



## New Source Review Permit Determinations – Consideration of Control Equipment

July 1, 2009

This document provides guidance on calculating potential emissions of criteria air pollutants and Hazardous Air Pollutants (HAPs) to determine if a permit is required under 10 CSR 10-6.060 *Construction Permits Required*. **As of July 1, 2009, the potential emissions of the project must be calculated without control to determine permit applicability.** Control efficiency was previously allowed in calculations of potential to emit for permit determination purposes. This change in interpretation is due to direction from EPA Region VII. There are installations that hold a “no permit” determination from the department for projects that utilized a control device prior to July 1, 2009. These letters are still valid and no permitting action is needed at this time. As long as the installation is abiding by the conditions of the “no permit required” letter, the department will use enforcement discretion on a case by case basis.

When calculating potential emissions, air pollution control equipment is taken into account if enforceable requirements for the use of the control equipment are in place such as a permit condition or a regulation. Once a construction permit, or operating permit, is issued with a special condition requiring the operation of the control equipment, the control equipment is used in calculating the installation’s potential to emit (PTE). When determining permit applicability without permit conditions, or regulations, requiring control, the following scenarios may occur:

1. An existing de minimis or greenfield installation installs equipment and the PTE of the project is below de minimis without consideration of the control device - **No construction permit is required.**
2. An existing major, minor, or synthetic de minimis (permit limited to de minimis) installation has a modification with a PTE that is less than insignificance levels without consideration of the control device - **No construction permit is required.**
3. An existing major, minor or synthetic de minimis installation installs equipment. The PTE of the project is below the insignificant levels with the use of a control efficiency yet above the insignificant levels without the control - **A construction permit required.**  
Note: Insignificance levels are defined in 10 CSR 10-6.061 *Construction Permits Exemptions* (3)(A)3.A.
4. An existing de minimis or greenfield installation installs equipment. The PTE of the project is below de minimis giving consideration to the control device and above de minimis without consideration of the control device - **A construction permit required.**

It is important to note there are several exemptions to air permitting requirements. A full listing of exemptions is listed at 10 CSR 10-6.061 *Construction Permits Exemptions*. If you have any questions regarding this or any other air permitting issue, please contact:

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