



# State of Mississippi

TATE REEVES

Governor

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

### WHEN SHOULD A FACILITY OBTAIN A PERMIT TO CONSTRUCT AIR EMISSIONS EQUIPMENT?

A Permit to Construct is required before beginning construction, reconstruction, or modification of equipment, machines, devices, articles, contrivances, or installations that will have air pollutant emissions. Construction means the initial installation or construction of any air emissions equipment, machines, devices, articles, or contrivances. Reconstruction means the replacement of components of any existing facility such that the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a new facility. Modification means any physical change or change in the method of operation of an existing facility resulting in new or increased emissions.

A Permit to Construct must be obtained before beginning construction in the following situations unless otherwise provided for in the attached list of exclusions:

1. construction or installation of emissions equipment at a new facility site or business location;
2. an existing facility plans to install additional or larger capacity equipment which will increase the emissions potential of the facility;
3. an existing facility plans to replace components of a system such that the cost will exceed 50 percent of the fixed capital cost of a new facility; or
4. an existing facility plans to begin using other raw materials, fuel, etc. that will result in different or increased air pollutant emissions.

### WHAT ABOUT THE NEED FOR AN OPERATING PERMIT?

A Permit to Operate is needed for the operation of air emission equipment at a synthetic minor source, major Title V source, or a significant minor source. A Permit to Operate for a new or modified facility is obtained in connection with the facility receiving a Construction Permit (if required) and then completing and providing certification of construction in accordance with approved plans. The attached list of exclusions from permitting should be reviewed for applicability. Any existing facilities that are operating air emissions equipment without an operating permit and are not categorically exempt from doing so, should contact the agency for additional guidance.

For a copy of a permit application, a copy of our permitting regulations, or any other information, please contact the Department's Environmental Permits Division by calling (601) 961-5171 or by accessing our web site at [www.mdeq.ms.gov](http://www.mdeq.ms.gov).

Attachment

OFFICE OF POLLUTION CONTROL

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## PERMITTING EXCLUSIONS

11 Mississippi Administrative Code, Part 2, Chapter 2

Mississippi Commission on Environmental Quality:

Permit Regulations for the Construction and/or Operation of Air Emissions Equipment

### **Rule 2.13 Exclusions.**

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D. **Categorical Exclusions from Both Permit to Construct and Operate.** The following are excluded from the requirement for a permit to construct and a permit to operate:

- (1) Residential heating, cooking, or cleaning devices.
- (2) Residential yard and garden equipment.
- (3) Mobile sources.
- (4) Air conditioning, space heating, or ventilating systems not uniquely designed or operated in a manner to remove air contaminants generated by or released from equipment.
- (5) Stationary sources, other than incinerators or CAFOs, which have potential uncontrolled emissions less than 10 tons per year (TPY) of PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC, as determined for each pollutant; less than 1.0 TPY of each hazardous air pollutant (HAP); and less than 2.5 TPY of all HAPs combined.
- (6) Feed milling facilities which mill, formulate, or otherwise prepare animal feed products for direct local retail sale solely in prepackaged form and are not associated with a grain elevator. Milling facilities engaged in preparing feed products for wholesale distribution and/or bulk sale are not included in this exclusion.
- (7) Sawmills/woodworking plants which do not have drying kilns onsite and process less than 25,000 board feet/day.
- (8) Any equipment used exclusively for preparation of food for direct retail sale at a restaurant, cafeteria, bakery, or food service.
- (9) Auto body shops with only one (1) paint spray booth and with substantial portions of business devoted to repainting entire vehicles or collision repairs.

- (10) Surface sand and/or gravel mining operations which do not utilize rock crushers, pneumatic conveyors, or dust collectors.
  - (11) Recreational heaters.
  - (12) Gasoline service stations with no more than 17 refueling positions.
  - (13) Retail propane filling operations.
  - (14) Outdoor kerosene heaters.
  - (15) Refrigeration systems.
- E. Emission-Based Exclusion from Permit to Construct. The following emissions units are excluded from the requirement for a permit to construct provided the unit is not a new major stationary source, major source of hazardous air pollutants, new moderate stationary source, major modification, or moderate modification nor a part of a new major stationary source, major source of hazardous air pollutants, new moderate stationary source, major modification, or moderate modification.
- (1) Coal or residual oil-fired combustion devices or groups of devices with a total rated input capacity of less than 2,000,000 BTU/hr, clean wood waste boilers or groups of boilers with a total rated input capacity of less than 10,000,000 BTU/hr, distillate oil or combination distillate and gas-fired units or groups of units with a total rated input capacity less than 10,000,000 BTU/hr and natural gas fired and/or LPG fired devices or groups of devices with all individual rated input capacities of less than 10,000,000 BTU/hr and a total rated input capacity less than 25,000,000 BTU/hr.
  - (2) Equipment used exclusively for oil and gas field production, gathering, storing, and transmission, including, but not limited to: gas/oil separators, emulsion treaters, free water knockouts, compressors or group of compressors with a total rated capacity less than 500 brake horsepower, segregation basins, API oil/water separators, tank facilities, and crude oil loading equipment used solely for crude oil collected from production wells onsite. Continuous flaring of sour gas and/or combustion devices firing sour gas are not excluded from permitting.
  - (3) Emergency safety relief systems, including pilot lights.
  - (4) Sand blasting operations which use no more than 83 tons of sand in any given 365-day period.

- (5) Wood, plastic, and/or metal machining operations which are totally enclosed within a building, and which have no direct exhausts to the ambient air other than common building ventilation points.
- (6) Petroleum products storage facilities with no individual storage tank greater than 19,800 gallons and total storage capacity less than 55,000 gallons.
- (7) A compressor or groups of compressors firing either natural gas, gasoline, LPG and/or diesel fuel with a total rated capacity less than or equal to 500 brake horsepower.
- (8) Surface coating operations which utilize less than 50 pounds per day of all solvents and coatings.
- (9) Fire training exercises and equipment.
- (10) Groundwater recovery/treatment facilities used for the remediation of motor fuel contamination addressed under the Underground Storage Tank Program when the facilities are located on the site of the contamination.
- (11) Temporary storage/aeration of soils contaminated with motor fuel which are produced as a result of a remedial response to a release from an underground storage tank when the storage/operation is on the site of the tank.
- (12) CERCLA/Superfund remediation or removal projects on the site of the contamination.
- (13) Remediation of sites contaminated with hazardous constituents required under State authority on the site of the contamination.
- (14) Portable TSCA treatment facilities permitted by EPA.
- (15) Wastewater collection and treatment facilities, other than CAFOs or those listed in 40 CFR 61, Subpart FF - National Emission Standard for Benzene Waste Operations and in 40 CFR 60, Subpart QQQ - Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems, which have the potential to emit no more than 5 TPY of Volatile Organic Compounds (VOC).

- (16) Surface coal mining operations for which a permit has been issued by the Permit Board pursuant to Miss. Code Ann. §53-9-1, et seq. or by the Federal Office of Surface Mining pursuant to the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. §1201, et seq. However, any rock crushers, pneumatic conveyors, and dust collectors at such operations may require permitting if they meet the definition of “stationary source.”
- (17) Auto body shops.
- (18) Dedicated fuel stations with total storage capacity less than 55,000 gallons and no individual tank greater than 19,800 gallons.
- (19) Subject to Rule 2.14, any existing or new animal feeding operation that is not a concentrated animal feeding operation (CAFO) and that does not incinerate animal carcasses or waste. For the purpose of this paragraph, “animal feeding operation” means any facility where animals have been, are, or will be stabled or confined, or allowed to roam or graze within a fenced or otherwise restricted area. This definition includes, but is not limited to, aquatic animal production facilities, kennels, swine growing operations, veal farms, chicken growing operations, cattle growing operations, and dairies.
- (20) Initial field testing of oil and gas wells, after proper notification to the Commission provided such tests will not produce 100 tons per year or more of any pollutant.

**F. De minimis NSR Modification Exclusion from Permit to Construct.** A de minimis NSR modification is excluded from the requirements for a permit to construct. This does not eliminate any requirement for modification of the related Title V permit or State Permit to Operate to address a de minimis NSR modification. A modification other than a de minimis NSR modification is subject to the requirements for a permit to construct.

**G. Exclusion from Permit to Operate.** Major Title V sources, other sources required to obtain a Title V permit, synthetic minor sources, and significant minor sources are subject to the requirements for a permit to operate. Any other source is excluded from the requirement to obtain a permit to operate. Exclusion from the requirement to obtain a permit to operate does not imply exclusion from any other requirements of these regulations, including the requirement to obtain a permit to construct before beginning actual construction and the certification of construction requirements specified in R. 2.5.D.

**H. General Permit May Supersede Exclusions.** The Permit Board may issue a general permit which shall supersede the exclusions listed in D., E., F., and G. above.