

THERE IS ONLY ONE WAY TO FIND OUT WHETHER A FACILITY NEEDS AN AIR OR WATER PERMIT ...

+ ADEM PERMITTING

Final permitting applicability determinations for sources of air emissions, storm and process wastewater discharges cannot be made by a consultant or by in-house environmental staff. Only the State regulatory agency or United States Environmental Protection Agency (USEPA) can make the interpretation.

The uncertainty of whether a facility needs a permit is further complicated because some states have not set minimum permitting thresholds or established any exemptions. As a result, decisions about permitting are made on a case-by-case basis.

Permits may be required any time a pollutant is introduced into the air or water. State and federal statutes and regulations require that any facility with the potential to emit pollutants into the air or discharge pollutants into "waters of the state" submit an application to the state regulatory agency. If an air permit is required, it will be needed before construction of a new facility begins or equipment producing the emissions is installed in an existing facility. Wastewater permits issued in accordance with the National Pollution Discharge Elimination Systems (NPDES) are needed before the facility begins operation or the actual discharge of the wastewater occurs.

In a limited number of cases, air permits and wastewater discharge permits can be avoided. If the quantities of air emissions are below certain thresholds established by the state regulatory agency, a "letter of non-applicability" can be requested. In this case, an air emissions inventory will be needed to justify the request. If all of the industrial operations are conducted with no risk of exposure to rainwater, then a Certificate of No Exposure can be submitted to the regulatory agency. It must be understood, that all activities, including raw material storage and final product loading must be conducted under a storm resistant shelter or roof.

Regardless of whether a facility requires or has been issued a permit, the activities must comply with the standards that regulate emissions into the atmosphere and discharges into surface water. In other words,

a decision by a regulatory agency that no permit is required does not exempt the facility from complying with appropriate environmental regulations.



Both state and federal environmental regulatory personnel conduct a series of scheduled and unannounced inspections to determine compliance with the various standards. Facilities that fail to comply may face a progressive system of enforcement action. Usually, enforcement includes anything from a warning letter to an administrative order with a penalty. Regulators may take into account whether any harm to the environment has been caused by the violation when determining the amount of a penalty. Also, an industry's good faith efforts to comply are considered when establishing the level of appropriate enforcement.

TTL offers compliance assistance to regulated facilities throughout the Southeast. Please contact the TTL office nearest you for answers to your state and federal air and water permit questions.//

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She currently serves as TTL's Project Manager for the Nissan EV Battery and Test Track projects in Smyrna, TN, and the Nissan Plant Expansion in Dechard, TN.

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