

## Installing & Operating a Portable or Temporary Stationary Air Contaminant Source

### *Notice of Construction (NOC) and Notice of Intent (NOI)*

#### **What are Portable and Temporary Stationary Sources?**

**Portable Stationary Source** is portable or transportable (excluding non-road engines) and installed and operated at a specific site for a brief period, not to exceed 364 days (i.e., less than 12- consecutive months) and then **is expected to be moved to another specific site and operated for a brief period.** Portable stationary sources may include, but are not limited to, the following: portable rock crushers, portable asphalt plants, portable concrete batch plants.

**Temporary Stationary Source** is portable or transportable (excluding non-road engines) and installed and operated at a specific site for a brief period, not to exceed 364 days (i.e., less than 12- consecutive months), and **is not expected to operate again in the foreseeable future.** Temporary stationary sources may include, but are not limited to, the following: a temporary boiler, while a permanent boiler is under-going maintenance; fugitive dust emissions associated with the construction of a new building; nonstationary stump grinders.

#### **When is a NOC or NOI required?**

A **Notice of Construction (NOC)** is required by Spokane Regional Clean Air Agency (Spokane Clean Air) for the first time a portable stationary source is installed and operated at a site in Spokane County. Thereafter, an approved Notice of Intent (NOI) to Install and Operate a Temporary Stationary Source is required subsequent to operation of the portable source in Spokane County. **Note:** For portable sources that have received previous NOCs or NOIs to operate in Spokane county, only an NOI is required to operate at sites in Spokane County.

A NOC may be required for temporary stationary sources, other than non-road engines, that operate in Spokane County, depending on the source type and expected emissions.

In order to determine if a NOC is required for a temporary stationary source, information on the proposed project (e.g., size of equipment, expected length of operation at the site, expected emissions, etc.) should be submitted to Spokane Clean Air well in advance of expected start-up. The agency will review the information and determine if a NOC is required for the temporary stationary source. In order for projects involving temporary and portable stationary sources to receive approval in a timely manner, a complete NOC (if applicable) or NOI application must be submitted to Spokane Clean Air well in advance of the anticipated project start date.

With an approved NOI, the temporary source may operate at the site for a limited period of time, not to exceed 364 consecutive days from the date the source is installed at the site (i.e., less than 12-consecutive months). If the temporary source remains at the site for 12-consecutive months or longer, the source is no longer considered temporary and must obtain an approved Notice of Construction. Call Spokane Clean Air for information on obtaining an approved NOC, or view the NOC info sheet at [www.spokanecleanair.org](http://www.spokanecleanair.org), then click on "Business Info."

#### **What information must be submitted?**

The application should be submitted on the NOC or NOI application provided by Spokane Clean Air prior to the installation and operation of a temporary or portable source.

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The application should be accompanied by:

- ✓ detailed schematics of the equipment and layout,
- ✓ pertinent environmental information (for asphalt plants this includes a copy of a representative source test performed within the last 5 years),
- ✓ the base fee for the project; and
- ✓ a SEPA Checklist, if applicable (see next section).

Spokane Clean Air may require further information to demonstrate that the proposed source will meet the regulatory requirements.

### **Do I need a SEPA Checklist?**

If the requirements of the State Environmental Policy Act (SEPA) have not been met for the proposed equipment and location in the past, and if Spokane Clean Air is the lead agency, a completed environmental checklist must be submitted to Spokane Clean Air with the NOI or NOC application. A SEPA review fee will be invoiced to the applicant after the review.

If the requirements of SEPA have already been met, or if Spokane Clean Air is not the lead agency, a copy of the environmental checklist and the Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS) must be submitted to Spokane Clean Air with the NOI or NOC application.

When Spokane Clean Air is the lead agency, the environmental checklist is reviewed as part of the NOI or NOC process. Spokane Clean Air makes a determination of the associated environmental impacts and then circulates the checklist around 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 in 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.

### **How does the permit review process work?**

Spokane Regional Clean Air Agency Regulation I, Section 5.05 – Public Involvement, requires posting a 15-day public notice and opportunity for comment period announcement on the agency’s webpage for all NOI and 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 SEPA public comment period may be held concurrent with the agency’s public notice and comment periods. Spokane Clean Air may not make a final determination on the NOI or NOC application until the Public Involvement and SEPA requirements have been met. Public Notices and Public Comment periods are listed at [www.spokanecleanair.org](http://www.spokanecleanair.org).

### **How long does the review process take?**

For projects requiring a NOI, the application must be filed with Spokane Clean Air at least 15 days prior to the installation and operation of the source. A determination will be made after the Public Involvement and SEPA requirements have been fulfilled, provided that sufficient information is submitted with the NOI application to demonstrate that operation will comply with applicable emission standards and will not cause a violation of applicable air quality standards.

For projects requiring a NOC, once the application is submitted, Spokane Clean Air has 30 days to make a completeness determination and provide written notification to the applicant on the completeness determination. Once the application has been determined to be complete, Spokane Clean Air has 60 days to make a final determination on the application or to initiate public notice and/or comment periods on the preliminary determination. If a public comment period is required, once the comment period ends, Spokane Clean Air has 15 days to make a final determination.

The NOC review process can take 90 days or more, however most NOCs can be processed in 40-60 days after receipt of a complete application.

## Are there additional requirements for portable or temporary sources?

Portable and temporary stationary sources must be in accord with all applicable local, state, and federal regulations. Additional permits may be required by Spokane County Planning Department. Water use and wastewater discharge permits may also be required.

## How much will the approval cost?

The NOI and NOC fees have two parts. First, there is a base fee that must be submitted with the NOI or NOC application. Second, if applicable, there are additional fees for SEPA review, NSPS review, toxic air pollutant review, etc., that are invoiced to the applicant after the review has been completed.

The tables below provide some examples of the NOC and NOI base fees and additional fees for common portable stationary sources in Spokane County. See the Spokane Clean Air Agency's NOC and NOI fee schedule for a complete list of fees. In addition to the NOI and NOC 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.

Example NOC Fees Effective July 1, 2009 required first time a portable stationary source operates in Spokane County						
Project Type	Base Fee*	SEPA review**	NSPS review	Toxics review	BACT review	Estimated Total
Rock Crushers	\$2,290	\$500	\$450	N/A	\$175 - \$625	\$2,915 - \$3,865
Concrete Batch Plant	\$2,290	\$500	N/A	\$620 - \$1,250	\$175 - \$625	\$3,085 - \$4,665
Asphalt Plant	\$5,700	\$500	\$600	\$620 - \$1,250	\$175 - \$625	\$7,095 - \$8,675

Example NOI Fees Effective July 1, 2009						
Project Type	Base Fee*	SEPA review**	NSPS review	Toxics review	BACT review	Estimated Total
Rock Crushers	\$1,000	\$500	\$450	N/A	\$175 - \$625	\$1,625 - \$2,575
Concrete Batch Plant	\$1,000	\$500	N/A	\$620 - \$1,250	\$175 - \$625	\$1,795 - \$3,375
Asphalt Plant	\$1,000	\$500	\$600	\$620 - \$1,250	\$175 - \$625	\$2,395 - \$3,975

\*Base fees must be submitted with NOC/NOI application(s)

\*\*SEPA review fees only if applicable

Other applicable review fees (SEPA, NSPS, Toxics, BACT) are invoiced to the applicant after the review has been completed.

Fee examples are based on the current fee structure approved by the Agency's Board of Directors. Fees are reviewed annually by the Board, typically in May, and may be adjusted up or down in order to achieve/maintain full cost recovery.



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