



***Facts about* The Expedited Permit Program**

On May 10, 1994, Governor Arne Carlson signed into law legislation that allows the Minnesota Pollution Control Agency (MPCA) to operate a voluntary expedited permit program. The program allows applicants to pay for the cost of either staff overtime or consultant services to expedite assignment of an air quality permit application, when regular staff resources are already allocated to other projects and are unavailable to meet the applicant's required schedule.

Who can take advantage of this program?

Use of the Expedited Permit Program is limited to the following types of projects:

- permits for modification or expansion of an existing stationary source, when the construction and/or operation may not occur until a permit is issued.
- permits for construction of a new stationary source
- total facility permits, if construction is requested and the total facility permit is required either because of an enforcement situation, or because the total facility application was not submitted by the deadline in Minn. R. 7007.0350, subp. 1(A).
- applicability reviews, if the applicant requests review of a determination of whether or not a permit is required for a particular construction project (a complete analysis leading up to the applicant's

determination must be submitted - the MPCA will not perform the analysis under the Expedited Permit Program).

How are permits processed differently under the Expedited Permit Program?

Under the "regular" permitting process, applications for construction/modification projects (major and moderate amendments and total facility permits) and requests for applicability reviews go into a single "pile," or queue, according to the date received by the MPCA. Applications are then processed on a first-come, first-served basis. At any given time, there are approximately 10 permit staff assigned to working on these projects. As staff have time to work on an additional project, they take the next application in the queue. The waiting time between when an application or request is received and when staff begin working on it varies, depending on the current backlog of applications. It could be four to six weeks or longer if there is a large backlog, but it could also be a matter of a few days if there is little or no backlog. The MPCA's goal is to issue all construction/modification permits within six months of receipt.

If, for whatever reason, an applicant's schedule cannot accommodate this waiting time, the Expedited Permit Program allows one to avoid waiting in the queue. The applicant can pay for staff overtime or consultant services to begin work on the

application sooner than normal. A permit processed under the Expedited Permit Program must be processed using staff overtime or consultant services. The law does not allow existing projects to be displaced by the Expedited Permit Program.

Other than the fact that permits under the Expedited Permit Program are done using staff overtime or a consultant, the permitting process is the same. The Expedited Permit Program does not allow us to do the actual work faster (i.e. if a task normally requires 20 hours of staff time, it will take 20 hours of staff overtime), or to bypass any public notice requirements.

Do I use a different application to enter the Expedited Permit Program?

No. You fill out the regular application form for the type of permit you need. However, after you've filled out the application completely, you need to evaluate whether our goal of issuing the permit within six months will meet your needs. If you suspect that we will not be able to meet your required schedule, you should consider the Expedited Permit Program. Call the Document Coordinator at (651)282-5843 and ask for Expedited Permit Program Forms EXP-01 and EXP-02. Fill out the forms and submit them with your permit application. Be sure to indicate in your cover letter that you're requesting review under the Expedited Permit Program.

If I fill out and submit Form EXP-01, how does the Expedited Permit Program work for me?

There are many possible situations. When you submit a permit application with Form EXP-01, one of the Expedited Permit Coordinators will review your application and the current backlog of applications, and evaluate whether we can meet your schedule,

either using regular staff resources or through the Expedited Permit Program.

For example, if you indicate on Form EXP-01 that you need your permit issued by January 1, the Coordinator will first evaluate whether we can get that permit issued by January 1 using regular staff resources. We depend heavily on complete and accurate permit applications; the coordinator does not do a detailed technical review. If we can meet your schedule, your application will exit the Expedited Permit Program, be placed in the construction queue, and you will be notified that your schedule can be met without having to incur the expense of paying for an expedited permit.

If we can't meet your requested date of January 1 using regular staff resources, the Coordinator will next evaluate whether we can meet the date by using staff overtime via the Expedited Permit Program. This is done by estimating the total staff hours required, the amount of time that staff are able to work overtime per week (not more than 10 to 15 hours), and the requirement for public notice. If we can meet your deadline using staff overtime, volunteers are found to form a permit team, the total cost to you is estimated (the cost of staff overtime), and you are notified. You'll be sent an income agreement to sign, and you will need to submit a check for the full estimated cost before work on your permit will begin. If less staff overtime hours are used than what we estimated, the difference will be refunded to you after the permit is issued. It generally takes 2 weeks to process the income agreement, check, and overtime approvals before work begins on the permit.

Note: An Expedited Permit is not necessarily quicker to issue. Staff working overtime can generally not work more than 10 to 15 hours per week on your permit, whereas if the same staff worked on your permit on “regular time,” they may work 30 or more hours per week on your permit. The Expedited Permit Program only allows you to have your permit application assigned to a permit team sooner, rather than having to wait in the queue for potentially several weeks.

If we can’t meet your requested issuance date of January 1 by using either regular staff resources or staff overtime, we’ll contact you to let you know what dates can be met. For instance, we may have estimated that it will take until February 1 to issue the permit under the Expedited Permit Program, and that it will take until February 15 to issue the permit using regular staff resources. If you decide that February 15 is acceptable, the application will exit the Expedited Permit Program and take its rightful place in the queue. If you decide that February 15 is unacceptable, but February 1 is acceptable, we will proceed under the Expedited Permit Program.

Note: In all cases, our estimated issuance date is dependent upon prompt responses and a complete and accurate permit application. If it turns out that, because information was missing or inaccurate, we underestimated the costs for staff overtime, you will be asked to submit additional funds and work will not continue until that additional reimbursement is received.

Going back to our example, if neither February 1 nor February 15 are acceptable to you, you are given the option of paying for an MPCA contractor to work on the permit. If this is agreeable to you, the Coordinator will contact the contractors and ask them if they are interested in the project. Interested contractors will then come into the office to

review the application, and will commit to a time to have the permit ready for public notice or issuance, as applicable, and a time and materials cost. The contractor takes the place of the permit engineer on the permit team, so there also has to be compliance/enforcement staff volunteer, and a permit engineer overseeing the contractor’s technical work. Based on all of this information, the coordinator will choose a contractor and come up with an estimated permit issuance date and estimated cost. If it turns out that your date of January 1 can be met using this option, you may choose to take advantage of it. You may also choose not to take advantage of it, and to take advantage of either the staff overtime or regular staff resource option instead.

Is there any other way for me to get my permit faster, other than paying for an Expedited Permit?

Yes. Your permit amendment or operating permit will also be prioritized in exchange for a commitment to pollution prevention.

Your permit amendment will move up in permitting priority if you agree to prepare a pollution-prevention plan (if you are not already required to do a plan as a TRI reporter) or agree to implement a pollution-prevention project. To receive priority treatment, submit Form P2-01 with your permit application. To receive a copy of the form, call the Document Coordinator at (651)282-5843. For more information, call (800)646-6247 or (651)282-5844 to speak with a permit technical advisor.

What is the cost of the Expedited Permit Program?

When staff overtime is used, you pay the overtime salary of the staff involved, including overhead costs. When an MPCA contractor is used, you pay the contractor hourly rate plus the contractor's material costs (copies, phone calls, etc.), and the overtime salary of all MPCA staff involved (there will always be compliance/enforcement staff involved in issuing any permit). Costs will vary with the type and complexity of permit, but a general range is as follows:

	Typical Amendment	Typical Total Facility Permits
Staff Overtime Option	\$1500 - \$3000	\$3500 - \$5000
MPCA Contractor Option (includes some staff OT)	\$3000 - \$6500 +	\$7000 - \$12000 +

Remember that a cost will be individually estimated for each Expedited Permit, and the Permittee must prepay the estimated cost before work will be authorized.

Will paying for an Expedited Permit always help me out?

No. Experience has shown that the Expedited Permit Program really only saves you time if there is a lengthy backlog, when it might be six or more weeks before anyone is available to work on your permit. This is because it takes an additional two weeks of administrative activities to get staff approved to work on overtime, or an additional three weeks to get a contractor ready to work on a permit. Also, although contractors may be able to assign staff full time to work on your permit, there will always be MPCA staff who must be involved, and generally people are not able to work more than 10 to 15 hours of overtime in a week.

What else can I do to make the process run smoother?

When considering an Expedited Permit and filling out Form EXP-01, try not to request permit issuance by a date that is unreasonable. Most major amendments (the ones you have to wait for before beginning construction) require at least a 30-day public notice period, and take at least four to six weeks to write. Add to that the extra administrative time to get the Expedited process underway, and you can see that is nearly impossible to issue a permit amendment in less than two and a half months. Total facility permits (for construction of a new facility) will take longer. Staff will not volunteer to work overtime to meet an unrealistic schedule, and the Expedited Permit Program does not work without staff overtime.

For more information about expedited permits, contact the MPCA at (800)646-6247 or (651)282-5844.

TTY Users call (651)282-5332 or (800)657-3864



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