

**Midwest Environmental
ADVOCATES**
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Sierra Club, Wisconsin's Environmental Decade, Clean Water Action Council of Northeastern Wisconsin, Citizens for Safe Water Around Badger, Citizens for a Better Environment, Wisconsin Interfaith Climate Change Coalition, and WISPIRG

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Wisconsin Worst in Nation When it Comes to Issuing Air Permits

Madison, WI – Today, environmental, community and religious groups filed a formal petition with the U.S. Environmental Protection Agency requesting action to fix Wisconsin's clean air operating permits program. The clean air program requires industry to inform the public about air pollution from major sources and holds company executives accountable for violations. The coalition requests that EPA intervene and order the state to fix the program or impose sanctions, including withholding highway funding, until it happens.

Under federal law, Wisconsin was required to issue operating permits to the state's 610 largest sources of air pollution by no later than 1998. Past administrations have denied the DNR crucial funding to carry out this mandate. As of October 1, 2002 two hundred and eighty (or 46%) of the state's largest air pollution sources are operating without the required permits.

"EPA must order the state to fix the program and protect public health in Wisconsin," said Caryl Terrell of the Sierra Club. "For eight years the Governor and Legislature have hobbled the DNR's ability to write permits, conduct inspections, and take enforcement actions against the state's largest sources of air pollution. The result is illegal and threatens our communities."

Currently, Wisconsin has the worst permit issuance rate of any state in the nation with more than 400 major sources of pollution. The petition requests that EPA impose sanctions against the state, including withholding highway funding, unless the new Governor and Legislature swiftly restore adequate funding to the permit program.

"As Governor-elect Doyle puts together his first budget we urge him to increase the permit fees associated with polluting our air in order to fund fully the DNR's air permits program. By so doing, he will help protect public health and avoid federal intervention," stated Wisconsin's Environmental Decade's Marc Looze.

This petition gives EPA sixty days to make a formal finding whether Wisconsin adequately administers and enforces its clean air permit program.

"Without these permits, local residents are in the dark about whether local smokestacks are violating the law and polluting at levels harming their health," said Melissa Scanlan, Executive Director of Midwest Environmental Advocates, Inc. and one of the two attorneys representing the groups.

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Title V Fact Sheet

Purpose of Title V Operating Permits

- If a facility is considered a major source, such as a paper mill or power plant, it is required to obtain a clean air permit governing how they operate their pollution control program.
- Such an operating permit requires a facility to monitor and record data on pollution emissions, plant operating hours, and even the raw material or fuel used. By so doing, facilities spell out their efforts to control pollution and comply with the law. Facilities must regularly submit publicly-available monitoring data to the DNR to ensure compliance with those permit requirements. This information allows communities to see whether or not a facility is in fact a good neighbor and complying with the law. To ensure accuracy and accountability, company executives must certify that the monitoring data is accurate and that the facility is complying with the law.
- For a pollution source that is operating without an operating permit, it is extremely difficult for the public to determine whether a facility is in compliance and how much pollution it is emitting.
- There are at least 610 major sources of air pollution in Wisconsin that require operating permits. Of these major sources, 280 (or 46%) facilities in fifty counties lack the permits required to operate.
- Dozens of the major sources located in the Eastern Wisconsin smog (ozone) nonattainment area lack operating permits, as do three of the State's five largest sources of the smog precursors known as volatile organic compounds: General Motors (Rock County), Tenneco Packaging Inc. (Lincoln County), and Consolidated Papers Inc.-Kraft Div (a.k.a Stora Ensa), (Wood County)
- Four of the State's five largest sources of cancer-causing air pollutants lack operating permits: Marshfield Doorsystems (a.k.a. Weyerhaeuser Company Door Division) (Wood County), Wausau Paper Company (Marathon County), Crucible Materials Corp. (Walworth County), and Red Star Yeast (Milwaukee County).

Raising the needed funds through higher permit fees

- Federal law requires that an operating permit program be funded entirely from fees generated from the pollution sources that make the program necessary in the first place.
- For the past three biennial budget cycles, the DNR has sought to raise permit fees so it would have adequate resources to issue all permits and conduct regular

inspections of these large pollution sources. Every time, the Governor and Legislature denied the funding request or cut funding. In 1999 the Governor and Legislature even eliminated the automatic annual increase in permit fees that had allowed the program funding to keep pace with inflation.

- Major sources currently pay permit fees of \$35.71 per ton of pollution with a cap on fees for sources that emit more than 5,000 tons annually. The DNR estimates that in order to be able to issue permits in a timely manner and inspect each facility annually, permit fees would need to increase by \$26.46 per ton if the 5,000-ton cap is maintained. If the cap is removed the fee would need to increase by \$15.83 per ton.
- Governor-Elect Doyle is required to submit his budget to the State Legislature by the last Tuesday in January.

The Petition, a list of unpermitted facilities, and other supporting information is available at www.midwestadvocates.org