



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"





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



Step 1: 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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- Is it signed & dated by responsible official in ink?
- For OPs, does it contain completed:
 - Form 1.1 – Checklist?
 - Form 1.2 – Administrative Information and Certification?
- For CPs, does it contain completed:
 - Application Cover Sheet and Checklist?
 - Form 1.0 – General Information
- Has the applicant requested confidentiality?
- Were the proper number of copies submitted?



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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•General Information

New source or modification of an existing source?

If a modification, has existing source information been provided?

Are forms checked on the checklist included in the application?

Have stack/emission unit points been identified, described, and consistently named?

Does Plant diagram show heights and locations of all buildings, delineations of ambient air, and stacks/emission points?

▪Emissions Information

Have fuel types, fuel use, raw production materials, raw material consumption, production rates, and operating schedules been provided?

Have both actual and potential emissions of regulated air pollutants been provided?

Have the assumptions and calculations of the actual and potential emissions been included?

Have citations of emission factors been provided?

Can a major/minor source determination be made?

Is project subject to PSD review?

▪Control Equipment and Methodology

Has emissions control equipment been identified and described?

Is supporting information on control equipment efficiencies included?

Has facility proposed limits on source operation or work practices that may affect emissions?

If PSD, has a Best Available Control Technology analysis been provided?

▪Modeling

Is project subject to modeling?

If yes, has a modeling protocol been submitted & approved?

If yes, has modeling been provided?

If yes, was modeling conducted properly?

If PSD, have the NAAQS, increment and other impacts analyses been provided?



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.

Depending on workload, a permit may not be assigned immediately.



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

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The fact sheet serves many purposes.

Primary purpose is to provide a detailed overview of the source, the emissions, and what is being required by the permit.

Provides the source and NDEQ with background information that can be used in interpreting the permit, if necessary.

Also provides the public with an overview of the source.

The applicable regulations section is a very good resource for both the source and the inspector. It will include details on all of the NSPS and NESHAP that apply to the source or project.

The NDEQ currently provides much more information in fact sheets than required. In some cases we are looking at cutting down the information covered in the fact sheet. Only required to include: legal and factual basis for the draft Class I permit conditions, including references to the applicable statutory and regulatory provisions.



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

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The content of the permit will depend on the program and type of permit.

OPs must include all requirement for the source, whereas CPs would only address the requirements for the emission units covered by the permit.

- Is the facility requesting limits to avoid other requirements? (ex. taking limits to be minor for PSD)
- Does facility have existing construction permits that limit their potential to emit? – Bottlenecks?
- For CPs what limits and requirements must be imposed to comply with ambient standards, Title 129, and CAA?



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.

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- Is there a numerical limitation?
- What is the time period for the limitation?
- Is testing necessary to verify emission limits?
- What monitoring is required to demonstrate compliance?
- Will monitoring verify compliance for the time period of the limitation?
- What record keeping is required to show compliance?



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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- Were emissions properly evaluated?
- Are permit conditions appropriate?
- Does permit contain appropriate measures to demonstrate compliance?
- Are those measures clear, concise, and enforceable?
- Is permit consistent with recent similar projects?
- Are the permit and fact sheet consistent?

- Facility review different between CP and OP
 - CP two week review
 - OP 30-day review – most of the time, the OP is much more involved than CP as it captures all requirements that are applicable to the source. Will likely include new monitoring, recordkeeping, and reporting



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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Except for administrative amendments, minor permit revisions, low emitter, and permit by rule actions, all permits must go through public notice process

For the OP program, public notices are required by statute

For the CP program, public notices are required by Federal regulation

Timeframe depends upon work load, amount of formatting, size of package, publishing frequency of newspaper, and whether other entities require notification before publishing (permitting authorities within 50 miles of facility (State, Local, Tribal), County officials (PSD), Dept of Interior, EPA, etc.).



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.



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.

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Title 129 requires that we develop a response to significant comments and that we make the response available to the public.

Will the comments result in permit changes?

If yes, is another public comment period necessary?

Additional time will be necessary if: another public notice is required, a hearing is held, or if many comments are received.



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



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PSD permits – EPA does their review during the public notice process

This is a separate formal review from the public notice process

EPA will notify us during the public notice of their intent to review. Generally, they only exercise this option if there are potential issues identified during their public notice review and they need additional time to evaluate the issues.



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

Does not occur very often, but can happen at any time.



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 varies, depending upon other factors beyond DEQ control: responsiveness of applicant, outstanding compliance issues, work load, confidentiality, and ability to demonstrate compliance with NAAQS.



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.



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



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



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A key is having a complete and thorough application. The better the application, the less follow-up we need.

Updated flow diagram/facility lay out. Example: source submitted OP application using the flow chart/facility lay out from their CP application. Trouble is, they didn't build 100 of the bins that they were permitted for.

Send in all copies that you say you are sending in. Required to send in at least one original and one copy – see the instructions.

If we request information, respond quickly. Under the OP program the source is obligated to respond in the timeframe established by the NDEQ.

For the CP program, changing plans, or the scope of the project, can have an impact on the timing of the permit, especially those that come in at the last minute

Some source requested limitations may require additional testing, monitoring, and recordkeeping. They may change the status of the source. You need to evaluate what you are asking for so you know the pros and cons. That way, when you see the draft permit it is in line with what you were thinking.



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

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General procedure is to only have one pre public notice review of the permit. Remember, this is a courtesy that we provide – it is not required.

Multiple reviews are only allowed when the source review comments result in significant changes. Then the review will be limited to the portions of the permit that were changed.

Do not rely solely on your consultant to review and comment on the permit. You are going to have to live with it after issuance, so you need to understand it. Ask if something doesn't make sense.



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

