

A BIG REGULATORY PITFALL TO AVOID

One of the most common and potentially costly oversights that we see at facilities is **the failure to obtain a construction air permit before installing or modifying an air emission unit**. We thought it would be useful to review the rules regarding construction air permits.

Specifically, the rule for construction permits states:

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit.

The rule seems simple enough, except that **there are dozens of listed exemptions** that apply to state enforced permits (i.e., a Lifetime Permit), but do not always apply to federally enforced permits (i.e., FESOP or CAAPP/Title V permits).

Take, for example, a new coating line that is added to a facility in the Chicago nonattainment area. The new coating line is exempt from the construction permit requirements if actual coating use at the facility (including thinners) is less than 5000 gallons per year and if the following conditions are met:

- The facility's potential to emit volatile organic materials (VOMs) is less than 100 tons per year
- The facility's potential to emit any combination of HAP's is less than 25 tons per year
- The facility's PTE for any individual HAP is less than 10 tons per year

However, if the facility's PTE exceeds any of the above thresholds, then the state exemption is not applicable (i.e. federal rules override the state rules). A construction permit is required even if total coating usage is less than 5000 gallons per year.

A missed construction permit can result in fines of \$25,000/day or more, and big legal bills. This recently has been a major push of enforcement activity, and fines. For guidance, we have attached a general flow chart that illustrates when a construction permit is, or is not, required.

Many regulatory pitfalls can be avoided by obtaining a construction permit. Please feel free to call us, or contact me at Steve@Admiralenv.com.

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PS: As new projects are being planned for next year, we encourage you to review your plans with us at least six months prior to when construction is expected to begin.

GENERAL FLOW CHART FOR ILLINOIS CONSTRUCTION AIR PERMITS

