

Maximizing the Flexibility of Your Air Permit

As part of your permit application, you will propose how you will operate in accordance with air regulations that apply to your facility. When preparing your application, you may want to consider any of the following options that could increase the flexibility of your permit. These options may allow you to respond to changing market conditions or fluctuations in your operations and could minimize your need for future permit amendments:

- “Synthetic Minor” limits
- Facility-Wide Cap
- Grouping Emission Units
- Pre-authorized Changes
- Alternative Operating Scenarios

Important: To take advantage of these options, you must propose them in your permit application. Provide sufficient detail to show how you will meet proposed limits, for example, through appropriate monitoring and recordkeeping. Be careful to consider unit-specific emission limits imposed by air quality rules and regulations that apply to your facility when proposing alternatives.

You must still comply with the modification procedures outlined in Minnesota’s permit rule for any changes to your facility that are not authorized under an approved flexibility option.

Synthetic Minor Limits

You are considered a major source if your potential emissions are above federal Part 70 permit thresholds or if you construct a new facility or make a modification which is subject to New Source Review. For both Part 70 or New Source Review, it may be possible to accept limitations in your permit which keep your facility’s emissions below federal threshold levels. This process is called becoming a “synthetic minor” source. By complying with your synthetic minor limits, you can avoid major source requirements such as the preconstruction review process under New Source Review. Appropriate limits can include any combination of the following:

- Production Limits -- restrictions on the amount of a final product that can be manufactured or produced at a facility or process line
- Operational Limits -- restrictions on how you operate the source. These can include limits on the hours of operation, fuel use, raw material type and usage. It may also require the operation of pollution control equipment
- Emission Limits -- if on a quantifiable, production basis. Examples include pounds of a pollutant/million Btu heat input or pounds of a pollutant/unit of product. Emission limits must be linked to operational and/or production limits -- for example, a limit on the amount of fuel burned.

To be valid, these restrictions on your facility’s emissions must be included in a permit. It is not possible to “synthetic minor” out of permitting altogether. You must show how you will meet the synthetic minor limits on a recurrent basis, preferably daily. Annual limits are not considered enforceable; however, for facilities with annual unpredictable variation in production, it may be possible to propose a rolling production limit, to be monitored on a 12-month sum or average basis.

Make sure that you can really live with your proposed limits, and consider the effect of any modifications you anticipate in the future. If you are a “synthetic minor” source and your actual emissions are approaching a permitting threshold, small fluctuations in your operation may cause you to exceed your synthetic minor limit. In addition, synthetic minor limits will be permanent conditions in your permit. If you decide later on to relax these limits, you may then need to go back and address the requirements you avoided when you received the “synthetic minor” permit.

You may want to consider synthetic minor limits if your source has actual emissions under federal Part 70 or New Source Review permit thresholds and no modifications are planned that could put facility-wide emissions over the synthetic minor limit.

Important: Sources with low actual emissions may be eligible to apply for a streamlined Registration Permit or Capped Permit. Flexibility is an important feature of both permits. Sources eligible for a Registration Permit or a Capped Permit will not need to obtain a permit amendment for facility modifications, provided that their overall actual emissions are within certain limits and they continue to meet the requirements as defined by rule. For additional information on Registration Permits, see the factsheet “Minnesota Pollution Control Agency (MPCA) Air Emission Registration Permits,” available at <http://www.pca.state.mn.us/index.php/air/air-publications/air-publications.html>. To obtain a copy of the rule, go to <https://www.revisor.mn.gov/rules/?id=7007> and go to Minn. R. 7007.1110-7007.1130. For additional information on Capped Permits, go to: <http://www.pca.state.mn.us/index.php/air/air-permits-and-rules/air-permits-and-forms/air-permits/capped-air-emission-state-permit.html>.

Facility-wide Caps

A facility-wide cap is a limit on total emissions or usage of a given pollutant for an entire facility as it exists when the permit is issued. A Plantwide Applicability Limit, or PAL, is a specific type of facility wide limit for major sources under New Source Review (NSR, 40 CFR § 52.21).

The requirements and benefits are defined by the rule. If your facility is a major source under NSR, refer to the fact sheet on Plantwide Applicability Limits.

For some sources, it may be easier to monitor emissions of a pollutant on a facility-wide basis than at individual emission units. For example, consider a coating plant with several coating lines. It may be difficult to predict how much coating material will be needed to operate any individual line over time. By recording the volatile organic compound (VOC) content and usage of your coating materials, it is possible to do mass balance calculations to keep track of the facility’s VOC emissions.

A facility-wide cap can also make the facility a “synthetic minor” source. For example, a facility can become a Part 70 synthetic minor source by accepting a VOC cap of 90 tons per year, provided no other emissions of regulated air pollutants exceed the federal permit threshold levels. To make this limit enforceable, the facility would need to propose monitoring and recordkeeping to demonstrate that the cap is being met. The 90 tons-per-year cap also would need to be broken down into a daily or monthly compliance demonstration.

You may want to consider a facility-wide cap if your source:

- includes multiple units that emit the same pollutant and the units emit the pollutant through the same or similar types of processes
- has difficulty tracking emissions or material usage from each individual emission unit but the facility has a common source of raw materials
- needs the flexibility to change material usage and can’t anticipate exactly what materials will be required for individual units
- has little lead time when market changes require a production response

Grouping Emission Units

Another option is to set a cap for a certain group of emission units, rather than the entire facility. For example, you may establish a total cap on paint usage for three paint booths. By tracking total paint usage and VOC emissions, you will have the flexibility to use any of the three paint booths as needed, as long as you stay within the group limit.

You may want to consider a group cap if your source includes groups of similar emission units. (See all other points under “facility cap,” above.)

Preauthorized Changes

Your operating permit can preauthorize changes to your facility that you plan to make in the future but that are not in effect at the time of your permit application. If these changes can be identified up front and incorporated into your initial permit, it will be unnecessary to amend your permit later on.

Alternative Operating Scenarios

Your permit can authorize two or more different “operating scenarios.” When you switch from one operating scenario to another, you may be subject to different regulations or monitoring requirements. Generally, you should already have the physical capacity to operate under the proposed scenarios. In certain cases, though, it may be possible to propose operating scenarios that you anticipate in the future.

To take advantage of this option, you must show how you will be in compliance with applicable air quality requirements under all scenarios you propose. You must also keep records to verify your operations for any point in time.

For example, a printing plant that uses both solvent-based and water-based inks may operate and monitor its pollution control equipment differently depending on the type of ink used. The permit can be set up to allow for two different operating scenarios to reflect the use of the two different ink types. Facilities that switch among fuel sources may also want to consider this option.

You may want to consider alternative operating scenarios if your facility:

- has distinct operating modes with differing applicable requirements, each of which is characterized by a unique pattern of emissions, material/fuel usage, or monitoring practices
- anticipates needing to move equipment in and out of the plant, from plant to plant, or within a plant on a regular basis

Where to go for More Information

These brief descriptions give you some ideas of the options you may consider. It may be possible to combine options. You must provide the details of any proposal in your permit application.

For further assistance, you may want to consult the *MPCA’s Air Quality Permits Guide*. The Guide and all fact sheets and application forms are available through the MPCA website (<http://www.pca.state.mn.us>) or by contacting the MPCA at 651-296-6300 or 800-657-3864.

Businesses with fewer than 100 employees can also contact the Small Business Assistance Program for additional help at 651-282-6143 or 800-657-3938.