



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES



Construction Activities Allowed Prior to Permit Issuance

Christopher A. Roling, PE
Environmental Engineer Senior
Construction Permitting Section

Current Turnaround Times

- Standard (30 day lead time)
 - 43 day average over last 52 weeks
- Other Complex (90 day lead time)
 - 272 day average over last 52 weeks
- PSD/NA Complex (180 day lead time)
 - 127 day average over last 52 weeks

Types of Comments/Questions Received

- “Winter is coming. Can we pour concrete?”
- “The equipment will be on-site next week. What construction can we do?”
- “We are submitting our application tomorrow, but need to start construction next week. Can we start the installation without our permits?”
- “What construction activities can we do prior to obtaining our construction permit?”

EPA Guidance

- No simple answer
- Researched EPA guidance documents
 - Source Construction Prior to Issuance of PSD Permit; Edward E. Reich to Thomas W. DeVine; October 10, 1978
 - April 29, 1981 letter from Valdas V. Adamkus to Joseph M. Polito
 - Construction Activities Prior to Issuance of a PSD Permit with Respect to “Begin Actual Construction”; Edward E. Reich to Robert R. DeSpain; March 28, 1986
 - Construction Activities at Georgia Pacific; John B. Rasnic to Bernard E. Turlinski; May 13, 1993
 - Preconstruction Review and Construction; Dave Hoewkamp to All Region IX Agency Directors and All Region IX New Source Review Contacts; November 4, 1993
 - December 13, 1995 letter from John S. Seitz to Charles W. Williams

Dependent On Type of Project

- Minor
- Synthetic Minor/NSPS/NESHAP
- PSD/NA NSR

Minor – Allowed Activities

- All construction activities as long as project meets requirements of 567 IAC 22.1(1)“c”
 - Must have submitted construction permit application
 - Provide written notice 5 working days prior to start of construction
 - Project not subject to federal standard (NSPS, NESHAP, PSD, NA NSR)
- Project must be a TRUE MINOR for federal standard
 - No operating limit requirements
 - No control equipment requirements (i.e. uncontrolled emissions)
 - Applies to emission unit, project, and facility

Minor – Prohibited Activities

- Connecting the equipment to the stack
- Operation of the emission unit

PSD & NA NSR – Allowed Activities

- Planning
- Ordering of equipment & materials
- Site clearing
- Demolition
- Grading
- On-site storage of equipment & materials
- Test piles
- Activities not integral to the project approved by the Department on a case-by-case basis

PSD & NA NSR – Prohibited Activities

- Installation of building supports and foundations
- Paving
- Laying of underground pipe work
- Construction of permanent storage structures
- Activities of a similar nature that are integral to the project

SM/NSPS/NESHAP – Allowed Activities

- Planning
- Ordering of equipment & materials
- Site clearing
- Demolition
- Grading
- On-site storage of equipment & materials
- Test piles
- Construction of permanent storage structures (i.e. warehouses) as long as no emission units will be located in the building
- Paving of roads or construction of roads
- Activities not integral to the project approved by the Department on a case-by-case basis

SM/NSPS/NESHAP – Prohibited Activities

- Installation of building supports and foundations
- Laying of underground pipe work
- Activities of a similar nature that are integral to the project

Fact Sheet

- 2 page document being developed
- Available by end of November 2016
 - On website under Construction Permits
- Notification through List Serve
- Allowed & Prohibited Activities table

Variance

- Option in some cases
- 567 IAC 21.2(1)
- Variance Application Form
 - Both Word and pdf versions
 - <http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Compliance>
- Notes
 - Department cannot give variance from **PSD** or **NA NSR** permitting
 - Helps to have submitted application to Construction Permits if a permit is needed
 - Include calculations
 - Send request in 2 – 3 weeks prior to needing approval

Questions

- Allowed Construction Activities Document
 - Chris Roling
 - Phone: (515) 725-9557
 - Email: chris.roling@dnr.iowa.gov
- General Permitting Questions
 - 1-877-AIR-IOWA (1-877-247-4692)
- Variances/Compliance
 - Brian Hutchins
 - Phone: (515) 725-9550
 - Email: brian.hutchins@dnr.iowa.gov