Construction Activities Allowed Prior to Permit Issuance

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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
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• General Permitting Questions
  – 1-877-AIR-IOWA (1-877-247-4692)

• Variances/Compliance
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