

Notice of Construction



State of Oregon
Department of
Environmental
Quality

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*DEQ is a leader in restoring,
maintaining and enhancing
the quality of Oregon's air,
land and water.*

What is a Notice of Construction?

DEQ's rules outline the notification requirements applicable to certain construction projects that emit air pollutants, including air pollution control equipment.

- Facilities that have a DEQ air permit use the Notice of Construction, or NC, to request approval for planned changes to their existing facilities, typically when a permit modification is not required.
- Unpermitted facilities use the NC to request DEQ approval for new locations that will emit air pollution or to determine if an air permit is required for their facility.

The [Notice of Construction application form AQ104](#) and [instructions](#) are available on DEQ's air quality [permitting website](#).

Do I have to submit an NC for my project?

Oregon Administrative Rules ([OAR Chapter 340 Division 210](#)) provide the complete description of applicability and exemptions. Generally, you must submit an NC if one of the following applies:

- You are a facility with an existing DEQ air permit making a physical change or change in operation that will cause an increase in any regulated air pollutant emissions on an hourly basis at full production.
- You are establishing, constructing or installing new equipment that can emit regulated air pollutants **AND** your facility does not/will not require an air permit.
- You are a facility with an existing DEQ air permit or an unpermitted facility that is constructing or modifying any air pollution control device.

DEQ's rules also provide several categories of construction activities and projects that do not require construction notification. Exempt categories include:

- Agricultural operations or equipment exempted by [OAR 340-200-0030](#).
- 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 groundskeeping.
- Portable sources, except modifications of portable sources that have air permits.
- Categorically insignificant activities (defined in [OAR 340-200-0020](#)) unless they are subject to a federal regulation, i.e., [NESHAP](#) or [NSPS](#).

Help Determining if a Permit is Required

Some existing or proposed facilities may want DEQ's assistance in determining if a permit is required for their operations or activities. DEQ offers pre-application meetings with our [regional office](#) permit writers to help determine if a permit is required.

For facilities that would like a written determination from DEQ that 'no permit is required,' the agency requires an NC application that includes emissions data and all associated [equipment and device forms](#), which fully describe all activities, operations and equipment at the existing or proposed site.

After reviewing the submitted materials and obtaining any additional required information, DEQ staff will provide a written determination.

- If a permit is not required, DEQ staff will process the NC application and provide a construction approval letter to the facility.
- If a permit is required, DEQ staff will notify the applicant with a denial letter stating the proposed project cannot be approved by an NC and an air permit is required.

Construction Completion

If DEQ approves an NC, the owner or operator must typically submit a construction completion notification ([AQ104C](#)) within 30 days of when construction is completed, unless otherwise stated in the construction approval or an issued air permit.

More Information

For more information about the NC process, please review DEQ's [AQ104 NC instructions](#), containing different classifications of construction projects and other guidance.

Additional resources include:

- [DEQ regional offices](#)
- [DEQ air quality permitting website](#)

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.oregon.gov.