



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**How to Apply for a  
Notice of Construction  
("Pre-Construction")  
Air Quality Permit  
From the Department of Ecology**

**Prepared by:  
Washington State Department of Ecology  
Air Quality Program**

*If you need this document in another format, please contact the Air Quality Program at (360) 407-6800.  
If you have a hearing loss, call 711 for Washington Relay Service. If you have a speech disability, call  
877-833-6341.*

## Table of Contents

Purpose	Page 3
What is a pre-construction permit?	Page 3
How does Ecology set air pollutant limits for a business?	Page 3
Who needs a pre-construction permit?	Page 3
How do you get a pre-construction permit?	Page 4
How long does it take to get a pre-construction permit?	Page 4
What is a General Order?	Page 4
Is your application confidential?	Page 5
What are the steps for permit approval?	Page 5
What are the toxic air pollutant requirements?	Page 5
What are the permit fees?	Page 5
Where can you get more information?	Page 6
Table 1	Page 7

## Purpose

This document is intended for owners of small businesses that emit air pollution in Ecology-regulated counties. Its purpose is to help these business owners understand how to get a “pre-construction permit” Getting an air quality permit is a complicated process. For more information, please contact the agency that regulates businesses in your county, as shown in Table 1.

## What is a pre-construction permit?

A “pre-construction permit” is a document that limits a business’s air pollutant emissions. Ecology’s rule refers to this permit as a “Notice of Construction Order of Approval.” It is called “pre-construction because you have to get this permit before you start construction or operation of your business.

## How does Ecology set air pollutant limits for a business?

Ecology sets air pollutant limits based on:

- federal and state air quality standards, and
- emission limits similar businesses have been required to meet.

The air quality standards<sup>1</sup> are based on public health and environmental considerations. The other business emission limits are based on the technology used to control air pollution. The technology-based limits are also referred to as “Best Available Control Technology,” or BACT<sup>2</sup>. As technology improves over time, emission limits will be lower. Businesses in areas with air pollution problems may have stricter requirements.

## Who needs a pre-construction permit?

Most, but not all, businesses that are new, replacing or modifying emission control equipment, or are increasing their air pollutant emissions need a pre-construction permit. A business may be exempt from this permit requirement based on either its equipment or its emission levels. Businesses that are exempt based on equipment are listed in the Air Quality Program regulations [specifically, WAC 173-400-110(4)].

The exemption based on emission levels is described in WAC 173-400-110(5).

Understanding these regulations may be difficult. For help identifying and understanding them, we recommend contacting:

- Air Quality Program staff listed in Table 1;
- industry association representatives; or
- air quality consultants.

---

<sup>1</sup> [http://www.ecy.wa.gov/programs/air/other/Criteria\\_Stnds.htm](http://www.ecy.wa.gov/programs/air/other/Criteria_Stnds.htm)

<sup>2</sup> <http://apps.leg.wa.gov/RCW/default.aspx?cite=70.94.030>

## How do you get a pre-construction permit?

The steps for getting a pre-construction permit are:

1. Find out who issues your pre-construction permit. Several different agencies regulate air quality in Washington, including Ecology, seven local air authorities, the Energy Facility Site Evaluation Council (EFSEC), and the United States Environmental Protection Agency (USEPA).

Use Table 1 to determine which agency issues pre-construction permits in your area. If it is Ecology, then this document gives you the overview of Ecology's pre-construction permit process. If it is another agency, contact them for details.

2. Call your permitting agency to discuss your project. We may be able to reduce the amount of work in submitting an application by working with you at the beginning of the project.
3. If Ecology is your permitting agency, fill out and submit an Ecology Notice of Construction (NOC) Approval application. You can find this application at [www.ecy.wa.gov/pubs/ecy07002.pdf](http://www.ecy.wa.gov/pubs/ecy07002.pdf). Other agencies have different forms.
4. There may be other requirements you must comply with, such as a SEPA review. Please consult with your local authority before submitting the NOC Approval application.
5. Ecology will prepare a pre-construction permit based on the information in the NOC application. Ecology will contact you if more information is needed.

## How long does it take to get a pre-construction permit?

It usually takes four to six months to get the final pre-construction permit. It can take longer if the project is complex or the application is incomplete.

For routine or repetitive projects, Ecology can issue a "General Order." This process usually takes less time. Ecology can issue a general order in 30 to 60 days because of the simplified process. Either way, you'll need a final pre-construction permit before starting construction.

## What is a General Order?

Some new emission sources are nearly identical and show up frequently. General orders provide these sources a simplified and more efficient way to meet the requirements for a permit. General orders are available for the following sources:

- Concrete batch plants
- Emergency electrical generators
- Perchloroethylene dry cleaners
- Rock crushers
- Small boilers
- Auto body shops

Information about general orders is available at:

[http://www.ecy.wa.gov/programs/air/AOP\\_Permits/Boiler/GeneralOrders.htm](http://www.ecy.wa.gov/programs/air/AOP_Permits/Boiler/GeneralOrders.htm)

## **Is your application confidential?**

The Director of Ecology may approve a request for confidentiality. Otherwise, the documents you submit are public information. Call the Air Quality Program's public disclosure coordinator at (360) 407-6800 for more information.

## **What are the steps for permit approval?**

- You submit the notice of construction application.
- Ecology has 30 days after receiving the application to notify you that the application is complete or to ask for more information.
- Once your application is complete, Ecology has 60 days to issue a proposed decision. For larger sources, Ecology will publish a public notice, and start the 30-day comment period once a preliminary decision has been made. Ecology may hold a public hearing if a hearing is requested.
- After the public comment period ends, Ecology will make a final decision about the permit.

If you are unhappy with the final conditions in your permit, you can appeal the pre-construction permit to the Pollution Control Hearings Board. Details on appealing permits are available at [www.eho.wa.gov](http://www.eho.wa.gov).

## **What are the toxic air pollutant requirements?**

Emissions of toxic air pollutants are regulated through Chapter 173-460 WAC. The Notice of Construction application includes a review of toxic air pollutants. For more information, see Ecology Publication #08-02-025, Guidance Document for First and Second Tier Review of Toxic Air Pollution Sources.

## **What are the permit fees?**

Fees vary depending on project complexity. Check with your permitting office for specific information. The fee schedule is in WAC 173-455-120. Fee reductions are available for small businesses, extreme hardship and pollution prevention initiatives. Call the Air Quality Program regional office in your area for details (see Table 1).

If a public comment period is required for your pre-construction permit, you will have to pay for the publication of notice in a local daily newspaper. Once your project has been approved, you may also have to pay annual registration fees. You'll find more information about these fees in Chapter 173-455 WAC.

## Where can you get more information?

- For small business assistance, go to:  
[http://www.ecy.wa.gov/programs/air/small\\_business/SmBusAsstprogram.html](http://www.ecy.wa.gov/programs/air/small_business/SmBusAsstprogram.html) or  
<http://www.ora.wa.gov/>
- For environmental permitting assistance, contact the Governor's Office of Regulatory Assistance at <http://www.ora.wa.gov/>.
- For assistance with a notice of construction, general order, or toxic air pollutant permit, call the regional contacts shown in Table 1.

**Table 1:**

<b>Regulatory Agency</b>	<b>Jurisdiction</b>	<b>Location/Phone</b>
<a href="#">Department of Ecology: Central Regional Air Quality Office</a>	<i>Chelan, Douglas, Kittitas, Klickitat, and Okanogan counties</i>	Yakima, WA (509) 575-2490
Department of Ecology, Northwest Regional Office	<i>San Juan County</i>	Redmond, WA (425) 649-7000
<a href="#">Department of Ecology: Eastern Regional Air Quality Office</a>	<i>Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla, and Whitman counties</i>	Spokane, WA (509) 329-3400
<a href="#">Department of Ecology Industrial Section</a>	<i>Statewide pulp and paper mills and aluminum smelters</i>	Olympia, WA (360) 407-6916
<a href="#">Department of Ecology Nuclear Waste Program</a>	<i>Hanford Reservation</i>	Richland, WA (509) 372-7950
<a href="#">Benton Clean Air Authority</a>	<i>Benton County</i>	Kennewick, WA (509) 783-1304
<a href="#">Northwest Clean Air Agency</a>	<i>Island, Skagit, and Whatcom counties</i>	Mt. Vernon, WA (360) 428-1617
<a href="#">Olympic Region Clean Air Agency</a>	<i>Clallam, Grays Harbor, Jefferson, Mason, Pacific, and Thurston counties</i>	Olympia, WA (360) 586-1044
<a href="#">Puget Sound Clean Air Agency</a>	<i>King, Kitsap, Pierce, and Snohomish counties</i>	Seattle, WA (206) 343-8800
<a href="#">Southwest Clean Air Agency</a>	<i>Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties</i>	Vancouver, WA (360) 574-3058
<a href="#">Spokane Regional Clean Air Agency</a>	<i>Spokane County</i>	Spokane, WA (509) 477-4727
<a href="#">Yakima Regional Clean Air Authority</a>	<i>Yakima County</i>	Yakima, WA (509) 834-2050
<a href="#">U.S. Environmental Protection Agency (EPA) EPA/Region 10</a>	<i>Tribal lands and the outer continental shelf</i>	Seattle, WA (206) 553-8087
<a href="#">State Energy Facility Site Evaluation Council</a>	<i>Statewide Major Energy Facilities</i>	Olympia, WA (360) 956-2121