

THE AIR DVD: *Chapter 2 – Permit Process*

You'll go through virtually the same process to obtain a construction and an operating permit.

First you must submit your permit application and the appropriate fee for construction permits to the NDEQ.

Our administrative reviewer looks to see if a responsible official has signed your application in ink, if your application contains completed forms, and if you have requested confidentiality.

If you have requested confidentiality in accordance with Title 115, Chapter 4, the request will be forwarded to the NDEQ Director or their designee for approval. Your application will not be processed if the confidentiality request is filed incorrectly

Once the application has been deemed administratively complete, it is assigned to a permit writer for a technical evaluation.

Our permit writer will look at the information you provided about your emission units, control equipment, and emission calculations to determine if the application provides enough detail to draft an accurate permit.

For construction permits, the modeling information, if required, will be reviewed by either the permit writer or one of our modelers.

The permit writer will then review your source's historical information including your compliance status and previous permits. For construction permits, the writer will assess how your modification or expansion will impact existing processes and support facilities

Next, the permit writer must make sure that all of your calculations are correct, all of the regulatory requirements have been addressed, and your recordkeeping, testing, and monitoring are adequate.

The permit writer then drafts the appropriate permitting documents, which will typically consist of a permit and a fact sheet.

This step is the most complex in the permitting process and will take at least 60-90 days to complete. The process can take significantly longer for complex projects or those undergoing New Source Review.

The permit is the legally binding document that establishes the requirements for your facility.

The fact sheet is not legally binding, but will present background information about your facility and describe the basis of each permit condition.

Once your permit draft is complete, it will undergo a series of reviews by other air quality division staff members.

Depending on the permit, others may also review the associated documents, including but not limited to, other NDEQ staff not in the Air Division and contracted personnel.

The draft permit will also be provided to you for review. When you obtain a draft, we highly encourage you to go over the documents with a fine tooth comb.

Clearly identify any errors or issues you have to your permit writer. Some concerns may be addressed prior to the public notice period.

Next, a public notice of your permit will be published in a local newspaper and posted on the NDEQ website.

The public notice, along with a copy of the draft permit and fact sheet, will be sent to the local library to facilitate public viewing.

The public has thirty days to submit written comments or request a public hearing concerning the draft permit. If a hearing is granted by the NDEQ Director, a notice will be published in local newspapers 30 days prior the scheduled hearing.

Once the public comment and hearing period has ended, a response document is drafted to address any comments that were received.

The response document is shared with the source and those who commented.

The EPA may review PSD permits during the public notice period. They may review Class I permits after public comments received during the public notice period have been addressed.

Typically, the EPA only reviews permits for facilities subject to these two programs.

If the permit requires substantial changes, it may have to undergo another public comment period.

Once approved, the permit is signed and copies of the final documents are distributed to the source and other interested parties.

A typical permit will take approximately four to six months to complete. This timeframe may depend on several factors including the complexity of the project, staff workload, and the completeness of the application.

What if you need to revise your permit? The process is not difficult and there are no additional application fees for administrative and minor permit revisions.

The permit revision regulations for both construction and operating permits are in Chapter 15 of Title 129. We recommend you review the regulations prior to making any changes at your facility.

If your permit has administrative errors like typos or address changes, you can submit corrections to the NDEQ and no

official form is required. These changes can be made immediately without public notice.

You can find minor permit revision forms along with complete instructions on our website.

You can apply for a minor construction permit revision as long as you won't be increasing your emissions, violating any requirements, or changing the nature of your facility as detailed in the original public notice.

You can apply for a minor operating permit revision if you won't be violating any requirements and you're not asking for significant changes to your emission limits, monitoring, reporting or recordkeeping requirements.

You won't be able to make a minor permit if the change requires a construction permit or if it qualifies as a modification under the federal regulations.

Anything that isn't a minor permit revision or an administrative amendment is considered a significant permit revision. All significant permit revisions need to go through the entire permit process. Significant construction permit revisions require application fees.

There are many circumstances under which the NDEQ can revoke or reissue your permit.

We could identify new requirements or find mistakes in your permit.

We could find that false or inaccurate information was given in your application.

We could identify dangers to human health and the environment.

You could have failed to pay a penalty to the NDEQ or the EPA.

Or, we could determine that revoking your permit would assure compliance or address unresolved non-compliance issues.