

A stylized logo featuring a dark green tree silhouette. Inside the tree's canopy is a sun with rays, and below the canopy are three wavy lines representing water. The entire logo is centered on a dark blue background.

Air Permitting

**Gary Buttermore,
David Graiver, and David Christensen**

**Ethanol Workshop
November 2015**



Air Permitting Section Supervisor

- Started December 2013
- Previously supervised Wastewater and Agriculture Units at NDEQ



Air Permitting Section

Construction Permits Unit

- New and modified sources

Operating Permits Unit

- Existing sources

1 Staff Assistant

- Initial Processing, Tracking, and Records
- Public Notices, Permits



Permit Unit Supervisors

David Graiver, P.E.

- CP Unit Supervisor since March 2014
- Worked in CP Unit since 2008

David Christensen

- OP Unit Supervisor since November 2014
- Worked in the Compliance Unit for 6 years
- Worked in the Consulting Industry for 26 years



Construction Permits Unit

~70 Permitting Actions Per Year

- Permits and Permit Revisions
- “No Permit Required” & other determinations

~55 Open CP Applications

Staff work 5-7 applications at any given time

- 4 permit writers and 2 positions being filled



Construction Permits Unit

Ethanol Industry Permitting

Category	2013-Present
Ethanol and Biodiesel	20%
Grain Elevator, Seed Supplier, Fertilizer Supplier	15%
Other (Rendering Plant, Food Production, Steel Mills, Etc.)	12%
Concrete Batch Plant	9%
Grain Bioproducts (Lactic acid, Corn Syrup, Enzymes, Etc.)	9%
Stationary Emergency Engine	9%
Metal Product Manufacturing, Abrasive Blasting, Painting	8%
Crusher, Sand and Gravel	7%
Incinerator	6%
Oil Well, Natural Gas Compressor Station	5%
Asphalt Batch Plant	4%
Power Plant	3%



Operating Permits Unit

25 - 30 Permitting Actions Per Year

- Permits and Permit Revisions
- “No Permit Required” & other determinations

~120 Open OP Applications

Staff work 3-5 applications at any given time

7 permit writers - 2 less than one year



Ethanol Industry Permitting

- 28 Open OP Applications
- OP Unit currently working on 2 Source's OP Applications
- One Title V Source is currently working on their OP Application and writing their draft OP.



Air Permitting Process

- ✓ Discuss Plans with NDEQ
- ✓ File a Complete Application
- ✓ Application forms on DEQ web site:

<http://deq.ne.gov>





Air Permitting Process

- ✓ Step 1: Application Received & Reviewed for Administrative Completeness
- ✓ Step 2: Technical Completion 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

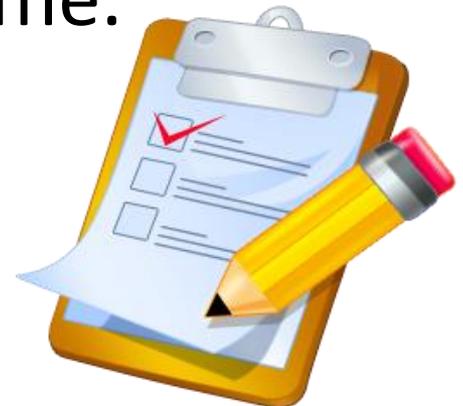


Air Permitting Process: Step 1

- ✓ 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.

- Use and Read the checklists!





Air Permitting Process: Step 2

- ✓ Is it technically complete?
 - General Information
 - Emissions Information
 - Current Process Flow Diagram
 - Control Equipment and Methodology
 - Modeling
- ✓ Can I write a permit with the given information?





Air Permitting Process: Step 2

- ✓ 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.



Air Permitting Process: Step 3

- ✓ 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
- ✓ The permit specifies what you must do; the fact sheet should explain why



Air Permitting Process: Step 3

✓ 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



Air Permitting Process: Step 3

✓ 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 60 – 180 days. Depends on information provided with initial application. Expect it to take longer if additional information is needed.



Air Permitting Process: Step 4

- ✓ 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.





Air Permitting Process: Step 5

- ✓ Draft package put into proper format
- ✓ Make arrangements with the newspaper
- ✓ Package prepared for local library
- ✓ Public Notice Documents available on our website!
 - ✓ Click “Public Notices”



Step 5 can take 2 – 5 days.



Air Permitting Process: Step 6

- ✓ 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 now be emailed to:
NDEQ.AirQuality@nebraska.gov
- ❑ Step 6 takes 35 days if a hearing is not requested.



Air Permitting Process: Step 7

- ✓ 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.



Air Permitting Process: Step 7b

- ✓ 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





Air Permitting Process: Step 7b

- ✓ 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



Air Permitting Process: Step 8

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





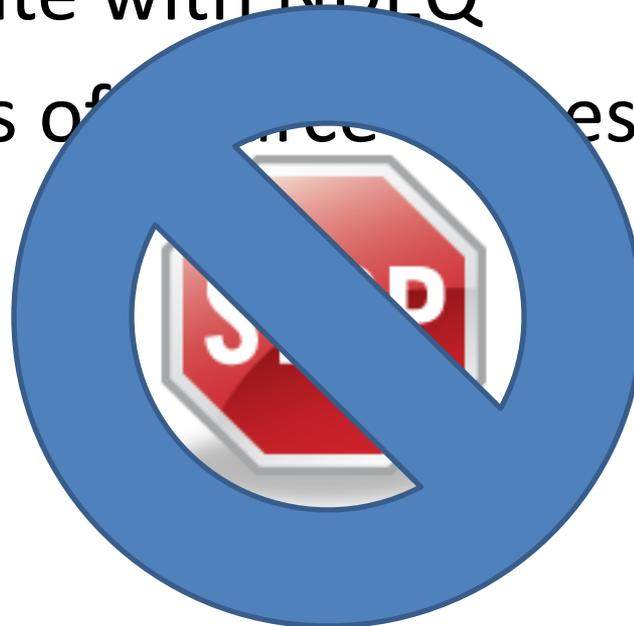
Air Permitting Process: Timing

- ✓ Estimated processing time once assigned:
 - Minimum: 60 to 105 days to issuance
 - Typical: 210 days to PN and 270 days to issuance
 - Add 45 to 75 days if it is a Class I permit and EPA elects to conduct a detailed review.



Air Permitting Process: Tips

- ❖ Read all instructions and review all checklists
- ❖ File a complete and thorough application
- ❖ Respond quickly to information requests
- ❖ Expect delays if plans change
- ❖ Communicate with NDEQ
- ❖ Implications of 'as-constructed' limitations





Air Permitting Process: Tips

- ❖ Do a thorough review during courtesy review
 - More flexibility and easier to make revisions
 - Public notice comments require formal response
- ❖ Seek professional help
 - Source is responsible for all submittals
 - NDEQ has list of consultants available
 - From NDEQ webpage, search for “Consultants’ Directory”



Air General Construction Permits

Five Source Groups Under Development

- Hot Mix Asphalt Plants
- Concrete Batch Plants
- Aggregate Crushing Operations
- Emergency Engines
- Incinerators



Air General Construction Permits

Hot Mix Asphalt Plants

- General Permit Issued
- On-line Application System

Concrete Batch Plants

- General Permit on Public Notice
- Comments accepted through November 24



Air General Construction Permits

Based on Recent Workloads

- GCP may cover 25% of Permit Actions
- Approximately 15 facilities per year

More Time to Focus on Complex Permits





Air General Construction Permits

Potential Source Groups Under Discussion:

- Grain Elevators
- Surface Coating Operations
- Land Disturbance/Initial Construction
- Suggestions?



Questions?