



Air Program Fact Sheet Exemptions from Construction Permits Based on Actual Emissions Under s. NR 406.04(1q), Wis. Adm. Code

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What is the new Air Construction Permit Exemption all about?

In June 2007, the Department of Natural Resources (DNR) created a new type of exemption from air pollution control construction permit requirements for projects that meet certain emissions limits. This exemption is now available for facilities planning to construct or modify equipment that emits air pollution.

This exemption is available to all facilities, large and small, that have **already been issued a facility-wide operation permit** or have **submitted a timely and complete application for a facility-wide operation permit**. Please note that facilities with a Registration Permit or General Operation Permit do **not** need to apply for this exemption.

Who qualifies for this Actual Emissions Construction Permit Exemption?

Your facility may qualify for the exemption if the actual emissions from all the equipment (also known as emissions units) constructed, modified, replaced, relocated and/or reconstructed as part of a project do not exceed the following levels:

Pollutant	Eligibility Threshold
Particulate matter (PM)	1,666 pounds per month*
Sulfur dioxide (SO ₂)	1,666 pounds per month*
Carbon monoxide (CO)	1,666 pounds per month*
Nitrogen oxides (NO _x)	1,666 pounds per month*
Volatile organic compounds (VOCs)	1,666 pounds per month*
Lead	10 pounds per month*

*Averaged over any 12-consecutive-month period

In addition to emitting at or below these thresholds, the project, which consists of all constructed, modified, replaced, relocated or reconstructed emissions units, must also meet the following requirements:

- None of the emissions units in the project can trigger a new Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) determination under the state toxics rule in ch. NR 445, Wis. Adm. Code. BACT or LAER may be triggered if the emissions of a hazardous air contaminant are over the applicable thresholds in Table A, B, or C of ch. NR 445, available at <http://www.legis.state.wi.us/rsb/code/nr/nr445.pdf>, and column (i) in the tables says BACT or LAER is required. More information and assistance on the state toxics rule can be found at <http://dnr.wi.gov/air/toxics/>.
- The project does not trigger New Source Review requirements under chs. NR 405 or NR 408, Wis. Adm. Code.
- Emissions units (or processes) newly constructed as part of the project cannot be subject to an *emissions limitation* under section 111 (New Source Performance

Whom should I contact if I need more help?

- Steve Dunn, Air Permit Engineer, (608)267-0566 or Steven.Dunn@wisconsin.gov
- Contact the DNR Service Center nearest you and ask for your air compliance inspector. Service Center contact information is available at: <http://dnr.wi.gov/org/caer/cs/ServiceCenter/locations.htm>.
- For updates, visit the DNR Permit Exemption Web page at <http://dnr.wi.gov/air/permits/streamlining/PermitExemptions.html>

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