Air Construction Permits

Ron Gore
ADEM
June, 2018
Three Most Misunderstood Concepts in Environmental Regulation

1. Averaging times
2. Enforcement
3. Civics
Types of Air Construction Permits
Issued by ADEM

- Non-attainment New Source Review- NOBODY has ever applied for one
- Prevention of Significant Deterioration Permit- approximately 5 to 10 per year
- Synthetic Minor Permit- keeps a medium-size permittee from needing a PSD permit
- Air Permit- for smaller sources
- No Permit- still subject to rules, but don’t need to be registered in Permit system.
General Issues with Construction Permits

Why should they be pre-construction? They’re pre-operation in water medium.

1. Applicants won’t waste money after starting construction on a facility which never receives a Permit

2. Public won’t think a Permit is a done deal

3. Leverage for Permitting agency
Other General Issues

• Why should Permits be appealable?

• Should Permitting Agency not act on an application if the site is not zoned property?

• What is the dividing line between pre-construction and construction?

• How is “de minimus” defined W/R/T individual emission sources at a facility?
PSD Permits

- For new, large emission sources

- Two main requirements:
  - Install Best Available Control Technology
  - Perform dispersion modeling to predict ambient impacts
PSD Permits

• “BACT” is actually a SOURCE SPECIFIC and POLLUTANT SPECIFIC rulemaking exercise. Huge burden on agencies and applicants. Invites second-guessing by public and EPA.

• Dispersion modeling is out-of-hand
  - complexity
  - way too conservative
  - short-term standards

• Leads to permitting decisions taking years in some States
Quirky Issues Arising in Construction Permitting

• Public: We already have enough widget-making facilities around here.

• Public: Why did ADEM choose this site? It is unacceptable because of traffic, EJ, proximity to schools, etc.

• Public: ADEM does not have the resources to regulate the sources which already exist. No permits for new sources!

• New facility will cause noise and/or odors.

• Labor Union involvement
• Why should a chemical plant need a Leak Detection and Repair Program? No leaks should be allowed!

• We’re a seaport but we don’t want any more storage tanks containing organic liquids.

• Landfills: In Alabama, the host local government (city or county) must approve a new landfill. ADEM should overrule them.

• Our community doesn’t want this. Do what’s right!
Conclusion

• Air Construction Permitting is complex.

• Sometimes, quirky issues arise which the permitting agency has no control over.

• For anything above a basic application, facilities need to sit down with the agency personnel before filing an application.