

Air Permits Required for On-Site Non-Emergency Generators

Article written by: David Crass and Anna Wildeman of Michael Best & Friedrich, LLP

Most large livestock operations have emergency generators on-site in case of an emergency power outage; however, few producers are aware of the potential requirement to obtain an air permit for those generators. Unless specifically exempted by state regulation – like certain emergency generators are - many electric generators will be required to obtain construction or operation permits.

Pursuant to the Clean Air Act and Wisconsin State rules, any facility that emits more than 100 tons per year of a criteria air pollutant or 10 tons per year of a hazardous air pollutant is required to obtain an air permit from the Department of Natural Resources. Criteria pollutants include ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and lead. Hazardous air pollutants regulated in Wisconsin that are generally applicable to livestock operations include ammonia and hydrogen sulfide. Note that livestock operations are exempt from regulation for hazardous air pollutants until 2011.

Depending on the size and fuel type, electric generators can often emit more than 100 tons per year of carbon monoxide, nitrogen oxide and particulate matter. Electric generators also emit volatile organic compounds, which are a precursor to ammonia, which is subject to the 10 ton per year threshold.

Wisconsin rules provide a specific permitting exemption for “emergency electric generators powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil with an electrical output of less than 3,000 kilowatts.” Wis. Adm. Code §§406.04(w), 407.03(u). Emergency electric generators are further defined as, “an electric generator whose purpose is to provide electricity to a facility if normal electrical service is interrupted and which is operated no more than 200 hours per year.” NR 400.02(56). These emergency electric generators are not required to obtain an air permit, regardless of their annual emissions of criteria or hazardous air pollutants.

If you have an electric generator at your facility that operates in excess of the parameters defined by the emergency generator exemption above, you should contact the manufacturer and request a declaration of emissions from the model generator operating at your facility. That declaration will help you determine whether a permit is required for operating your non-emergency generator.

If you need further information or clarification, please contact DBA or Michael Best & Friedrich at 608.257.3501.