

Air Permit Certainty for Brownfield Developments

Type of Proposal: Legislative

BACKGROUND

DNR's brownfields program is designed to promote both the cleanup and redevelopment of contaminated property. Responsible parties have real options to evaluate and a good amount of flexibility when planning a cleanup. DNR provides resources and assistance. It's a great example of how environmental protection and economic growth can complement one another.

Other environmental regulatory barriers still exist, however, to the redevelopment of brownfield properties as new manufacturing sites. Air emissions permitting is one example. Manufacturers are wary of the risks they face from the costs and uncertainties associated with changing standards and other related requirements.

PROPOSAL

Building on US EPA's former clean unit approach and DNR's current registration permit program, this proposal seeks to reduce cost and process risks regarding air permitting for environmentally responsible manufacturers that redevelop and operate on brownfield properties. It should also enhance the effectiveness of the brownfields program.

Eligibility – Manufacturing operations are eligible if they: 1) are enrolled in DNR's Green Tier program; and 2) have entered the VPLE program for the operation's property; and 3) have completed the active remedial work (with groundwater monitoring to be continued if necessary) or obtained a VPLE Certificate of Completion.

Program – If the eligible operation is a minor source and properly permitted, no change would be required to the pollution controls for a 10-year period. If the source expands during the 10-year period or a change of law or regulation occurs and the facility becomes a major source, it could qualify under the major source program for financial assistance for the remaining 10-year term. The registration permit program approach would be used for all of the sources qualifying under this program.

For eligible major sources that either install best available pollution controls or are able to demonstrate that no controls are required, financial assistance (loans/grants) would be available in the event that revised standards or other requirements are imposed unrelated to a planned expansion of the facility that requires new or enhanced controls. Financial assistance may also be extended to qualifying facilities that are required to undertake modeling or other air analysis due to a change in standards during the ten year period.

A pilot program should be developed to test and evaluate this concept. If proven successful, the program could be expanded statewide and, ultimately, include water regulation as well.

COMMENTS

DNR: Any proposal developed would be coordinated with US EPA to ensure that the state's authorization to implement the federal Clean Air Act under the state Air Program's state implementation plan is not impacted.