

Facts about Capped Air Emission Permits

Description

The “capped emission permit” option is a rule-based permit in which all requirements are contained in rule rather than in a tailored permit document. It is designed for noncomplex facilities that do not require site-specific permit conditions.

The rule creating the capped permit was effective on December 6, 2004. It allows facilities that comply with its requirements and have emissions no greater than 90 percent of federal permitting thresholds to make physical and operational changes without need for advance Minnesota Pollution Control Agency (MPCA) approval or permit amendment as long as they remain eligible for the permit.

The rule limits all hazardous air pollutant emissions below levels that would otherwise subject a facility to federal major source standards.

The capped permit is expected to result in less time and money spent by both the regulated facility and the MPCA, while imposing environmental limitations similar to those that would be found in individually developed permits. Safeguards are built into the permit requirements to help protect ambient air quality and to ensure that the facility will not exceed federal permitting thresholds. At the same time, the opportunity for public participation is preserved in the 30-day public notice that follows receipt of application.

A facility can choose between an Option 1 and an Option 2 capped permit. Option 1 has higher allowable facility-wide emission limits than Option 2 but requires tracking insignificant activity emissions.

Capped permit emission thresholds for Options 1 and 2

Pollutant	Option 1 Threshold (tons/year)	Option 2 Threshold (tons/year)
Hazardous Air Pollutants (HAPs)	9.0 for a single HAP* 20.0 total for all HAPs	8.0 for a single HAP 20.0 total for all HAPs
Particulate Matter (PM)	90.0	75.0
PM less than 10 microns (PM ₁₀)	90.0	75.0
Volatile Organic Compounds (VOC)	90.0	85.0
Sulfur Dioxide (SO ₂)	90.0	90.0
Nitrogen Oxides (NO _x)	90.0	85.0
Carbon Monoxide (CO)	90.0	85.0
Lead (Pb)	0.5	0.5
CO ₂ e**	90,000	85,000

*hazardous air pollutant

**carbon dioxide equivalent

Purpose

The capped permit was created:

- to help reduce the permit backlog for small and medium-size sources that do not qualify for the MPCA's streamlined registration permit
- to create incentives for facilities to reduce their emissions to qualify for the capped emission permit as well as an incentive for them to keep their emissions from growing even as their businesses expand
- to reduce administrative costs related to permitting for both facilities and the MPCA over the long-term

If your facility already has a different type of air permit from the MPCA, the agency can provide information from its database to assist your facility in completing the capped permit application forms. See the MPCA's website for instructions on requesting your existing facility data via an e-mail request -

<http://www.pca.state.mn.us/nwqh472>. On that webpage, go to Capped Permit Application Forms.

Eligibility

To be eligible for the capped permit your facility must:

- have actual emissions below capped permit thresholds
- do an ambient air quality assessment using a simplified model tool (annual NO_x, short-term PM₁₀ and SO₂ only)

Some facility types are automatically not eligible:

- acid rain sources (utilities)
- waste combustors
- ethanol plants
- sand and gravel operations (because a state general permit is available for this sector)
- facilities subject to a New Source Performance Standard (40 CFR part 60) other than one of the following subparts: Dc, I, K, Ka, Kb, DD, EE, GG, SS, XX, JJJ, TTT, IIII, or JJJJ

In addition, if a facility requires site-specific conditions in its permit, it is not eligible. Examples include facilities that:

- are subject to State Implementation Plan requirements (usually located in areas previously designated as nonattainment with federal ambient air quality standards)
- made assumptions in an Environmental Impact Statement or Environmental Assessment Worksheet that must be made enforceable through a permit

Compliance requirements

The capped permit rule contains all of the requirements to comply with a capped permit. These requirements include:

1. Each month, record actual emissions for the previous 12 months. Keep all records that support the calculations.
2. Develop and maintain a compliance plan containing a list of applicable state and federal requirements and a list of the actions taken to show compliance with those requirements. This plan is kept on site; it is not submitted to the MPCA.
3. Conduct an analysis before making a physical or operational change that will increase emissions at the facility. This analysis will help a facility determine whether it will remain eligible. It is not submitted to the MPCA, but must be kept on site.
4. Once per year, submit an emission inventory along with an updated equipment list each year. Owners or operators of facilities located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County are also required to submit an Air Toxics Emission Inventory Report.

The Emission Inventory Report form is due electronically to the MPCA no later than April 1.

You will also be assessed an annual Air Emissions fee for your Capped Permit. This fee is based on tons of pollutants you report to the MPCA. An invoice will be mailed to you between February and April and must be paid within 30 days of the invoice date.

For more information

More information about air emission capped permits is available at <http://www.pca.state.mn.us/hqzg483>.

- application forms
- information on public participation
- example compliance plan
- ambient air quality assessment tools

If you have questions about the capped permit, contact the MPCA at 651-296-6300 or 800-657-3864, or visit the capped permit webpage listed above.

Benefits of a capped permit over an individually developed state permit

Faster issuance: The goal is to issue a capped permit within 60 to 90 days after receipt of the application.

Shorter application package: A facility only provides information related to determining eligibility because the compliance requirements are already contained in the capped permit rule.

Flexibility to make changes: This permit allows facilities that comply with its requirements to make physical and operational changes without needing to obtain advance MPCA approval or permit amendment as long as they remain eligible for the permit (e.g., remain below the emission caps).

Reduced reporting: A deviation report is required to be submitted only if a deviation occurred in the past six-month period, instead of every six months, regardless of whether a deviation occurred.