

Obtaining a Notice of Construction (NOC) Approval

What is a Notice of Construction and Application for Approval?

The Spokane Regional Clean Air Agency (Spokane Clean Air) Regulation I, Article V, requires that a Notice of Construction (NOC) permit application be submitted and approved prior to the construction, installation, establishment, replacement or modification of air contaminant sources, emissions units or air pollution control equipment in Spokane County. These new air contaminant sources and modifications to existing sources include equipment associated with any stationary or portable device or any part of such a device that emits or has the potential to emit any air contaminant into the atmosphere.

What information must be submitted with an application?

The application should be submitted on the Notice of Construction and Application for Approval form provided by Spokane Clean Air. The application should describe the air contaminant source, any connected equipment, and be accompanied by:

- ✓ a set of plans that fully describes the proposed source, including distance and height of buildings within 200 feet of the source,
- ✓ the estimated emissions that will result from the proposal, or sufficient information for Spokane Clean Air to calculate the expected emissions,
- ✓ the proposed means for control of emissions,
- ✓ the base fee for the project (see next section.)
- ✓ the SEPA checklist, if applicable (see next section.)

In addition, further information may be required to demonstrate that the proposed source will meet the regulatory requirements. Application forms are available at: www.spokanecleanair.org.

Do I need to submit a SEPA Checklist?

Yes, an environmental checklist must be submitted along with your NOC application. The checklist is the first step in complying with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. If Spokane Clean Air is the lead agency, you must complete the checklist provided by the agency, and return it with the NOC application. A SEPA review fee will be invoiced to the applicant after the review is completed.

If Spokane Clean Air is not the lead agency, a copy of the environmental checklist submitted to the lead agency, along with the lead agency's Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS) must be submitted to Spokane Clean Air with the NOC application.

When Spokane Clean Air is the lead agency, the environmental checklist is reviewed as part of the NOC process. The agency makes a determination of the associated environmental impacts and then circulates the checklist to other governmental agencies for review. The environmental checklist requires a 14-day public comment period, which must be announced in the legal notice section of the newspaper (in most cases, the Spokesman Review). The applicant is invoiced for the cost of publishing the notice in the newspaper.

Please remember to fill in Section A of the checklist, "Background," completely. Section B, "Environmental Elements," should be answered with the scope of the proposal in mind. Information regarding any future expansion plans should be included. Many times, "Not applicable" is an appropriate answer. An Environmental Impact Statement (EIS) is rarely required when Spokane Clean Air is the lead agency.

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How does the review process work?

Spokane Clean Air reviews the application to ensure that the source meets all applicable local, state and federal air pollution regulations, including, but not limited to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), Maximum Achievable Control Technologies (MACT), and Prevention of Significant Deterioration (PSD).

Rules related to Public Involvement (Regulation I, Section 5.05) require posting a 15-day public notice and opportunity for comment period announcement on Spokane Clean Air's webpage for all NOC applications received. A 30-day public comment period may also be required in some circumstances.

For projects required to go through SEPA public comment periods, the comment period may be held concurrent with public notice and comment periods required per the agency's public involvement regulation. Spokane Clean Air may not make a final determination on the NOC application until the public involvement and SEPA requirements have been met. Public Notices/Comment Periods are listed at www.spokanecleanair.org.

After review, Spokane Clean Air sends a preliminary NOC letter which details the conditions of approval and a deadline for notifying the agency of any concerns the facility may have in meeting the requirements. If concerns are not brought forth to Spokane Clean Air, work can proceed and a final NOC is issued. If concerns are brought forth after the deadline, and final permit work has begun, a fee will be assessed to process any changes.

When installation is complete, Spokane Clean Air must be notified that the equipment is ready for inspection. Once the agency is notified of start-up, an initial inspection will be scheduled. Construction or installation must commence within 18 months of the permit approval date, unless an extension is granted.

How long does the review take?

For new or modified air contaminant sources, once the application is submitted, Spokane Clean Air has 30 days to make a completeness determination and provide written notification to the applicant.

The agency may request additional information to complete the application. Once the application has been determined to be complete, the agency has 60 days to make a final determination on the application or initiate public notice and comment periods on the preliminary determination.

A 30-day public comment period may be required after the preliminary determination and then Spokane Clean Air has 15 days to make its final determination. The process could, in theory, take 90 days or more, though most can be processed in 40-60 days (after receipt of the complete application, depending on complexity.)

How much will the NOC Approval cost?

The NOC has two parts: a base fee that must be submitted with the NOC application, and, if applicable, review fees (SEPA, NSPS/NESHAP, BACT, Air Toxics, etc.) that are invoiced to the applicant after the review is complete. The table below shows examples of these fees for common stationary sources in Spokane County. See Spokane Clean Air's NOC/NOI fee schedule for a complete list of fees. The applicant is responsible for the cost of publishing the public comment period announcement in the legal notices section of the newspaper for the SEPA checklist, if applicable.

Examples of Notice of Construction Fees						
Project	Base Fee	SEPA review*	NSPS review	BACT review	Toxics review	Est.Total
Gas station	\$2,290	\$500	N/A	\$175-625	N/A	\$2,465-3,415
Boiler (>10MMBtu/hr)	\$2,290	\$500	\$600	\$175-625	\$620-1250	\$3,685-5,265
Emergency Generator	\$2,290	\$500	N/A	\$175-625	\$620-1250	\$3,085-4,665
Spray booth/surface coating	\$2,290	\$500	N/A	\$175-625	\$620-1250	\$3,085-\$4,665
Burn out oven	\$3,525	\$500	N/A	\$175-625	\$620-1250	\$4,320-5,900
Asphalt plant	\$5,700	\$500	\$600	\$175-625	\$620-1250	\$7,095-8,675
* If required Fees are based on the fee structure approved by the Agency's Board of Directors effective 7/1/09. Fees are typically reviewed annually, therefore a new fee structure could take effect on July 1, 2010.						

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