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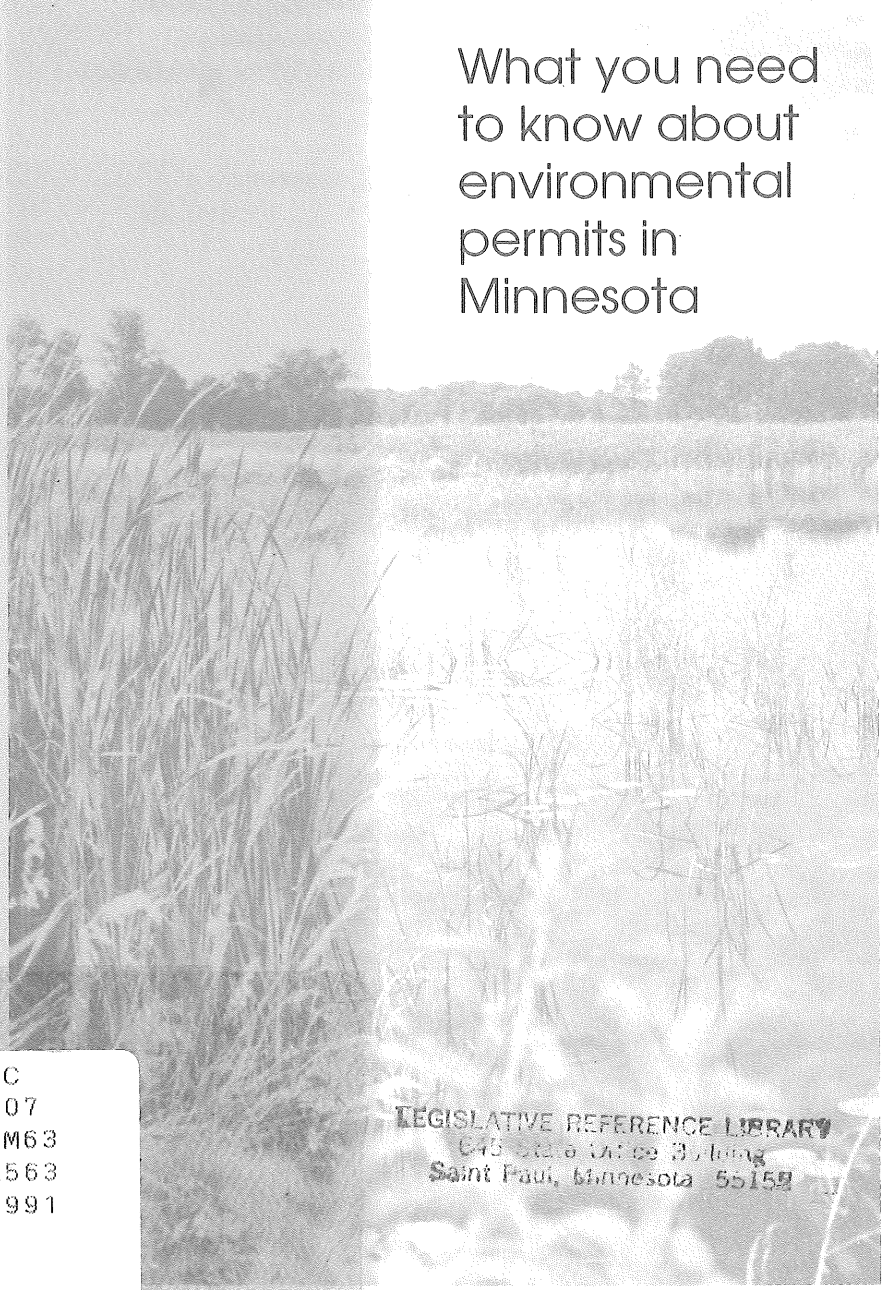
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MPCA Permits

What you need
to know about
environmental
permits in
Minnesota



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**I'm just starting —or expanding — my business.
What's this about "environmental permits"?**

If you are beginning a new business or expanding a business you already have, it is important for you to determine what, if any, permitting programs apply to your project. Your failure to apply for a required permit early in your planning process could cause serious construction delays and result in a financial penalty.

You should begin planning for obtaining all necessary environmental permits at the same time you plan other aspects of your new business or expansion. Unlike licenses, in most cases environmental permits are prepared specifically for the activity being permitted, thus they take time to prepare. Because the potential to pollute is of public interest, public notice and opportunities for public comments on permits are also integral parts of the permitting process. Permits are issued for up to five years.

What is an environmental permit?

Environmental permits are required for many activities that have the potential to adversely affect the environment. In Minnesota the majority are issued by the Minnesota Pollution Control Agency (MPCA), but other environmental permits may be required by federal, state or local units of government. The MPCA's permits are designed to limit the release of pollutants into the environment by requiring specific controls and procedures.

Who needs an environmental permit?

In general, a business needs an environmental permit whenever it includes processes or activities that could release pollutants to the air, water, or land, whenever it includes the storage, treatment or disposal of hazardous or solid wastes, or when it

has the potential to attract large numbers of vehicles. A list of circumstances potentially requiring permits follows on pages 7 and 8.

When does a company need a permit?

Permits are necessary for new projects, for expansions of existing businesses, and in many cases, new permits or permit amendments must be obtained for process or equipment changes at existing businesses.

Business owners should be aware that many environmental permits must be issued **before** construction begins. That is because the permits may include specific equipment or processes that must be determined before the onset of construction. In addition, the MPCA does not advise businesses to invest in activities prior to permitting since permits may ultimately be denied.

How does a company get a permit?

The first step is to contact the MPCA to determine whether a permit, or permits, will be required. Telephone numbers for your initial contacts are listed on page ten. If a permit is required, you will need to complete an application form.

You will speed up the process of obtaining your permits by providing all the necessary information. The permit application must be deemed complete before a permit can be drafted and placed on public notice. The permitting process is a collaborative effort requiring frequent verbal communication between the proposer and MPCA staff. In some cases, it may be advisable to hire an environmental consultant to complete some or all portions of the application.

How long does it take?

Issuing a permit can take from 30 days to several years, depending upon the type of permit and the complexity of the proposal or project. Delays frequently result when the MPCA must obtain additional information not provided in the original permit application.

The MPCA may also decide to conduct a health risk assessment, if concerns exist about the release of toxic pollutants, and that requires additional time. Sometimes public interest or concern demands that additional time be spent in order to provide adequate public information and comment opportunity. In some cases, an environmental review process makes granting the permit more time consuming. Substantial delays (six to 12 months) can occur if a contested case hearing is required, if a permit must be redrafted and public noticed, or if the MPCA's permit is appealed through the court system.

Routine permits can be approved by the MPCA Commissioner or division directors. However, major permits or those of significant public interest are brought to the MPCA's nine-member Citizens Board for approval. The Board meets monthly at regularly scheduled public meetings. Generally, permits to be brought before the Board are first introduced at the Board committee level.

At both the committee and the Board meetings, comments from the public and the project proposer may be heard. Sometimes the Board asks MPCA staff to provide more public information before it considers an issue. Occasionally, though MPCA staff present what they believe to be a technically sound permit, that is, one that effectively protects the environment, the Board does not agree and will not approve the permit. At this point, the proposer must decide whether to drop the project, resubmit another permit application that addresses the MPCA concerns, or appeal the MPCA decision to a court of law.

How much is this going to cost?

The Legislature has mandated that the costs of regulating business activities affecting the environment should be borne by the businesses themselves. Thus, the MPCA charges permittees for the time spent preparing permits, except for feedlot and solid waste permits. Costs for environmental review, if any, are also borne by the businesses.

Permit fees for each division can be expected in the following ranges:

Air Quality:

Application fee: \$50

Processing fee: \$75 to more than \$6,000

Annual fee: \$225 to \$2,280

Water Quality:

Application fee: \$60

Processing fee: \$1,250 to \$27,100

Annual fee: \$110 to \$18,800

Hazardous Waste:

Application and processing fees:

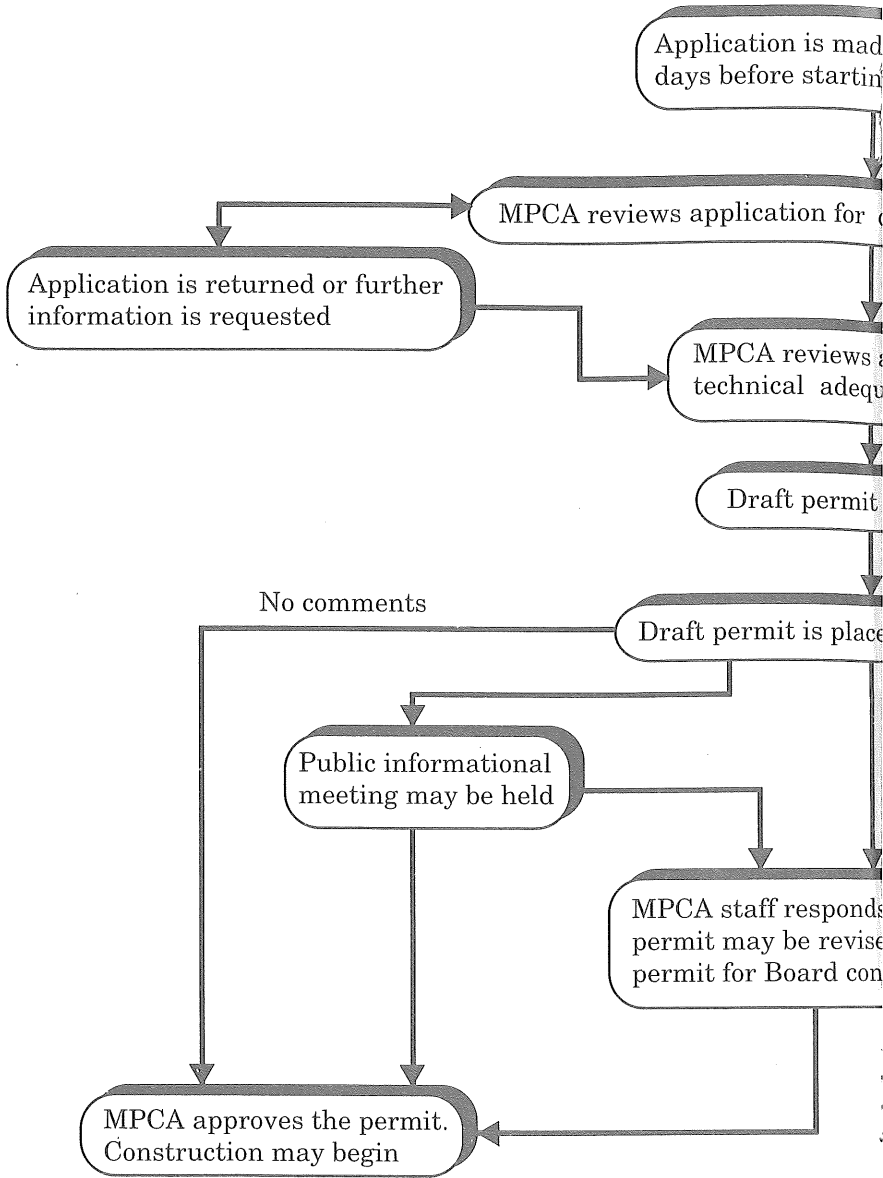
\$1,210 to \$54,670

Permit reissuance: \$610 to \$27,340

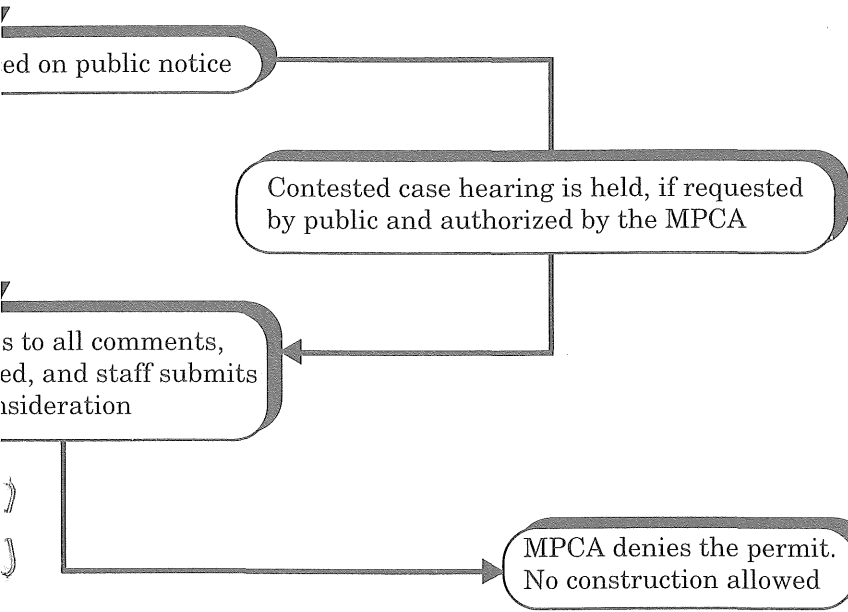
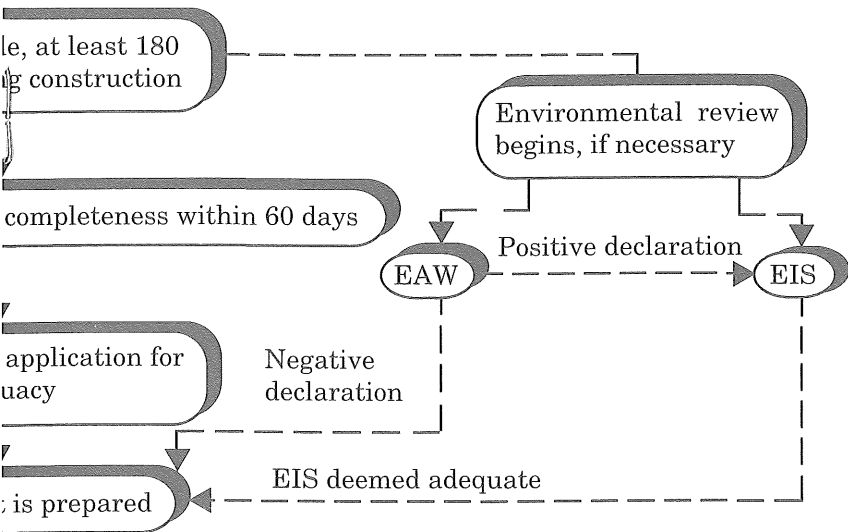
Annual permit fee: \$1,180 to \$37,180

Liquid Storage Tanks: Application fee: \$530

The Permitting Process



All permitting decisions (issuances or denials)



may be appealed to the Appellate Court

Is this something that Minnesota does that I can avoid by going somewhere else?

No. Environmental permitting programs are conducted nationwide, either by the state affected or by the U.S. Environmental Protection Agency (EPA). In Minnesota the MPCA has authority from the EPA to issue most environmental permits.

How can I get information about the types of environmental permits my company might need?

The *State of Minnesota Directory of Licenses and Permits* contains a complete listing of licenses and permits issued by state agencies. It is available at all public libraries in Minnesota. Business owners should also contact local planning and zoning officials, local sanitary sewer districts for wastewater discharges, and county environmental health offices for information on local permits and requirements. At the federal level, the U.S. Fish and Wildlife Service and Corps of Engineers may also have some requirements.

Activities Requiring MPCA Permits

Air quality permits are issued for activities that have the potential for air emissions from burning or from industrial processes not associated with burning. Activities that raise dust or cause odors may require controls, and projects that attract large numbers of motor vehicles (such as shopping centers, office complexes, residential developments and parking lots) may require indirect source permits.

Water quality permits are issued for discharges of wastewater, including non-contact cooling water and air-conditioning or heat-pump water and mining and construction dewatering. In the case of some industries, MPCA permits must be obtained for discharges to municipal wastewater treatment systems. Permits are also required for animal feedlots. If a municipality must extend its sanitary

sewer lines to accommodate a business, it must obtain a sewer extension permit from the MPCA.

Solid waste permits are required for any disposal of nonhazardous solid waste on property owned by the business, and for solid waste processing, storage and transfer facilities.

Hazardous waste permits are required for treatment, storage or on-site disposal of wastes considered hazardous because of ignitability, corrosivity, reactivity, toxicity or oxidizing characteristics. Businesses producing wastes are responsible for determining whether the wastes they produce are hazardous. Temporary storage of hazardous wastes prior to off-site treatment or disposal may require a permit, depending upon the length of the storage period.

Liquid storage permits are required for all above-ground storage tanks that hold materials capable of polluting the waters of the state, including gasoline and other fuels.

Waste tire facility permits are required to store, process or dispose of waste tires or tire-derived products, or for any waste tire storage, processing or transfer facility. Facilities that process or store less than 500 waste tires in any 30-day period are automatically permitted by rule, but must file a written notification with the MPCA.

**What is an
"environmental
review"?**

An environmental review is a standardized public process designed to disclose information about the potential negative environmental effects of a proposal and ways to avoid or minimize them. It is a one- or two-step process. The first step in the process is the preparation of an Environmental Assessment Worksheet, or EAW, by the project proposer and a designated responsible unit of government. The EAW is a six-page questionnaire. It is published for public comments, after which the responsible governmental unit determines whether or not the potential exists for significant environmental effects. If not, the permitting process may begin.

If the potential exists, then an Environmental Impact Statement (EIS) must be prepared to thoroughly review possible environmental consequences and identify how they can be prevented. Public comment is invited at several stages of the process. The EAW process requires three to four months. The EIS process may take twelve months or longer. No permit for the proposed project may be issued until the processes have been completed.

**What projects
require
environmental
review?**

Many proposed projects will require environmental permits but not require an environmental review. However, some projects automatically require an EAW, and a few automatically require an EIS. Citizens may also petition for an environmental review if they believe a proposed project may have environmental consequences.

To determine whether an environmental review should be conducted for your project, you should contact the MPCA prior to submittal of permit application forms. The telephone number for the initial contact is (612) 296-7799.

Initial Contacts at the MPCA

Air emissions facilities

Incinerators(612) 296-7625

Boilers, industrial process
equipment, grain elevators
and volatile liquid storage
tanks(612) 296-7711

Indirect sources(612) 296-7212

Wastewater discharges

Municipal.....(612) 297-3365

Industrial.....(612) 296-7355

Animal feedlots(612) 296-7327

Solid waste facilities(612) 296-7927 or
.....(612) 297-1781

Hazardous waste facilities(612) 642-0449

Above-ground liquid
storage tanks(612) 643-3448

Waste tire facilities(612) 296-5895

Telephone numbers are subject to change. If you have difficulty reaching any of these numbers, call the MPCA's general number, (612) 296-6300, and ask for the permitting unit for your type of facility.