



**STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY**

**Air Quality Permit to Construct
Pre-Permit Construction Approval Application
Pre-Application Meeting Agenda**

Agenda Topics

1. Pre-permit construction approval process overview – DEQ

- Pre-permit construction eligibility
 - Not available for any new Prevention of Significant Deterioration (PSD) major source, any proposed PSD major modification, or any proposed major NSR project in a non-attainment area
 - *Cannot use emissions netting (PSD) or optional offsets (NAA NSR)*
 - *Cannot have an adverse impact on any Class I area (e.g. National Parks) AQR V (soils, vegetation, visibility)*
- Ambient air quality modeling protocol – required
 - DEQ will approve or deny in writing.
 - The modeling protocol must be approved by DEQ prior to submitting the pre-construction approval application.
 - For assistance, contact DEQ's modeling coordinator at 208-373-0502.
- Pre-permit construction application approval or denial
 - Within 15 days after receipt of the application, DEQ will provide written approval or denial.
 - *DEQ can deny the application for any reason it deems valid.*
 - *If the application is denied, processing stops and the application fee is forfeited.*
- Pre-permit construction approval application completeness determination
 - DEQ can elect to determine the application complete along with pre-construction approval, **or** DEQ will provide a completeness determination on the application within 30 days of receipt
 - ***Pitfalls to avoid:***
 - *Emissions inventories (EI) for potential-to-emit and air dispersion modeling analysis don't match.*
 - *Ambient air boundary is not defined.*
 - *Regulatory analysis is incomplete.*

- DEQ strongly recommends that you DO NOT submit confidential business information (CBI). Any CBI submitted is the responsibility of the applicant and is subject to IDAPA 58.01.21 – Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality.
- Draft permit development – 60-day process
 - *Facility draft review request – check the box on Form GI to request to review the draft permit – highly recommended - allows DEQ and the applicant to resolve any issues with the draft permit prior to public comment or final issuance. 10-day limit for review*
 - *DEQ’s goal is to issue a PTC within 99 days of application receipt to final issuance*
- Opportunity for public comment – provided upon pre-permit construction approval
- Public comment – provided only if requested. Adds 45 days to processing time
- Permit fees – Two (2) fees apply:
 - *Application fee - \$1,000.00 – non-refundable for a denied application*
 - *Processing fee that depends on permitted emissions – between \$250 and \$10,000*
- Permit handoff meeting – meeting between DEQ and permittee after permit issuance to ensure that the permittee understands every permit condition and every compliance obligation – highly recommended

2. **Applicant responsibilities for pre-permit construction approval**

- Schedule a pre-application meeting with DEQ prior to submitting the pre-construction approval application – required
- Consult with DEQ’s modeling coordinator at least one month prior to scheduling the pre-application meeting – highly recommended
 - Ensures that the appropriate air dispersion model, meteorological data and procedures are followed.
 - *Submit the modeling protocol at least two weeks before submitting the pre-permit construction approval application*
 - *The modeling protocol must be approved by DEQ prior to submitting the pre-permit construction approval application – required.*
 - *For assistance, contact DEQ’s modeling coordinator at 208-373-0502.*
- Pre-permit construction approval application informational meeting - required
 - Within 10 days after submitting the pre-construction approval application, hold an informational meeting for the public at either the facility or at a location easily accessible by the public.
 - Notice of the informational meeting must be made known in the local newspaper at least 10 days before the meeting. A photocopy of the notice must be submitted with the application.
- Pre-permit construction approval procedures
 - At its discretion, DEQ may determine the application complete upon approval.
 - Upon receipt of written approval:

- *The applicant may commence construction but not operate until the PTC is issued.*
- *Any and all PTE limitations addressed in the application become enforceable.*

- Pre-permit construction application content requirements:
 - A letter requesting the ability to construct before obtaining a PTC
 - Proof of eligibility
 - *Address non-major status*
 - *Address optional offsets*
 - *Address Class I area (e.g., National Parks) AQRV (soils, vegetation, visibility) impacts*
 - A photocopy of the notice must be submitted with the application.
 - Process description(s)
 - Equipment list(s)
 - Proposed emissions limits and modeled ambient concentrations for all regulated air pollutants and toxic air pollutants such that they demonstrate compliance with all applicable air quality rules and regulations
 - Modeling analysis must be submitted with sufficient detail so that the modeling can be duplicated by DEQ.
- Permit to Construct denial
 - If DEQ denies the PTC for which pre-permit construction approval was granted, the applicant has violated Section 201 on the date it commenced construction.
 - The applicant cannot contest the final permit decision based on the fact that they already commenced construction.
 - *Project overview – describe the project*
- Emissions inventories – potential-to-emit and air dispersion modeling
 - The potential-to-emit EI determines the air program requirements that will apply to the project (i.e. minor-NSR, major-NSR, and Title V)
 - The air dispersion modeling EI is used in the air dispersion modeling analysis to predict compliance with the NAAQS and state air toxics increments
 - The modeling EI must reflect either potential-to-emit or allowable emissions (those allowed in a federally enforceable permit) and must be expressed in terms of the averaging period for each pollutant.
 - Acceptable emissions data and emission factors
 - *Refer to the following guidance document:*
<http://www.deq.idaho.gov/media/655505-emissions-data-hierarchy.pdf>
- Submit a pre-permit construction application which must include the following:
 - A letter requesting the ability to construct before obtaining a permit to construct
 - A copy of the informational meeting notice as published in the local newspaper

- Proof of eligibility
- Process description(s)
- Equipment list(s)
- Proposed emissions limits and modeled ambient concentrations for all criteria air pollutants and TAP's that demonstrate compliance with all applicable rules and regulations
- Restrictions on potential-to-emit must include corresponding monitoring and recordkeeping requirements
- Owners or operators seeking limitations on a source's potential to emit such that permitted emissions will be either below major source levels or below a significant increase must describe in detail in the pre-permit construction application the proposed restrictions and certify in accordance with Section 123 that they will comply with the restrictions, including any applicable monitoring and reporting requirements.
- Permit to Construct Procedures for Pre-permit Construction
 - Within 10 days after submitting the application, hold an informational meeting to inform the general public of the proposed project.
 - *Notice of this meeting is to be published in the local newspaper at least 10 days before the meeting.*
 - *A copy of the notice needs to be submitted with the pre-permit construction application.*
- Pre-application modeling protocol
 - Ensures that the appropriate air dispersion model, meteorological data, and procedures are followed
 - DEQ written approval provides some assurance that the approach and methodology taken will be accepted.
 - For assistance, contact DEQ's modeling coordinator at 208-373-0502.
- Regulatory analysis – state and federal rules and regulations applicability
 - State rules –for each applicable rule, you must state in your application how compliance will be demonstrated
 - *Greenfield projects require a full regulatory review of IDAPA 58.01.01.*
 - *Modification projects require a regulatory review IDAPA 58.01.01 to the extent that the state rules apply to the modification.*
 - Federal rules and regulations –for each applicable rule and regulation, you must state in your application how compliance will be demonstrated
 - *DEQ has developed Form FRA to help an applicant through this analysis. Below is the link to Form FRA:*
<http://www.deq.idaho.gov/media/580037-form-fra.doc>

3. Application content

- Application forms and an application checklist are available on DEQ’s website. DEQ strongly recommends that these forms and the checklist be used to develop the permit application. To access these documents, click on the link below:
<http://www.deq.idaho.gov/air-permitting-forms-checklists>
- The application must contain the following elements at a minimum:
 - *Written narrative/overview describing the project*
 - *Emissions inventories –project potential-to-emit and air dispersion modeling*
 - *Regulatory review – state and federal rules and regulations applicability*
 - *Process flow diagram(s)*
 - *Proposed emissions limits*
 - *Proposed operating, monitoring, reporting and recordkeeping permit conditions to demonstrate compliance with the proposed emissions limits*
 - *Request a permit handoff meeting*
- DEQ strongly recommends that the applicant retain a copy of the application, modeling analysis, and any other supporting information for future reference.

Tools to Help the Applicant

DEQ has developed a guidance document, *Air Quality Permits – Applicant and DEQ Responsibilities*, that is designed to provide the applicant a basic understanding of DEQ’s air quality permitting process. It also describes applicant’s responsibilities and how DEQ will interact with applicants throughout the permitting process. Please review this document prior to scheduling your pre-application meeting. Access the guidance document by clicking on the link below.

<http://www.deq.idaho.gov/media/655501-applicant-deq-responsibilities.pdf>

In addition, DEQ has developed a number of application forms to assist the permit applicant. Click on the link below to access these documents. Review the list and choose the appropriate application forms.

<http://www.deq.idaho.gov/air-permitting-forms-checklists>