State of Oregon Department of Environmental Quality

AQ104 Instructions

Notice of Intent to Construct

What this form is used for, not used for, and important clarifications

The owner/operator is required to submit the AQ104 form if proposing to construct or establish a new facility, emissions unit, or make any other changes to an existing facility as described below. The owner/operator should note that a Notice of Intent to Construct (NC) is not appropriate if the proposed construction would cause emissions to exceed the Plant Site Emissions Limit (PSEL) of an existing facility or, in most cases, would invoke new applicable requirements (e.g., New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants) or additional monitoring requirements. In such cases, the permittee would need to apply for a permit modification.

In all cases, an applicant must comply with the conditions of approval from DEQ. In some situations, DEQ may approve only construction of the emissions unit with additional steps required prior to operation.

Except as provided below, this form is required if the owner/operator proposes to:

- Construct, install, or establish a new device, activity, process or any combination of devices, activities or processes that will cause an increase in any regulated pollutant emissions;
- Make a physical or operational change to an existing device, activity, process or any combination thereof that will cause an increase, on an hourly basis at full production, in any regulated pollutant; or
- Construct or modify any air pollution control equipment.

This form is not required for the following:

- Equipment used in agricultural operations and the growing or harvesting of crops or the raising of fowls or animals;
- Agricultural land clearing operations or land grading;
- Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;
- Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to, barbecues, house painting, maintenance, and grounds keeping;
- Categorically insignificant activities as defined in OAR 340-200-0020 that are not subject to a federal National Emission Standard for Hazardous Air Pollutants (NESHAP) or New Source Performance Standard (NSPS) (note, this exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources); and
- Any change included in an application for a new Air Contaminant Discharge Permit or modification of an existing Air Contaminant Discharge Permit.

Types 1, 2, 3, and 4 construction activities: Know what you're proposing

If a proposed new source is of a type listed in OAR 340-216-8010, Table 1, the owner/operator must submit an application for a new Air Contaminant Discharge Permit (ACDP) rather than this NC form. Otherwise, the owner/operator is required to submit a complete NC and receive DEQ approval before beginning actual construction of the source.

There are four types of construction or modification changes, as described below. This form applies to the first two types of changes (1 and 2). An application for a new or modified ACDP is required for Type 3 and 4 changes. Refer to definitions in OAR 340-200-0020.

Types 1 and 2

Most criteria regarding Type 1 and 2 changes are the same with one important distinction; are increases proposed to be de minimis or between de minimis and the Significant Emission Rate (SER)? Note the one 'or' clarification between the criteria listed below. Type 2 notifications require a fee of $720 per OAR 340-216-8020 Table 2 (Basic ACDP and General ACDP sources are exempt from this fee).

Type 1 and Type 2 changes include construction or modification of devices, activities, processes or any combination of devices, activities, processes or air pollution control equipment where such a change:

- [Type 1 and 2] Would not increase emissions from the source above the Plant Site Emissions Limit by more than the de minimis emission level defined in OAR 340-200-0020 for sources required to have a permit; and

- [Type 1 and 2] Would not increase emissions from the source above the netting basis by more than or equal to the Significant Emissions Rate; and

- [TYPE 1 only]: Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020;
  OR
- [TYPE 2 only]: Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the Significant Emission Rate [OAR 340-200-0020(161)];

- [Type 1 and 2] Would not be used to establish a federally enforceable limit on the potential to emit; and

- [Type 1 and 2] Would not require a Typically Achievable Control Technology determination (OAR 340-226-0130) or a Maximum Achievable Control Technology determination (OAR 340-244-0200); and

- [Type 1 and 2] Is not required to obtain a permit under OAR 340 division 216;

Type 3

Type 3 changes include construction or modification of devices, activities, processes or any combination of devices, activities, processes or air pollution control equipment where such a change:

- Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in OAR 340-200-0020 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;

- Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);

- Would be used to establish a federally enforceable limit on the potential to emit;

or

- Would require a TACT determination under OAR 340-226-0130 or a MACT determination under 340- 244-0200.

Type 4

Type 4 changes include construction or modification of devices, activities, processes or any combination of devices, activities, processes or air pollution control equipment where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.

Instructions

For facilities or sources that currently have an air permit: Addition of new equipment, increased emissions generating capacity, or newly applicable requirements may require a permit modification in addition to, or in lieu of, this notification form and process. For purposes of this notification for permitted facilities, DEQ will generally only need to establish emissions estimates/changes from the proposed construction.

For unpermitted operations, DEQ will need to establish emissions estimates from all air contaminant generating equipment and processes on site (in addition to what is specifically proposed) to ensure total emissions do not exceed any applicable threshold.

Fees: Type 2 Notice of Intent to Construct application submissions require a fee of $720 per OAR 340-216-8020 Table 2. Basic and General ACDPs are exempt from this fee.

1. Permit or Source Number: Enter the permit or source number if the Notice of Intent to Construct is for an existing facility that already has an Air Contaminant Discharge Permit (ACDP) or Title V permit.

2. Company: Enter the legal name of the company as it is registered with the State of Oregon Corporations Division, ownership type and mailing address.

3. Facility Location: Enter the common name of the facility and address if different from the information provided in question 2. If the information is the same, enter “same”.

4. Number of Employees: Enter the number of employees for the corporation and for the plant site.

5. Facility Contact Person: Provide the following information about the individual who should be contacted regarding this application and is authorized to provide additional data and information. Include the name of the individual, their title, and contact information.

6. Industrial Classification Codes: The primary Standard Industrial Classification (SIC) code is the one registered with the State of Oregon Corporation Division. There can be more than one primary SIC code. A secondary SIC code would be for other supporting activities at the facility, such as a steam process boiler. The primary and secondary North American Industry Classification System (NAICS) should also be entered.

7. Type of construction/modification change: Enter the type of change (1 or 2) as described above.

8. Signature: The Notice of Intent to Construct must be signed. The notice should be signed by the official responsible for the facility's compliance with air quality regulations and knowledgeable of the contents of this notice. The official might be the owner, the plant manager, the head of environmental affairs, etc.

9. Indicate (yes or no) whether this project will establish any new emissions point(s) at the facility. If yes, a graphic of some kind will be required to sufficiently show the location in relation to the rest of the facility or processes. This may be a map or detailed drawing.

10. Indicate (yes or no) whether this project will result in increased production capacity or throughput. If the owner/ operator indicates “yes”, then this construction/operational change may require a new permit or modification of an existing permit. The owner/operator should understand the emissions associated with this increase and consider talking to the DEQ permit writer about regulatory requirements in this area before submitting this form to DEQ.

11. Indicate (yes or no) whether this project will result in an increase in emissions of any regulated air pollutant(s). If the owner/ operator indicates “yes,” this change may require a new permit or modification of an existing permit. The owner/operator should understand the emissions associated with this increase and consider talking to the DEQ permit writer about regulatory requirements in this area before submitting this form to DEQ. Regulated air pollutants include all listings under OAR 340-200-0020(134).

12. Indicate (yes or no) whether this project will result in the emission of regulated air pollutants that previously had not been emitted. If the owner/operator indicates “yes”, then this construction/operational change may require a new permit or modification of an existing permit. The owner/operator should understand the types and quantities of

emissions associated with this change and consider talking to the DEQ permit writer about regulatory requirements in this area before submitting this form to DEQ.

13. Indicate (yes or no) whether there are any applicable requirements associated with the construction/operational change. For example, if new equipment is being installed subject to a specific Oregon Administrative Rule (OAR chapter 340 divisions 200 through 268) or federal standard (NESHAP or NSPS); or if the proposed construction includes modifications to existing equipment that was subject to permit conditions or a federal standard that will need to change. If new or changed requirements exist, a new permit or modification of an existing permit may be required. The owner/operator should understand the requirements associated with this change and consider talking to the DEQ permit writer about regulatory requirements in this area before submitting this form to DEQ.

14. Description of proposed construction: Provide a text description of the facility. In describing the facility, and in preparing the notice, the owner/operator should always remember that the notice should be written to cover the facility, as it will operate after the construction. The owner/operator should provide a description of the current processes that emit air pollutants, and the fuels used and products produced in these processes. To determine the level of detail required, the owner/operator should check with his/her permit writer, or the region's Air Quality Permit Coordinator if no permit writer has yet been assigned.

15. Description of production process: Provide a text description of any production processes affected by the proposed construction. If there is a change in the flow of production of the facility processes, include a chart or diagram depicting this change.

16. Indicate (yes or no) whether this project will result in increased facility size, footprint or land area. If the owner/ operator indicates "yes", then this construction/operational change requires an approved Land Use Compatibility Statement (LUCS). Note that increasing the physical footprint exclusively for the installation of a control device, however, does not require a new LUCS. Increasing the physical footprint on the property requires a new LUCS specific to the proposed changes, not the entire facility or site. The owner/operator should talk to the DEQ permit writer about regulatory requirements in this area before submitting this form to DEQ.

17. Indicate (yes or no) whether this project will relocate or otherwise move any emissions point(s) at the facility. If yes, a graphic of some kind will be required to sufficiently show the new location. This may be a map or detailed drawing.

18. Indicate (yes or no) whether this project will include air pollution control devices or equipment, including control equipment as a part of new or modified process equipment. Pollution control equipment will be required to also submit forms from the AQ300 series as applicable, including manufacturer documentation or specifications.

19. Indicate (yes or no) whether this project will result in overall decreased emissions at the facility. Describe how or why the decrease will occur and include which pollutants will decrease.

20. Indicate (yes or no) whether the final completed project will end up utilizing any new types of fuels, or increasing existing fuel use. If the owner/operator indicates yes, include an identification of each expected fuel and quantities anticipated to be used.

21. If the proposed construction meets any of the following four criteria, the owner/operator is required to complete and submit an updated Land Use Compatibility Statement:

    - The construction is for a new facility or for an emissions unit at a location without an existing permit;
    - The construction is a facility expansion that either increases the physical footprint of the facility on the property or utilizes additional property (note that this criteria does not apply for the installation or construction of pollution control equipment);
    - A current Land Use Compatibility Statement is not on file with DEQ; or
    - A Land Use Compatibility Statement (LUCS) form is requested by DEQ.

    (If an approved LUCS includes conditions of approval or additional findings, these must be submitted with the LUCS)

22. Indicate (yes or no) whether the project has any impacts or association with underground storage tanks or underground piping associated with storage tanks. If the owner/operator indicates “yes”, then this construction/operational change may require approval or coordination with DEQ’s Underground Storage Tank program. It is the applicant’s responsibility to discuss this project with the UST program to determine if there are additional applicable requirements.

    UST Email: tanks.info@deq.state.or.us UST Phone: 503-229-6652 or 800-742-7878

23. Indicate (yes or no) whether the project will result in any new or additional refuse generation once completed. If the owner/operator indicates “yes”, include the expected types and quantities of waste or refuse to be generated and describe the methods of disposal.

Project timing

24. The owner/operator should indicate the date (or approximate date if unknown) that the project or construction is ‘committed’ to taking place. This would be when contracts are signed, equipment is ordered, or the facility is otherwise committed to proceeding with the project.

25. Indicate the approximate date that physical construction or commencement of construction activities are expected to begin.

26. Indicate the approximate date that construction or modification is expected to be completed.

Equipment Specific Information, Forms, and Visuals

27. The owner/operator should complete and attach the appropriate form(s) from Form Series AQ200, Device/Process Forms (e.g., Form AQ210, Fuel Burning Device) to describe any new or modified process equipment. Manufacturer documentation should be submitted with the form(s) as available.

28. If the construction includes a pollution control device, the owner/operator should complete and attach the appropriate form(s) from Form Series AQ300, Control Device Description, to describe the types of control equipment to be used. Manufacturer documentation should be submitted with the form(s) as available.

29. If the construction includes pollution control devices or equipment that has the ability to vary in operation from highest reasonable efficiency or effectiveness, the owner/operator must also submit information about the device and its proposed operation that will allow DEQ to establish operation and maintenance requirements.

30. Attach a city map or drawing showing the facility location, property lines and its relation to nearby (i.e., within 1 mile) sensitive receptors such as residential areas, hospitals, schools, etc. If the facility is located in a rural area, the owner/operator should note distances on approaching roads and mark the location of landmarks. The owner/operator may elect to submit one map or drawing that clearly establishes all map-related information required by the form.

31. The owner/operator should include any information deemed pertinent regarding other pollution prevention measures or cross-media impacts that they would like DEQ to consider when reviewing the application to determine necessary requirements and compliance methods.

32. Indicate (yes or no) whether the construction or activity is proposed at a location or facility that has already been issued an air permit. If the proposed construction or activity is not associated with a facility that has an existing air permit, DEQ will need to assess emissions and the potential to emit from everything on site. If a permit has been issued to a facility at the location, DEQ will likely only need to assess the changes in emissions from the proposed construction or activity.

    The owner/operator should include a description of the activity or process, fuels used, process parameters, applicable sizes or ratings of equipment, and any other details necessary to estimate emissions. DEQ will require information to calculate emissions based on a full year of production/activity (8,760 hours of operation) as well as ‘potential to emit’ which accounts for operational or physical limitations as well as control devices.

Emissions data table

The owner/operator should provide a summary of pre-construction and post-construction emissions data in the table provided on the answer sheet. Before completing the table, first review all of the information requested in subparts ‘a’ through ‘d’ on the table, below.

Column ‘a’ should include all relevant emissions points at the facility. For each emissions point identified under column ‘a’, list the regulated air pollutant(s) emitted in column ‘b’. This includes a separate row for each regulated air pollutant emitted by that emissions point. Attach or include additional pages as necessary.

Provide the short-term and annual emissions that were present before this construction project or activity (pre-construction) and the emissions after the project is completed and operating. Short-term emissions should be provided in units of pounds per hour, or other alternate basis such as pounds per day. The owner/operator should specify the unit used for the short-term emissions. Annual emissions should be provided in units of tons per year.

Example pre and post-construction emissions table

a. Emissions Point	b. Pollutant	c. Pre-Construction Emissions		d. Post-Construction Emissions	
		short-term (specify unit)	Annual (tons/year)	short-term (specify unit)	Annual (tons/year)
Boiler #2 Stack (distillate #2 oil)	NOx	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	CO	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	VOC	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	PM	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	SO2	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (natural gas)	NOx	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	CO	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	VOC	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	PM	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	SO2	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Gasoline Storage Tank #2	VOC	X lbs/ 1,000 gallons throughput	XX tons/year	Y lbs/ 1,000 gallons throughput	YY tons/year
Drying Oven #1	VOC	X lbs/ hour	XX tons/year	Y lbs/ hour	YY tons/year