



Flexible Permitting In Minnesota

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Why are we here?

- Minnesota is a leader in flexible permitting
- Desire for flexibility has led to complexity – lots of choices
- Hope to explain the different approaches



Minnesota Air Permitting Program

Combined construction and operating permit program – includes the following in a 1-permit program:

- ❑ Federal construction program (New Source Review or NSR)
- ❑ State construction program (Minor NSR, based on lb/hr increases)
- ❑ Federal operating permit program (Part 70)
- ❑ State operating permit program



What is a Flexible Permit?

- With no (or minimal) MPCA involvement, Permittee can:
 - add or delete emission units/controls
 - change materials, fuels and other ways of operating

Require less agency resources to administer over long-term



Available “Flexible” Permits

- Registration Permit (state)
- General Permit (federal or state)
- Capped Permit (state)
- FlexCap Permit (federal or state)
- PreCap Permit (federal or state)
- EMS Permit (state)



Registration Permit

- 4 options for sources with low actual emissions (50% of Part 70 thresholds)
- Allows 11 NSPS to apply
- 1-page permit; rule contains all requirements
- <60 days to issue; no public participation; non-expiring
- Can make changes if they continue to qualify
- Allows credit only for controls that meet the Minn. Control Equipment Rule
- Annual emission inventory, fees, no other submittals



Minnesota Control Equipment Rule

- Facility can take “credit” only for control equipment listed in rule
(Minn. R. 7011.0060)
- Rule specifies control equipment efficiency, monitoring, record keeping, and reporting



General Permits

- **General Pt .70 Manufacturing Permit**
- **General State Sand and Gravel Permit**
- Multi-page, all applicable requirements in permit (including certain NSPS and NESHAP)
- <60 days to issue; no public participation
- Can make changes if they continue to qualify
- Annual emission inventory, fees, other annual submittals



FlexCap Permit

- Individual permit pre-authorizing specific changes or categories of changes
- Accounts for annual and hourly emission increases from those changes
- State or Part 70
- Appropriate when the Permittee can predict the types of changes they may want to make (no amendment when these pre-authorized changes are made)
- Public notice prior to issuance



PreCap Permit

- ❑ Individual permit that pre-authorizes non-specific changes
- ❑ Accounts only for annual emission increases from those changes
- ❑ Individual State or Part 70 permit
- ❑ No specific changes are authorized, but emission cap “pre-limits” new or modified equipment
- ❑ State amendments still apply to changes under the caps (hourly increase analysis, no PN)
- ❑ Appropriate when specific changes can’t be predicted
- ❑ Public notice prior to issuance



PreCap Permit

Example Language:

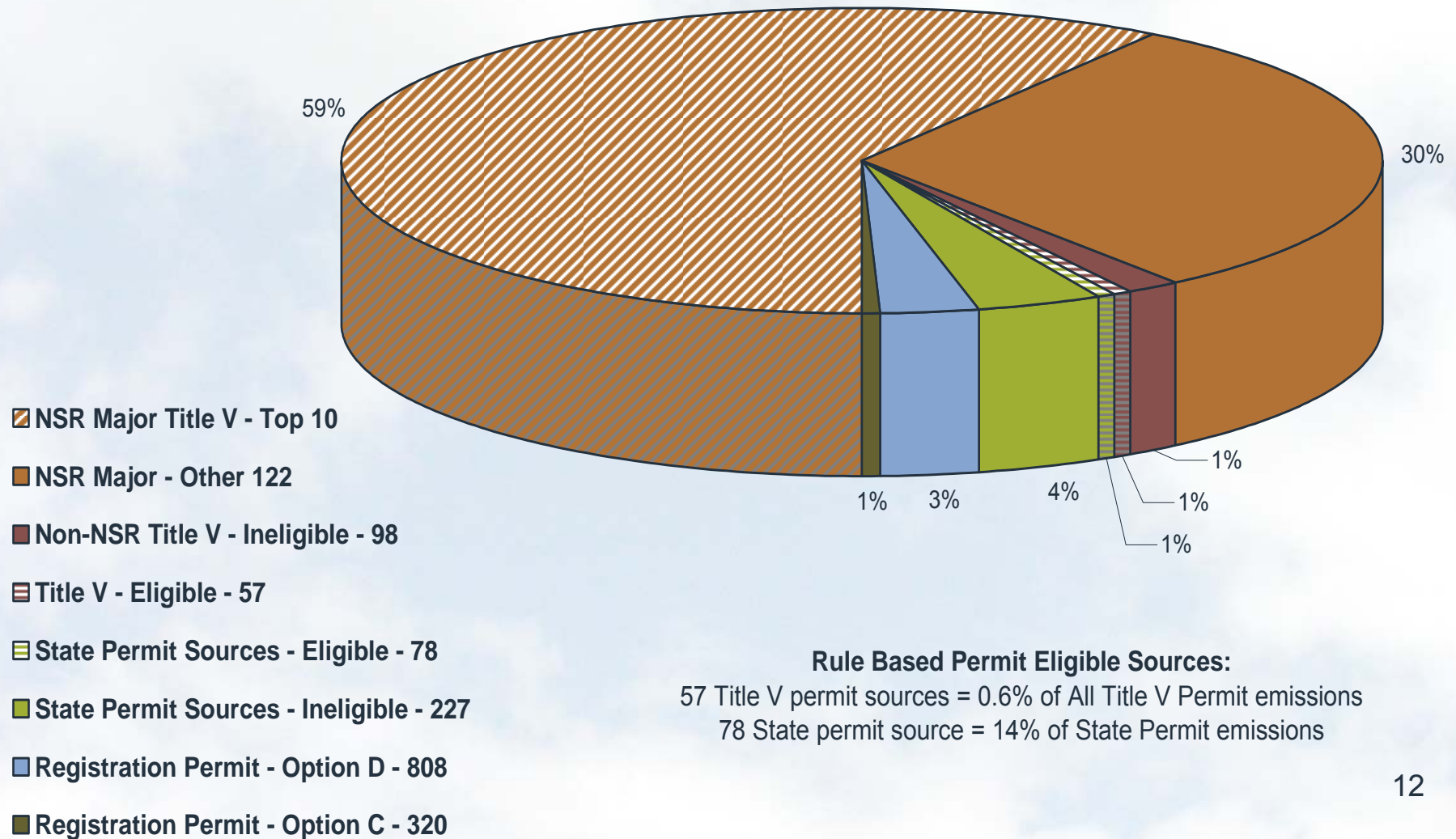
.....

All VOC-emitting equipment at the Facility is subject to this limit.

If the Permittee replaces any existing VOC-emitting equipment, adds new VOC-emitting equipment, or modifies the existing equipment, such equipment is subject to this permit limit as well as all of the requirements of GP 001. Prior to making such a change, the Permittee shall apply for and obtain the appropriate permit amendment, as applicable. The Permittee is not required to repeat VOC calculations described in Minn. R. 7007.1200, subp. 2.

A permit amendment will still be needed regardless of the emissions increase if the change will be subject to a new applicable requirement or requires revisions to the limits or monitoring and recordkeeping in this permit.

Criteria Air Pollutant Emissions from Point Sources in Minnesota - 2001





Capped Permit

- ❑ 2 options: 90% of Part 70 thresholds including insignificant activities; 75-90% of Part 70 thresholds excluding insignificant activities
- ❑ Allows 12 NSPS & area source NESHAPs to apply
- ❑ 1-page permit
- ❑ Requires ambient assessment with application
- ❑ 60-90 days to issue
- ❑ Allows credit only for controls that meet the Minn. Control Equipment Rule
- ❑ 30 day comment period on eligibility



Ambient Air Quality Assessment

- Use SCREEN3 or an on-line spreadsheet “CAPS”
- Into CAPS enter: hourly PM-10, SO₂ emissions, annual NO_x emissions, stack heights and distance to property line
- Facility can use default dispersion factors in spreadsheet (easy) or develop their own (harder)
- Predicted concentrations must be < 1-hr, 3-hr, 24-hr SO₂ std.; 24-hr PM-10 std.; and annual NO₂ std.



EMS Permit

- Individual State Permit with facility-wide emission caps
- Ambient assessment with application
- 30 day public notice period
- Relief from minor/moderate amendments
- Deviation reporting only if deviation
- Must have implemented ISO 14001-registered EMS or implement EMS conforming to 14001 as determined by third-party EMS auditor