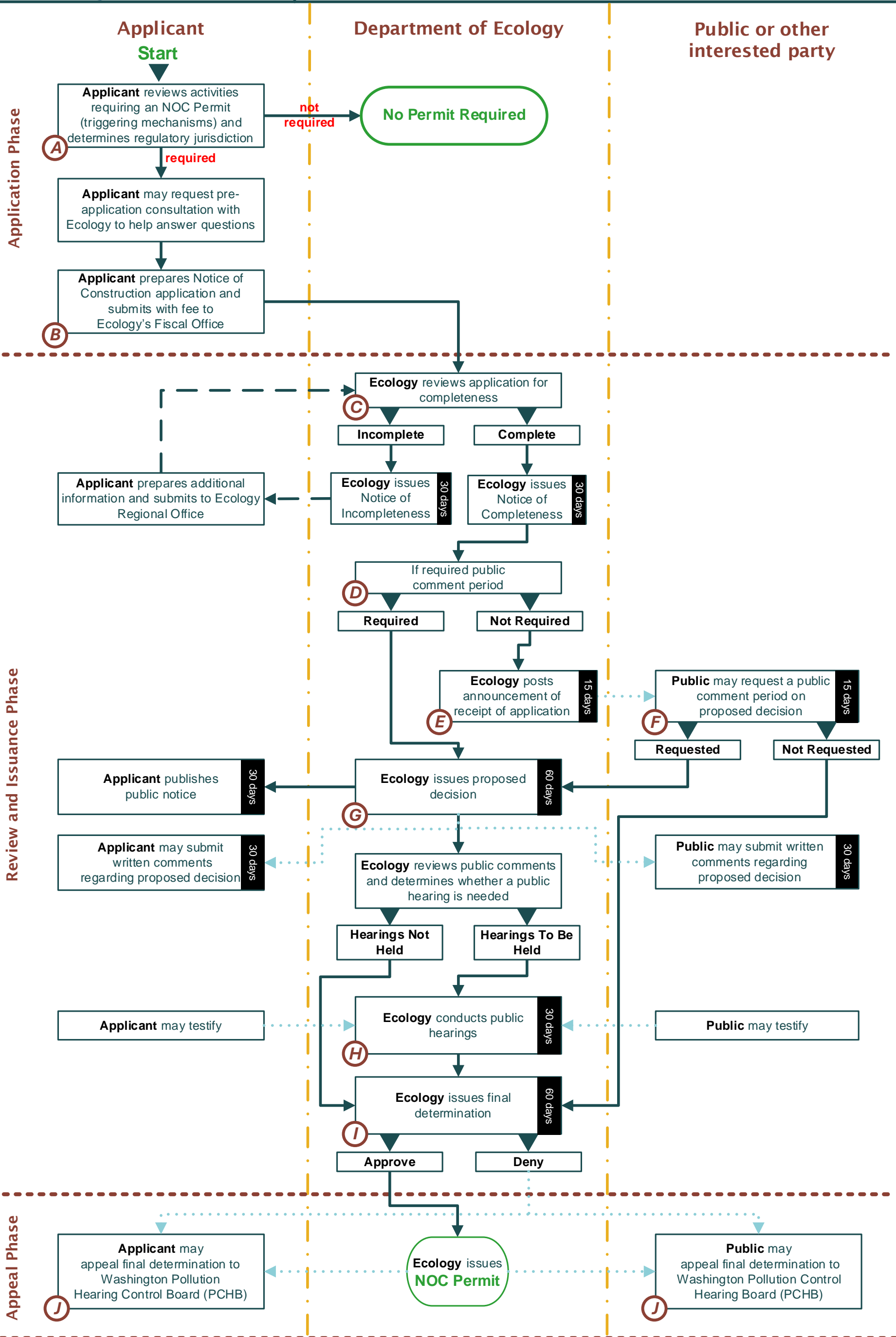




Air Quality Notice of Construction (NOC) Permit



Link A

Triggering Mechanisms:

A Notice of Construction (NOC) air quality permit may be required prior to establishment of a new or modified source of air pollution. There are separate regulations which define projects required to complete NOC permitting. These regulations are:

- New source review for sources and portable sources: [WAC 173-400-110](#)
- Processing notice of construction applications for sources, stationary sources and portable sources: [WAC 173-400-111](#)
- Public notice and opportunity for public comment: [WAC 173-400-171](#)
- Controls for New Sources of Toxic Air Pollutants: [WAC 173-460](#)

If a project will include a new or modified source of air pollution, the applicant should review these regulations to determine whether the project will require a NOC permit. Some smaller sources may be exempt from NOC requirements. The exemptions are specified in the above listed regulations. Note that it is possible to be exempt under one regulation but still be subject to NOC requirements under the other regulation. If the applicant has questions regarding the applicability of requirements, they should contact the agency with air quality jurisdiction in the county that the project will occupy.

In addition to NOC permitting requirements, the applicant should consider whether the project will be subject to other State air quality requirements. Other requirements to consider include:

- Registration Program. Industrial and commercial facilities that emit air pollution may be required to “register” their facility with Ecology: <https://fortress.wa.gov/ecy/publications/SummaryPages/FAAIR9403.html>
- Large facilities may require a Prevention of Significant Deterioration (PSD) permit, prior to establishment. <https://www.oria.wa.gov/permithandbook/permitdetail/104>
- Large facilities may require an Air Operating Permit: <https://www.oria.wa.gov/permithandbook/permitdetail/51>, and an Acid Rain Permit: <https://www.epa.gov/airmarkets/acid-rain-program>
- Additional environmental (non air quality) permits may be required: <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Overview-of-permitting>

Air Quality Regulatory Jurisdiction:

Under the Washington Clean Air Act, counties are given the choice whether to form or join a “local” air authority. Those counties which do not form a local air authority are under the direct air quality regulatory jurisdiction of Ecology. While Ecology enforces the State regulations, found in the Washington Administrative Code, local air authorities may utilize the State regulations, their own local regulations, or a combination of the two.

Since air quality regulations may vary between counties, it is important to identify which regulations will apply to a specific project. Ecology maintains a map for use in identifying the correct air quality regulatory jurisdiction: <https://ecology.wa.gov/About-us/Our-role-in-the-community/Partnerships-committees/Clean-air-agencies>.

Note that all pulp mills and aluminum smelters are under the jurisdiction of Ecology’s Industrial Section, regardless of county location.

The remainder of this flowchart is designed for use with the State regulations, and thus is relevant for projects within Ecology jurisdiction. If a project is not within Ecology air quality jurisdiction, the applicant should contact the appropriate agency to inquire about their air quality permitting processes.

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Air Quality Notice of Construction (NOC) Permit

Link B

If a NOC is required, the Applicant must submit an NOC application and completed State Environmental Policy Act (SEPA) Environmental Checklist or Determination.

NOC Application form: <http://www.ecy.wa.gov/biblio/ecy07002.html>

A complete NOC application will include the following:

- Initial application fee;
- Process description;
- Proposed operational limits on production rates and operating times;
- Emission rates: <http://www.epa.gov/ttn/chief/>
- Best Available Control Technology (BACT) assessment: <http://cfpub2.epa.gov/RBLC/>
- Ambient air quality analysis: <http://www.epa.gov/ttn/scram/>
- Proposed permit conditions for emission limits, stack testing, and emission monitoring, including rationale for the proposed conditions; and
- Completed State Environmental Policy Act (SEPA) Environmental Checklist or Determination: <http://www.ecy.wa.gov/programs/sea/sepa/forms.htm>.

If the Applicant has questions regarding the content of these forms, they should contact the agency with air quality jurisdiction in the county that their project will occupy. Additionally, an Applicant may request a pre-application meeting.

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Air Quality Notice of Construction (NOC) Permit

Link J

Permit Appeals

Final permit decisions are appealable to:

Pollution Control Hearings Board
PO Box 40903
Olympia, Washington 98504-0903
<http://www.eluho.wa.gov/Board/PCHB>

Concurrently, a copy of the appeal application must be sent to:

Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

And, the appropriate Regional Office:

Department of Ecology Northwest Regional Office 3190 – 160 th Avenue SE Bellevue, WA 98008-5452	Department of Ecology Central Regional Office 1250 West Alder Street Union Gap, WA 98903-0009	Department of Ecology Eastern Regional Office 4601 N Monroe Street Suite 202 Spokane, WA 99205-1295
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