

## 1.02 AIR QUALITY PERMIT TO CONSTRUCT

- ❑ *Question: Am I planning on installing new equipment or modifying, replacing or moving existing equipment that will be a source of air emissions?*

### **Why do I need this approval?**

Any operation/equipment that discharges emissions to the outside air needs an air quality permit to construct.

Examples of such operations are:

- Coating and painting operations
- Asphalt plants
- Incinerators
- Quarry operations
- Paint spray booths
- Chemical-processing equipment
- Fuel-burning equipment
- Printing presses

Air quality standards have been adopted to protect public health, vegetation, and forests from activities that discharge emissions to the outside air. Requiring a business to secure an air quality permit to construct ensures that any new, modified, replaced or relocated source of air pollution complies with all air quality requirements.

Specific sources that do not need an air quality permit are listed in COMAR 26.11.02.10. COMAR 26.11.02.10(x) lists the thresholds for the *de minimis* exemption.

### **What laws or regulations give MDE the legal authority to issue this approval?**

FEDERAL: The Clean Air Act, Section 110 and Title V, 42 U.S.C. 7401 et seq.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.01 through 26.11.02.21.

### **What is the process to get this approval?**

There are two different procedures to get a permit to construct, dependent on whether public review is necessary. You can determine which of these is applicable to your situation by referring to COMAR 26.11.02.13.

#### *For applications that are not subject to public review:*

- 1) The Department reviews the permit application for completeness. The applicant is notified of any deficiencies.
- 2) The Department invoices the applicant for the appropriate fee.
- 3) The Department examines the application to determine compliance with all applicable air pollution control regulations.
- 4) The Department makes a final determination and either issues or denies the permit to construct.

#### *For applications that are subject to public review:*

For applications that are subject to public review, the following information is useful for applicants to consider. Applications subject to public review are listed in COMAR 26.11.02.11 and .13. If you are not sure at the time you are applying for a permit whether public review of your application is required, you can contact the Air Quality Permits Program at 410-537-3230 and seek their advice.

*Communicating and engaging the local community as early as possible in your planning and development process is an important aspect of your project and should be considered a priority. Environmental Justice or "EJ" is a movement to inform, involve, and engage communities impacted by potential and planned environmental projects to afford citizens an opportunity to learn about projects and allay any concerns about impacts.*

*Although some permit applications are subject to a formal public review process prescribed by statute, the Department strongly encourages you to engage neighboring communities outside and well ahead of the formal permitting process. Sharing your plans by way of community meetings, informational outreach at local gatherings or through local faith-based organizations can initiate a rewarding and productive dialogue that will reduce anxiety and establish a permanent link with your neighbors in the community.*

*All parties benefit when there is good communication. The Department can assist applicants in developing an outreach plan that fits the needs of both the company and the public.*

In terms of procedures, the following applies:

- 1) The Department receives the permit application and reviews it for completeness. The applicant is notified of any deficiencies.
- 2) The Department invoices the applicant for the appropriate fee.
- 3) The Department prepares a notice of application for publication in the local newspaper. This notice either provides an opportunity to request an informational meeting or announces the date, time and location of the scheduled meeting.
- 4) The Department reviews the application to determine compliance with all applicable air pollution control regulations and reviews any information presented at the informational meeting, if one was held.
- 5) The Department prepares a tentative determination and draft permit, which are available for review at the local library. A notice is prepared for publication in

the local newspaper. This notice either provides an opportunity to request a public hearing or announces the date, time, and location of the scheduled public hearing.

6) If neither a request for a public hearing nor comments opposing the tentative determination are received by the Department, the tentative determination becomes final and the permit is issued.

7) If a public hearing is held:

a) The Department prepares a final determination on the application after comments are received and addressed.

b) A notice of final determination is published and the permit is issued.

c) The final determination is subject to judicial review by the applicant or anyone who participated in the public review process.

d) Judicial review is based on the administrative record and, with few exceptions, limited to objections raised during the comment period.

To request for application forms, contact (410) 537-3230 or go to: <http://mde.maryland.gov/airpermits>.

**Before I apply for this approval, do I need to get any approvals from the local or federal government?**

Applicants are required to demonstrate compliance with local zoning for permits subject to public review per the Environment Article section 2-404 prior to the permit application being processed.

**Are there any other requirements?**

PRE-APPROVAL: Before an air pollution source is constructed or modified, a permit must be obtained from the Air and Radiation Administration.

POST-APPROVAL: Periodic emissions tests and/or reports may be required of some sources, depending on the nature of the operation and its emissions.

**How long should I expect it to take to get this approval once I submit a complete application?**

Extent of Public Interest	Turnaround Time
Applications not subject to public review.	3 months
Applications for synthetic minor permits not subject to public review.	4 months
Applications subject to public review that generate little public interest.	6 months
Applications subject to public review that generate extensive public interest.	11 months

**Once I get this approval, how long will it last?**

This is a one-time permit required prior to construction and/or installation. You may need to obtain a new permit to construct if you make changes to the equipment, process, material or emissions. If construction or installation does not take place within 18 months of permit issuance, then approval terminates.

**How much will this approval cost?**

Current fees range from \$400 to \$20,500 as specified in COMAR 26.11.02.17 - 18. The Department will notify the applicant of the appropriate fee upon receiving the completed application.

**Do I need to know any additional information?**

1) A pre-submittal meeting with the Department is recommended for larger businesses in order to expedite the review process.

2) The most frequent causes of delay in processing permit applications are failure to pay fees and to supply complete permit applications: for example, many applications lack supporting documentation for the air toxics compliance demonstration.

3) Technical assistance documents are available to explain emission control requirements for some air pollution source categories.

**Who do I contact with additional questions?**

Justin Hsu or William Paul  
 Air Quality Permits Program  
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