EPA has issued some changes to its air permitting process in order to help companies save time and reduce paperwork and compliance burdens.

**Definition of Adjacent Areas**

As we first [reported here](https://isienvironmental.com/index.php/air-permit-adjacent-blog/) last fall, EPA was considering changing the interpretation of the word “adjacent” for its EPA Title V air permit and New Source Review (NSR) air permits for new construction or modifications. That interpretation change is now final.

In the regulations, the word adjacent comes into play when determining if a facility qualifies for permits.  When determining sources, a building, structure, facility or installation must be under the control of the same person, belong in the same industrial grouping, and located on one or more contiguous or adjacent properties.  When it came to “adjacent”, EPA had been also considering “functional interrelatedness,” that is, grouping together facilities with similar functions, even if they were miles apart.

According to the new rule, for all industries other than oil and natural gas production and processing, adjacent is physical proximity only.  EPA makes additional comments on the word “contiguous” as well, noting the difference between adjacent and contiguous.  Operations do not have to be contiguous to be adjacent.  That is, operations that do not share a common boundary or border, not physically touching each other will be adjacent if the operations are nearby.  If there is proximity (neighboring or side-by-side operations where the “common sense notion of a plant” can be deduced) that will be considered adjacent.  Railways, pipelines and other conveyances will not determine adjacency.

Please note that states with their own air permitting programs aren’t required to follow the new interpretation, so be aware of the regulations in your own state.

More information about [EPA’s change can be found here](https://www.epa.gov/nsr/forms/interpreting-adjacent-source-determinations).

**Revised Exclusions for Ambient Air**

EPA has broadened the exclusions industrial facilities can take from the ambient air regulations.

The Clean Air Act sets standards that affect ambient air quality, that is, that portion of the atmosphere, external to buildings, to which the general public has access. In the air permitting process, companies are required to make air quality analyses of how their operations, (or changes to operations) will affect the ambient air quality. Within that requirement, there’s been an exclusion for areas that the public didn’t have access to. That is, you didn’t have to count the effects to the air quality of the areas of your facility that the public didn’t have access to as long as your company owned or controlled that area.

Until now, fences and other physical barriers have been the determining factor on public access.

In the updated regulations, EPA is allowing for other types of measures to which deter public access. Some examples could include:

* Signage
* Security Patrols
* Remote Surveillance Cameras
* Drones
* Natural Barriers Such as Cliffs or Rugged Terrain (case-by-case basis)

Your company will still need to have the legal authority to prevent the public from going onto that property. Please note that in this case as well, states with their own air permitting programs aren’t required to follow the new interpretation, so be aware of the regulations in your own state.

For more information, check out the [EPA’s guidance page here](https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air).