

GREAT LAKES STATES AIR PERMITTING AGREEMENT

I. INTRODUCTION

In 1986, the Great Lakes states' environmental administrators entered into an agreement, "Toxic Substances Management in the Great Lakes Basin Through the Permitting Process," requiring that Best Available Control Technology be installed wherever possible on all new and existing sources of persistent air toxic pollutants which impact on the Great Lakes, pursuant to implementing the governors' "Great Lakes Toxic Substances Control Agreement." In 1987, permitting staff representatives from the Great Lakes states attended a workshop in Ann Arbor, Michigan, where the latest research was presented, documenting the need to reduce the air impacts on the Great Lakes. At this workshop, the Great Lakes states' air permitting representatives investigated and made several recommendations on how the governors and environmental administrators directives can best be implemented. One of the recommendations was to have a follow-up meeting of the air permitting staff representatives in July of 1988 to insure consistency in the type of information which will be considered in permit reviews, and in the implementation of Best Available Control Technology, clear communications and informational exchange between Great Lakes states, and clarification of issues which EPA needs to take the lead on in order to assure effective implementation of the air provisions of the governors' and environmental administrators' agreements.

II. PERMITTING INFORMATION

- A. All permit applicants in the state will be required to identify and quantify potential emissions of the pollutants identified in Table A as a part of a routine New Source Review permit application. Table A consists of the seven pollutants identified by the IJC as having adverse impacts on the Great Lakes and which have the potential of being emitted by air pollution point sources. Other pollutants may be added to Table A by unanimous agreement of the environmental administrators of the Great Lakes states.
- B. Each state permitting authority shall conduct its own technical review in order to assure accurate identification and quantification of these pollutants.
- C. Environmental Impact Statements, for potential sources of pollutants in Table A which are required under current state and federal regulations, should consider potential adverse impacts on the Great Lakes in order to be considered complete.

III. IMPLEMENTATION OF BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

- A. For the pollutants listed on Table A, each permitting authority shall utilize all applicable air pollution regulations to insure that BACT is being installed on any new or modified source which is subject to the state's New Source Review Program, and on existing sources, considering a de minimus cutoff, which are required to obtain an operating permit. States which do not have the current legal authority to assure that BACT is installed on new and existing sources of the pollutants in Table A shall pursue through their appropriate regulatory process authority to implement the governors' and environmental administrators' agreements.
- B. For purposes of this agreement, BACT means emission limits, operating stipulations, and/or technology requirements based on the maximum degree of reduction which each Great Lakes state determines is achievable through application of processes or available methods, systems, and techniques for the control of each of the pollutants listed in Table A, taking into account energy, environmental, and economic impacts, and other costs.
- C. Emission limits, operating stipulations, and/or technology requirements shall be established as permit conditions for each of the pollutants listed in Table A. Whenever warranted, sources will also be required to conduct an emission verification test to assure compliance with the allowed emission limits during the initial verification test as well as during periodic verification tests.

IV. INTERAGENCY COMMUNICATIONS

- A. Subject to restrictions on disclosure of trade secrets under federal and state law, each state shall enter into the BACT/LAER Clearinghouse and the Air Toxic Information Clearinghouse all permitting information relating to sources of the pollutants identified in Table A. This information shall include, as a minimum, the following information: all BACT and/or LAER determinations; all useful air toxics permitting information; and all air toxics emission verification data.
- B. Additionally, each state shall send to all of the other Great Lakes air permitting programs a copy of public notice and a summary of the permitting information for any source which has the potential to emit any of the pollutants in Table A and which is subject to the federal public comment period requirements.

- C. Each state shall participate in a standing technical steering committee to maintain consistency to the extent practicable in state determinations made pursuant to this agreement.

Signed and entered into November 3, 1988.

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TABLE A

- Mercury
- Alkylated Lead Compounds
- Total Polychlorinated Biphenyl
- Hexachlorobenzene
- Benzo-a-pyrene
- 2,3,7,8-Tetrachlorodibenzo-p-dioxin
- 2,3,7,8-Tetrachlorodibenzofuran