**Making Changes to Equipment or Operations? Do You Need a Construction Air Permit?**

***What Are Construction Air Permits and How Do We Determine If We Need One?***

Whenever you plan on making changes to equipment or operations, before you ever get started, your company should always determine whether or not you will need to obtain a construction air permit from your state (or local) environmental agency.

**Air Permit Regulations**

The Clean Air Act sets standards to prevent significant deterioration (PSD) of the air quality for an area. This is a federal regulation and EPA has the regulatory authority to enforce it, but it can also delegate authority to individual states by approving the state’s plans to enforce these regulations.

Air permits are required any time a company will exceed criteria for six different criteria pollutants (sulfur dioxide, carbon monoxide, particulate matter, lead, nitrous oxides, and ozone (volatile organic compounds)) or from a list of 187 hazardous air pollutants. Permits outline the emission sources at a facility and can include emission limitations, equipment maintenance requirements, and reference applicable Maximum Achievable Control Technology (MACT) standards and New Source Performance Standards (NSPS).

**What Kinds of Activities May Need an Air Permit?**

Some examples of equipment or processes that may produce emissions that may require an air permit may include:

* Compressors
* Paint Booths
* Degassing Vessels or Lines
* Engines
* Generators
* Ovens
* Incinerators
* Boilers

Some activities that may produce emissions to require an air permit may include:

* Loading/Unloading Operations
* Material Storage/Transfer
* Painting
* Solid Wastes
* Tank Loading/Unloading
* Truck Loading/Unloading
* Valves, Vents, Vessels and Tanks
* Wastewater Treatment
* Welding
* Asphalt Mixing/Rock Crushing

**Operating Permits vs. Construction Permits**

Air permits required for regular operations are called operating permits. They are applicable to the entire facility. There are different types of operating air permits based on whether or not you are located in an EPA area of nonattainment, how you much you will be emitting, and what you’ll be emitting.

Air permits can also be required for specific projects where you’re going to be making changes or additions, and these are called construction permits/approvals. Even though the word construction is used, you don’t have to technically be doing “construction” activities. In this instance, it means the *process* of making any change to an operation. Once the change has been made, that change then becomes part of the operating permit because it becomes part of the facility operations.

Depending on the state, sometimes operating and construction permits are done at the same time to prevent time loss between making the change and getting the new operation up and running. Some states do them separately. Some states require construction permits be incorporated into the facility’s operating permit, and other states will issue combined construction/operating permits.

**Construction Permits/Approvals**

Except in limited situations, **air construction permits must be received BEFORE your construction or change can commence**.

Some changes to your facility that could require a construction permit include:

* Installation of new process equipment;
* Modification to existing process equipment;
* Installation of or change in an emission control device;
* Debottlenecking of a process that allows for increased production; or,
* Increases to throughput or operating hours (if currently limited by an operating permit).

**Determining If You Need a Construction Air Permit**

As with operating permits, for a construction air permit one of the first things you’ll need to do is determine how this change will affect your Potential to Emit (PTE). This is the maximum design capacity of a stationary source to emit a pollutant under its physical and operational design. Calculate the PTE for each pollutant associated with this source. There are several different ways to do this calculation and your state may have a preference on which one you use to determine your PTE.

Once the PTE for the project or modification has been calculated, compare it to the construction permitting thresholds. Please note that in some cases, you may still need to have a construction air permit even if potential emissions are lower than the construction approval thresholds. For examples, what type of equipment it is or what type of process it is may affect its status. Check your state’s rules on what their guidelines are.

**Obtaining the Permit**

If your calculations tell you the project requires an air construction permit, the customary application must be submitted for approval. If a project is going to make such a difference that it will now trigger Major Source or Major Modification thresholds, you may need to obtain a Federal Air Permit. This is a lengthy application, and approval can take quite a long time, from several months to well over a year or two, depending on your state and the workload. So, it’s very, very important you try to do this well ahead of the time you plan on making the change.

If you already have an operating permit, be aware that your change that you are looking at getting permitted under the construction permit may cause changes to your operating permit at the same time. Know exactly what the conditions of your operating permit are and see how these changes will affect it so that if you are in a state which does operating and construction permits separately, you can get started on making changes to your operating permit now so that you can operate the results of the construction.

Some states have a streamlined construction permit application process for certain equipment such as emergency generators or boilers. These applications are short and sweet and typically receive agency approval quickly.

If the project meets the exemption from air construction permitting, retain all documentation for your files. Even if exempt from permitting, state or federal regulations may have requirements for the source, and you still may need to complete some state paperwork.

With all air permits, both construction and operating permits, once you have turned in your application, be prepared to wait. The state agency will check for the completeness of your application and may have questions. Once any issues have been resolved, you should receive a draft of your permit to review and comment on. If it’s not in your state’s policy to send a draft, ask for one, especially if it’s a combined operating/construction permit.

Make sure you read this draft! You will be held to what this permit says. Make sure everything about the permit is correct, including any equipment details, inconsistencies, unclear language, typos, etc. Remove or clarify any ambiguities to make the conditions as broad as possible. Any errors could cause you issues later when being inspected, leading to an inspector thinking you are doing something differently than what’s allowed in the permit.

Once the draft has been approved, there may be a public notice period depending on state policy, and then after that you should receive your permit.

Please note, your construction permit could take several months to be approved, so make sure you plan accordingly. And also remember…construction permits must be obtained BEFORE construction can be started.