

Facts About State Air Permits With Environmental Management System Provisions

Description

The State Air Permit with Environmental Management System Provisions (or “EMS permit”) was developed by the Minnesota Pollution Control Agency (MPCA) to:

- Reward facilities which are using an EMS to drive continual improvement across the full range of facility environmental impacts.
- Encourage others to develop and implement an EMS.
- Save both the facility and the MPCA resources over the lifetime of the permit.

As with all state permits, the EMS permit must limit all regulated air pollutants below levels that would otherwise subject a facility to federal major source standards:

Pollutant	Federal Thresholds
Single Hazardous Air Pollutant (HAP)	10 tons/year
Total HAP	25 tons/year
Particulate Matter (PM)	100 tons/year
PM less than 10 microns (PM ₁₀)	100 tons/year
PM less than 2.5 microns (PM _{2.5})	100 tons/year
Volatile Organic Compounds (VOC)	100 tons/year
Sulfur Dioxide (SO ₂)	100 tons/year
Nitrogen Oxides (NO _x)	100 tons/year
Carbon Monoxide (CO)	100 tons/year
Lead (Pb)	0.5 tons/year
Carbon Dioxide Equivalents (CO ₂ e)	100,000 tons/year

The EMS permit was finalized in December of 2004 in Minn. R. 7007.0100, 7007.1102, 7007.1105, and 7007.1107.

Benefits

The key benefit of the EMS permit is that it offers relief from applying for most permit amendments underneath the emissions caps. This flexibility allows faster product and production changes, reducing time-to-market.

Like other individual state permits, (and unlike capped or registration permits), pollutant emission limits in EMS permits will be set specific to the facility. Emissions under capped permits may go as high as 90 percent of federal Part 70 thresholds; those under registration permits as high as 50 percent. Emission limits under an EMS permit or any individual state permit will still be limited to below the federal thresholds, but there is more flexibility in how that may be accomplished.

Individually-tailored emission limits allow the EMS permit to accommodate:

- any New Source Performance Standard
- site-specific limits based on State Implementation Plan requirements or performance testing
- limits assumed in an Ambient Air Quality Assessment or an Environmental Assessment Worksheet

For facilities capable of maintaining emissions of any individual pollutant below 25 percent of federal major source thresholds (see table above), the EMS permit also offers a reduction in the frequency of emissions calculations, from monthly to annual.

A further advantage of the EMS permit is that a deviation report is required to be submitted only if a deviation occurred in the past six-month period, instead of the standard of every six months regardless of whether a deviation occurred.

Facilities which hold EMS permits but for whatever reason are no longer eligible for the EMS provisions will not have to apply for and obtain a new operating permit. Their EMS permit will also contain customary permit conditions to which the facility may revert.

Finally, a facility which qualifies for the EMS permit may also qualify for the National Environmental Performance Track Program. Performance Track provides recognition, market advantage, and regulatory flexibility incentives for EMS users who commit to beyond-compliance environmental improvement. Links to Performance Track are at <http://www.pca.state.mn.us/programs/ems.html>.

How to Qualify

To qualify for the EMS permit, your facility must:

- complete an ambient air quality assessment using modeling tools (annual NO_x, short-term PM₁₀ and SO₂)
- use an EMS which conforms to the ISO 14001 international EMS standard
- have had its EMS audited and found in conformance with ISO 14001 by an EMS auditor

Your facility need not take the final step of ISO 14001 registration. However, your facility's EMS auditor must be certified as an EMS lead auditor by the Registrar Accreditation Board or its administrative successor, RABQSA International. Your EMS auditor must also be independent of your facility, its corporate affiliations, or any environmental consulting services the facility has received in the past two years.

If your facility has a conforming EMS and can demonstrate its ability to comply with facility-wide limits below federal major source thresholds, you may use standard state permit application forms and a special EMS qualifications review form (EMS-00) to apply for the EMS permit option.

A facility currently holding any state permit other than a registration permit or capped permit may submit the EMS qualifications form and relevant updated facility and emissions information (including the applicable permit amendment application forms if other changes are necessary) to the MPCA. In most cases, the MPCA can use the existing permit and the new submittals to develop the EMS permit. A facility currently holding a registration permit or capped permit will need to submit a complete application for an individual permit; the same is true of a facility not currently holding a permit and without a pending state operating permit application. A facility with a pending state operating permit application need only supplement the existing application. All permit application submittals must be accompanied by a signed certification form (SCP-01) and the appropriate permit application fee.

All facilities applying for the EMS permit must have submitted enough information in previous or new CD-01 application forms for MPCA to write both the EMS and customary permit conditions into the EMS permit. The closer your proposed facility-wide limit is to the federal Part 70 thresholds, the more complex you're monitoring, recordkeeping and reporting conditions (and the information you submit to support them) will need to be.

For More Information

More information on this permit option, including links to application material, is available at:

<http://www.pca.state.mn.us/programs/ems.html#flex>.

If you have questions about the EMS permit, contact the MPCA at 651-296-6300 or 800-657-3864.