emissions or Material Usage Caps in Permits

Many businesses take a cap on emissions or their material throughput or usage in order to avoid certain requirements. Use of such caps will require the business to maintain records that show they are below the level that triggers the requirement.

For example, DNR has VOC rules that limit the VOC content of inks, coatings, paints, adhesives, etc. depending on the type of

process at the business. By taking a cap on VOC emissions below specified exemption levels, the business does not have to meet the content limits in the rule. These caps have to be on at least a monthly basis, even though the exemptions are written in terms of annual emissions.

In another example, a business might cap emissions to become a “synthetic minor” source. A source whose maximum theoretical emissions are greater than the major source levels but actual emissions are below, can become “synthetic minor” if they cap emissions below the major source levels. That allows the source to avoid more onerous requirements applied to major sources. In this case, the emissions capped can be any of the criteria pollutants (particulate matter, nitrogen oxides, sulfur dioxide), VOCs, or hazardous air pollutants. These caps also have to be on a monthly basis.

Another possible cap is one taken to keep emissions below a level where the facility could exceed a national ambient air quality standard based on the results of a computer model. For information on the emissions modeling process, refer to the fact sheet [Modeling Emissions for Air Pollution Permits](#) found here:

http://commerce.wi.gov/bd/BD-CA-Air_Permits.html. Caps taken to resolve modeling issues may be for short time frames (3-hour standard for sulfur dioxide), and therefore require short-term records.

If business operations approach the level where a cap may be exceeded, the owner/operator

should begin talking with their DNR air permit contact about revising their permit. This is very important when the cap is taken to make the source synthetic minor because once they exceed the cap the business is technically a major source and additional penalties may apply to violations of the permit.

Frequency of Records

The frequency at which a business is required to make records will depend on the type of cap taken or the way an exemption is stated in the rule. If you take a cap to meet the 3-hour standard for sulfur dioxide, you may have to record your fuel usage every three hours.

Many of the permit exemptions are based on the level of operations or emissions during a month. The business would be required to record information every month, but may be allowed to average them over each 12-month period. This monthly recordkeeping period, with the allowed 12-month averaging, is the longest time period a business would likely be allowed to maintain records. Other rule exemptions require daily records, averaged over a weekly or monthly period.

Assistance on Recordkeeping

The Small Business Clean Air Assistance Program has spreadsheets available to help you with both the calculations and the set up for records to demonstrate compliance with the exemptions or caps. Please contact one of the staff shown below or go to the web site at <http://commerce.wi.gov/bd/BD-CA-Compliance.html> and look for *Monthly Records*.



Contacts for More Information or Assistance.

The Small Business Clean Air Assistance Program helps smaller businesses understand and comply with the Clean Air Act regulations. Contact one of the program's Clean Air Specialists for more assistance: Renée Lesjak Bachel at 608/264-6153 or Tom Coogan at 608/267-9214.



For further information on recordkeeping contact your DNR Regional or Service Center office at <http://dnr.wi.gov/air/about/index.htm>.