



# Focus on When an Air Permit is Required

## Approval is Required Before Constructing, Modifying, or Restarting an Air Pollution Source

Olympic Region Clean Air Agency (ORCAA) rules<sup>1</sup> require approval of an air permit application prior to commencing any of the following actions involving facilities, stationary equipment or operations that emit air pollution, which are generally referred to as “sources”:



- **New Sources** - Constructing, installing, or establishing stationary equipment, operations or an entire facility that emits air pollution.
- **Replacements** - Replacing an existing source, even “in-kind” replacements.
- **Modifications** - Modifying an existing source, which includes physical changes or changes in the method of operation of the source that have the potential to increase air pollutant emissions.
- **Replacing/Altering Control Devices** - Replacing or substantially altering any air pollution control device, like a baghouse or dust collector.
- **Restarting a Facility** - Reopening and restarting an existing facility or restarting a piece of equipment that has been shut down and not registered with ORCAA for over a year.
- **Establishing Portable/Temporary Equipment** - Moving portable, temporary equipment that emit air pollution to a facility like generators or boilers.

The purpose of this requirement is to protect public health and welfare by assuring compliance with applicable equipment performance standards, air pollution control requirements, and ambient air quality standards. Failure to secure ORCAA’s approval prior to commencing any of the above-listed actions is a violation of ORCAA Rule 6.1 and could be subject to penalty. Securing approval before starting a project helps save and protects your project from costly delays and possible enforcement. In addition, facilities that are major sources (per Chapter 173-401 WAC) may require an Air Operating Permit that must be renewed every five years.

### When is ORCAA’s Approval Required?

For all projects subject to an air permit, ORCAA’s approval is required before commencing construction or re-starting equipment that has been shut down, even when re-opening a formerly operating facility that was previously registered with ORCAA. Most often, this means before breaking ground, pouring foundations, conducting electrical or plumbing work, or moving equipment that emits air pollution to the facility. For actions that require an air permit but do not involve construction activities, ORCAA’s approval is required before initiating or taking the action. As such, ORCAA recommends against purchasing any equipment that emits air pollution (including air pollution control devices) until ORCAA’s approval is secured.

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<sup>1</sup> ORCAA rules are pursuant to requirements of Washington’s Clean Air Act under 70A.15 of the Revised Code of Washington.



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## *Modifications*

Modifications requiring an air permit include both physical changes and changes in the method of operation of a source resulting in increasing emission rates or potential to emit. Some examples of modifications triggering an air permit that are changes in the method of operation include, but are not limited to:

- Changing the type of fuel combusted
- Changing to a raw material containing a new or higher concentration of a substance
- Changing operation of an existing piece of equipment
- Increasing production rates above those previously approved by ORCAA
- Rebuilding a piece of equipment or control device after a fire or other catastrophic event
- Removing a “bottle-neck” in a process resulting in increasing air pollutant emissions

## *Restarting a Facility*

Facilities that have been shut down (ceased operation for more than 12-months and not registered with ORCAA) must submit an air permit application and secure ORCAA’s approval prior to commencing construction or re-starting equipment as described above. If construction activities are not involved to restart a facility, ORCAA’s approval is required prior to starting operation.

## *Are there any exemptions?*

Yes. ORCAA’s Rule 6.1(c) lists over 100 categorical exemptions or you may qualify for an exemption based on de minimis emissions under ORCAA Rule 6.4, which is a streamlined process for projects with minor air emissions. Call ORCAA for details on exemption, (360) 539-7610 or [www.orcaa.org](http://www.orcaa.org)

## **Approval Process**

The air permit required in all cases described above is a “New Source Review” permit referred to as a Notice of Construction (NOC). The NOC process is initiated by submitting a **NOC application** to ORCAA. The approval process may take anywhere from 15 days to several months to complete (see ORCAA Focus Sheet: Air Permit Approval Process). For certain proposals, a **public notice and comment period** and **public hearing** may be required. Therefore, it is important to contact ORCAA early to get a project-specific estimate of the approval timeline. The general NOC approval timeline follows the timeline allowed under the Washington Clean Air Act (Chapter 70A.15 of the Revised Code of Washington).

Upon concluding a project can be approved, ORCAA will issue an Order of Approval. The Order of Approval is the air permit and will include emissions and operating limits, and associated requirements like monitoring, testing, recordkeeping, and reporting requirements. Final Orders of Approval issued by ORCAA may be appealed to the Washington Pollution Control Hearings Board (PCHB) within 30 days from receiving the order. Please visit the PCHB’s website for procedures and details related to appeals.

## *Does ORCAA offer application assistance?*

Yes. Information specific to industry categories that are common air pollution sources are provided under ORCAA’s Business Assistance web page, [www.orcaa.org](http://www.orcaa.org). You may also contact ORCAA’s Engineering Staff directly to ask questions regarding your proposed project, (360) 539-7610.