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Complete Health Environmental and Safety Services

Air Quality Permits

By Janet L. Keyes, CIH, CHESS, Inc.

Do you routinely spray paints? Do you use more than 200 gallons of paints and thinners a year? If so, you probably need to have an air quality permit. That's required for anyone who uses more than 200 gallons of volatile organic compounds (VOCs) a year. VOCs are chemicals such as toluene or xylene, the solvents commonly used in paints, clears, gun cleaners, and thinners. Your paint supplier should be able to run a VOC report for you, to tell you if you're above that 200 gallons of VOC threshold.

Note: that's 200 gallons or 2000 pounds of VOCs. If your paints are water-based, you might be able to use a lot more than 200 gallons of paint before you reach 200 gallons of VOCs.

So you're above the threshold. You realize that you need an air quality permit. Maybe your shop has been operating without a permit for years, because you never realized it was needed. You've just stepped on a hornet's nest.

The Minnesota Pollution Control Agency (MPCA) issues different types of air quality permits, ranging from Option B registration permits, which most body shops hold, to Part 70 major source permits. For B registration permits, you pay a couple of hundred bucks and submit a report each year, telling the MPCA how much paint and related product you purchased in the previous year. That's not so bad. For major source permits, you pay tens of thousands of dollars, keep lots of records, and do lots of reporting. That's pretty bad.

If you're just starting out in business or building a new shop, you probably qualify for the B registration permit. If you're in that situation, apply for it as soon as you know you'll be starting up (before construction of your booth). Don't wait until your booth has been installed.

If your booth is already there, you have a problem. Because of the way that federal air quality regulations have been written and interpreted, existing shops need to calculate their potential to emit – how much pollution would they generate if they operated as many spray guns as possible (based on the number of airlines installed in your booth) every day of the week, around the clock. Not realistic, you say? That's the way the law's written, probably with the intent of keeping people from falsely claiming that they only spray an hour or two. The problem with that: if you have one gun that could spray two gallons per hour, your potential to emit will be enough to put you in the major source category.

So your choices become: (a) apply for a major source permit, at a cost of tens of thousands of dollars; (b) close down your shop and open a new one, so you can get the Option B permit; (c) operate illegally without a permit. There's now a fourth choice, the Part 70 Low-Emitting Facility General Permit. It's a lot better, cheaper, and easier than the major source permit. But it isn't cheap and it isn't easy.

The Part 70 Low-Emitting Facility General Permit was developed by the MPCA to cover those facilities that are not major polluters, but that didn't get a permit when they should have done so. Its big advantages: it is much less expensive than an individual major source permit and, if you apply for it before April 30, 2016, you won't be subject to legal action because you were operating without the required permit.

If the MPCA finds that you're operating without a required permit, penalties can be steep. This March, a sporting goods company paid \$78,000 for not having a permit for its spray booths. A company in Winona paid nearly \$100,000 in 2012, for lack of permits for its booths.

If you have not had an air quality permit and now want to take advantage of the MPCA's amnesty program, we recommend figuring out whether you qualify before you apply. If you're not using waterborne paints, it does not look like you'll qualify for this permit (you'll need the major source permit). Do any of your paints contain lead? If so, you probably don't qualify. This would be a good time to change your practices – get rid of the lead-containing paint and switch to waterborne.

The permit application itself has almost twenty forms. If you like filling out tax forms, you might like this permit application. This is not something you want to try completing on your own. The MPCA's Small Business Environmental Assistance Program should be able to help. And there are consultants who can help you. Make sure they have experience with the MPCA's air quality permitting process and have heard of this new permit.

The quick summary:

- If you have an air quality permit already, appreciate it. This new permit isn't for you.
- If you are just planning to start operations – you haven't constructed a shop or installed a paint booth - apply for a permit now, as soon as your plans have firmed up, and preferably before any construction has begun. If you do so, you should be able to get the simple and inexpensive registration permit.
- If you've been operating without a permit and you spray waterborne paints, this new permit is your best hope for coming into compliance. But check with the MPCA Small Business Environmental Assistance Program (SBEAP) or a knowledgeable consultant before you apply.
- If you've been operating without a permit and still spray solvent-borne automotive paints, consider changing to waterborne. But it would be wise to check with the MPCA SBEAP or a knowledgeable consultant before you make that change, to ensure it will allow you to qualify for this permit.
- And if you're in Minneapolis, the city had been offering grants to switch to water-based paints. Check with the city or with MnTAP to see if that program will open up again.

Operating without a permit puts you at risk for heavy penalties. We all breathe the air. Permits are needed to help protect the air quality in Minnesota. Permits have been shown to be effective controls on how much bad stuff all of us breathe.

Resources:

MPCA Small Business Environmental Assistance Program:

<http://www.pca.state.mn.us/index.php/topics/small-business-environmental-assistance-program/index.html>, 651-282-6143 or 800-657-3938

MPCA webpage on Part 70 Low Emitting Facility General Permit:

<http://www.pca.state.mn.us/index.php/air/air-permits-and-rules/air-permits-and-forms/air-forms/low-emitting-facility-general-permit.html>

MnTAP: Minnesota Technical Assistance Program, a University of Minnesota program targeted at helping Minnesota businesses reduce pollution.

<http://www.mntap.umn.edu/industries/air/resources.html>

If you have questions about air quality permits, spray painting, chemical exposures, safety and environmental inspections, OSHA grants, or other safety or environmental issues, contact CHESS at 651-481-9787; toll free at 877-482-4377, or carkey@chess-safety.com. CHESS specializes in helping small to medium sized business with occupational health and safety issues. We have been providing services to the automotive industry for more than 20 years.

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| <p>This article is intended to provide general information (not advice) about current safety topics. To discuss your specific concerns and how CHESS may help, please contact CHESS at 651-481-9787 or chess@chess-safety.com</p> |
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