

The Expedited Air Permit Program

On May 10, 1994, Governor Arne Carlson signed into law legislation that allows the Minnesota Pollution Control Agency (MPCA) to operate a voluntary expedited permit program. The program allows applicants to pay for the cost of staff overtime to expedite assignment of an air quality permit application, when regular staff resources are already allocated to other projects and are unavailable to meet the applicant's required schedule.

Who can take advantage of this program?

Use of the Expedited Permit Program is limited to the following types of projects:

- Permits for modification or expansion of an existing stationary source, when the construction and/or operation may not occur until a permit is issued.
- Permits for construction of a new stationary source
- Total facility permits, if construction is requested and the total facility permit is required either because of an enforcement situation, or because the total facility application was not submitted by the deadline in Minn. R. 7007.0350, subp. 1(A).
- Applicability reviews, if the applicant requests review of a determination of whether or not a permit is required for a particular construction project (a complete analysis leading up to the applicant's determination must be submitted – the MPCA will not perform the analysis under the Expedited Permit Program).

How are permits processed differently under the Expedited Permit Program?

Under the "regular" permitting process, applications for construction/modification projects (amendments and total facility permits) and requests for applicability reviews go into a single "pile," or queue, according to the date received by the MPCA. Applications are then processed on a first-come, first-served basis. As staff have time to work on an additional project, they take the next application in the queue. The waiting time between when an application or request is received and when staff begin working on it varies, depending on the current backlog of applications. It could be four to six weeks or longer if there is a large backlog, but it could also be a matter of a few days if there is little or no backlog. The MPCA's goal is to issue all construction/modification permits within six months of receipt.

If, for whatever reason, an applicant's schedule cannot accommodate this waiting time, the Expedited Permit Program allows one to avoid waiting in the queue. The applicant can pay for staff overtime to begin work on the application sooner than under the regular permitting process. A permit processed under the Expedited Permit Program must be processed using staff overtime. The law does not allow existing projects to be displaced by the Expedited Permit Program.

Other than the fact that permits under the Expedited Permit Program are done using staff overtime, the permitting process is the same. The Expedited Permit Program does not allow us to do the actual work faster (i.e. if a task normally requires 20 hours of staff time, it will take 20 hours of staff overtime), or to bypass any any public notice requirements.

Do I use a different application to enter the Expedited Permit Program?

No. You fill out the application forms for the type of permit you need. However, after you have filled out the application completely, you need to evaluate whether our goal of issuing the permit within six months will meet your needs. If you suspect that we will not be able to meet your required schedule, you should consider the Expedited Permit Program. To request that your application be expedited, fill out the Expedited Permit Program Form, EXP-01 and submit the form with your permit application. Be sure to indicate in your cover letter that you are requesting review under the Expedited Permit Program.

If I fill out and submit Form EXP-01, how does the Expedited Permit Program work for me?

There are many possible situations. When you submit a permit application with Form EXP-01, one of the Expedited permit coordinators will review your application and the current backlog of applications, and evaluate whether we can meet your schedule, either using regular staff resources or through the Expedited Permit Program.

For example, if you indicate on Form EXP-01 that you need your permit issued by January 1, the coordinator will first evaluate whether we can get that permit issued by January 1 using regular staff resources. We depend heavily on complete and accurate permit applications; the coordinator does not do a detailed technical review. If we can meet your schedule, your application will exit the Expedited Permit Program, be placed in the construction queue, and you will be notified that your schedule can be met without having to incur the expense of paying for an expedited permit.

If we cannot meet your requested date of January 1 using regular staff resources, the coordinator will next evaluate whether we can meet the date by using staff overtime via the Expedited Permit Program. This is done by estimating the total staff hours required, the amount of time that staff are able to work overtime per week (not more than 10 to 15 hours), and the requirement for public notice. If we can meet your deadline using staff overtime, volunteers are found to form a permit team, the total cost to you is estimated (the cost of staff overtime), and you are notified. You will be sent an income agreement to sign, and you will need to submit a check for the full estimated cost before work on your permit will begin. If less staff overtime hours are used than what we estimated, the difference will be refunded to you after the permit is issued. When the income agreement is paid online, processing the income agreement, check, and overtime approvals generally takes two weeks before work begins on the permit. When the income agreement is paid via mailed check, expect longer processing time.

If we cannot meet your requested issuance date of January 1 by using either regular staff resources or staff

Note: An Expedited Permit is not necessarily quicker to issue. Staff working overtime can generally not work more than 10 to 15 hours per week on your permit, whereas if the same staff worked on your permit on “regular time,” they may work 30 or more hours per week on your permit. The Expedited Permit Program only allows you to have your permit application assigned to a permit team sooner, rather than having to wait in the queue for potentially several weeks.

overtime, we will contact you to let you know what dates can be met. For instance, we may have estimated that it will take until February 1 to issue the permit under the Expedited Permit Program, and that it will take until February 15 to issue

the permit using regular staff resources. If you decide that February 15 is acceptable, the application will exit the Expedited Permit Program and take its rightful place in the queue. If you decide that February 15 is unacceptable, but February 1 is acceptable, we will proceed under the Expedited Permit Program.

Note: In all cases, our estimated issuance date is dependent upon prompt responses and a complete and accurate permit application. If it turns out that, because information was missing or inaccurate, we underestimated the costs for staff overtime, you will be asked to submit additional funds and work will not continue until that additional reimbursement is received.

What is the cost of the Expedited Permit Program?

The cost of processing your application and issuing a permit under the Expedited Permit Program is based on the overtime salary of the staff involved, including overhead costs. Costs will also vary with the type and complexity of permit. A general range is as follows:

| Typical Amendment | Typical Total Facility Permits |
|-------------------|--------------------------------|
| \$1500 - \$3000 | \$3500 - \$5000 |

Remember that a cost will be individually estimated for each application, and the Permittee must prepay the estimated cost before work will be authorized.

Will paying for an Expedited Permit always help me out?

No. Experience has shown that the Expedited Permit Program really only saves you time if there is a lengthy backlog, when it might be six or more weeks before anyone is available to work on your permit. This is because it takes an additional two weeks of administrative activities to get staff approved to work on overtime.

What else can I do to make the process run smoother?

When considering an Expedited Permit and filling out Form EXP-01, try not to request permit issuance by a date that is unreasonable. Most major amendments (permits that must be issued before beginning construction) require at least a 30-day public notice period, and take at least four to six weeks to write. Including the administrative time to start the Expedited process; issuing a permit amendment in less than two and a half months is nearly impossible. Total facility permits (for construction of a new facility) will take longer. Staff will not volunteer to work overtime to meet an unrealistic schedule, and the Expedited Permit Program does not work without staff overtime.

For more information about expedited permits, contact the MPCA at 651-296-6300 or 800-657-3864.