

# How to Negotiate an Air Permit

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# Importance of Negotiation

- ▶ “A permit says what it says until it doesn’t.”
- ▶ Reduce burden of compliance obligations
- ▶ Future impacts
- ▶ Setting precedent
- ▶ Relationship building with regulatory agency



# Regulatory Applicability

- ▶ Carefully review rule language and definitions
- ▶ Other similar facilities not subject?
- ▶ Minor for HAPs?
- ▶ Difference in interpretation of language
- ▶ Escalating
- ▶ Ensure non-applicability is documented

# Negotiating Conditions

- ▶ Emission limitations
- ▶ Tiered approach to monitoring/testing frequency
- ▶ Does your operating schedule align with stack testing schedule?
- ▶ Does recordkeeping align with other permit conditions?



# Involving Legal Counsel

- ▶ Behind the scenes
- ▶ Someone to blame
- ▶ Going up the chain of command
- ▶ Legal Research and “blind inquiries”
- ▶ When NOT to engage counsel



# Tips for Success

- ▶ Justify
  - Leverage precedent
  - Leverage positive compliance history
  - Compliance margin
  - Best to justify proactively
- ▶ Understanding Agency perspective
- ▶ Start negotiation high/low
- ▶ Prioritize
- ▶ Know when to push and when to stop



