



PERMITTING PROCESS – WHERE DOES THE TIME GO?

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What is the Process & How Long Will it Take?

- ✓ Discuss Plans with DEQ
- ✓ File a Complete Application
- ✓ Application forms on DEQ web site:
www.deq.state.ne.us - Click "Publications & Forms" and
then click "Air Quality"



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What is the Process & How Long Will it Take?

- ✓ Step 1: Application Received & Reviewed for Administrative Completeness
- ✓ Step 2: Technical Evaluation
- ✓ Step 3: Permit Package Preparation
- ✓ Step 4: Quality Control & Facility Review
- ✓ Step 5: Prepare for Public Notice
- ✓ Step 6: Public Comment Period (& Hearing)
- ✓ Step 7: Respond to Comments
- ✓ Step 8: Prepare & Issue Permit

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Step1:Application Received & Reviewed for Administrative Completeness

- ✓ Is the application administratively complete?
 - If administratively complete, then application is logged and assigned.
 - If not, then needed information is requested.
- ☐ Typically takes 1 - 5 working days. Timeframe depends upon amount of information requested and facility response time.



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Step2:Technical Completeness Evaluation

- ✓ Is it technically complete?
 - General Information
 - Emissions Information
 - Current Process Flow Diagram
 - Control Equipment and Methodology
 - Modeling



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Step2: (Continued)

- ✓ Is application technically complete?
 - If yes, notify facility.
 - If not, information is requested.
- ☐ Typically takes 3 - 30 working days. Timeframe depends upon the quality of the application, amount of information requested, and facility response time.

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Step 3: Permit Package Preparation

- ✓ Fact Sheet Development
 - Detailed description of the source
 - Permit History
 - Compliance History
 - Type and quantity of emissions
 - Applicable regulations
 - NSPS/NESHAP
 - Description of the specific conditions



Step 3: Permit Package Preparation

- ✓ Permit Development
 - Must include all applicable requirements (OP only)
 - Source wide permit
 - Must include all requirements applicable to the project (CP only)
 - Source-wide or emission unit specific permit



Step 3: Permit Package Preparation

- ✓ Permit Development
 - Must be enforceable as a practical matter
 - (1) a technically accurate limitation;
 - (2) the time period for the limitation (hourly, daily, monthly, annually); and
 - (3) the method to determine compliance

❑ Step 3 can take 30 - 120 days. Depends on information provided with initial application. Expect it to take longer if additional information is needed.



Step 4: Quality Control & Facility Review

- ✓ Permitting and compliance reviews
- ✓ Facility review and response to the facility
- Step 4 can take 45-60 days. Timeframe depends on complexity of project, work load, peer comments, and facility comments.



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Step 5: Prepare for Public Notice

- ✓ Draft package put into proper format
- ✓ Make arrangements with the newspaper
- ✓ Package prepared for local library
- ✓ Public Notice available on our website!
- Step 5 can take 2 - 5 days.



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Step 6: Public Comment Period (& Hearing)

- ✓ 30 day comment period
- ✓ Allow 5 days for mail to clear
- ✓ Public may request a hearing
 - Hearing notice must be issued for 30 days
 - Comments can be emailed to:
NDEQ.AirQuality@nebraska.gov
- Step 6 takes 35 days if a hearing is not requested.

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Step 7: Respond to Comments

- ✓ Comments compiled & a response document is drafted
 - Response document is reviewed internally
 - Responses shared with those that made comments
- ❑ Step 7 can take 5 - 30 days, longer if an additional public notice is required.



Step 7b (Class I OP Only): EPA Review,

- ✓ At their discretion, EPA can elect to perform a detailed review of Class I permits
- ✓ EPA review occurs:
 - After the public comment period has ended and
 - After all public comments have been addressed





Step 7b (Class I OP Only): EPA Review,

- ✓ EPA review - up to 45 days
- ✓ If EPA comments, response document drafted
- ✓ If EPA disagrees with response, they can object and take over the permit
- ❑ EPA review can take 45 + days depending on whether they comment and the extent of their comments



Step 8: Prepare & Issue Permit

- ✓ Final package is printed for signature.
- ✓ Signed package is copied and distributed.
- Step 8 can take 1 - 5 days.



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Processing Time

- ✓ Processing time (depending on issues or problems encountered):
 - Minimum: 50 work days (2.5 mo) to PN to 100 work days (5 mo) to issuance
 - Typical: 195 work days (9 mo) to PN to 270 work days (13.5 mo) to issuance
 - Add 45 to 75 days (1.5 to 2.5 mo) if it is a Class I permit and EPA elects to review the permit.

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What if I am expanding my current operation?

- ❖ Allow for longer processing time
- ❖ Take care to properly evaluate project under federal Prevention of Significant Deterioration program

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What can I do to make the process run smoothly?

- ❖ File complete and thorough application
- ❖ Respond quickly
- ❖ Avoid changing plans
- ❖ Communicate with DEQ
- ❖ Implications of 'source requested' limitations





What can I do to make the process run smoothly?

- ❖ Be wary of confidentiality requests
 - Temporarily halt process
 - Make requests in accordance with Title 115.
- ❖ Modeling
 - ✓ Work with modeler and/or permit writer
 - ✓ Do so early in process





What can I do to make the process run smoothly?

- ❖ Do a thorough review during courtesy review
 - Helps avoid public notice comments
- ❖ Don't ask for multiple permit reviews
- ❖ Seek professional help
 - Source, not consultant, responsible for compliance



ASSISTANCE

- ▣ Permitting Assistance
 - Permit Hotline: 877.834.0474
- ▣ Compliance Assistance
 - Yvonne Austin: 402.471.3305
- ▣ What's the difference?
 - Preparing an application - Hotline
 - After permit issuance - Yvonne





QUESTIONS


