

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY**

POLICY REGARDING PERMIT PROCESSING UNDER 45CSR13

Section 1: Introduction

1.01. It is the Division of Air Quality's ("DAQ's") policy to process permit applications under 45CSR13 in an expeditious manner while ensuring compliance with all applicable laws, rules and regulations. This policy, while setting forth the regulatory time periods applicable to processing permit applications under 45CSR13, also provides guidelines for time estimates applicable to each step of the permitting process.

1.02. This Policy amends and supersedes the DAQ's "Policy Regarding Permit Processing Under 45CSR13," effective January 23, 2002.

Section 2: Initial Application Review

2.01. When an application is filed with the DAQ, it will be immediately routed to the permitting section, where it will be summarily reviewed to determine whether it contains the basic required elements. A written response will be sent to the applicant within two (2) working days of receipt, informing him or her of the application's status and which engineer will be assigned to the application. If the review indicates that information is missing from the application, the letter will so inform the applicant and identify the missing information. In cases where the application is substantially deficient, DAQ may send the application back along with the application fee.

Section 3: Completeness Determination

3.01. The DAQ will review an application for completeness within thirty (30) days from receipt of an application and notify the applicant in writing whether the application is complete or what information is necessary to make the application complete. Where an application has been found complete, the completeness letter will give a projected time frame for completing action on the permit.

3.02. In making the completeness determination, the DAQ will utilize a completeness checklist to determine if all required elements have been submitted to the agency. A copy of the DAQ's current completeness checklist is attached to this Policy.

3.03. An application will not be deemed complete by default if the DAQ fails to act within the thirty-day time period; rather, the DAQ must actively deem an application complete.

3.04. When an application has been deemed incomplete, DAQ will inform the applicant in writing and identify the missing information. If the missing information is not provided to DAQ within thirty (30) days, DAQ will contact the applicant to determine the status of the application.

Should DAQ determine that the applicant is not diligently pursuing the application, DAQ may deny the application. A new application may be submitted, accompanied by a new filing fee.

Section 4: Technical Review and DAQ Action

4.01. After the application has been deemed complete, the engineer will begin a technical review of the application and, upon completion, will prepare a draft permit and engineering evaluation and submit the documents to the permits supervisor for review. This step can take up to one hundred (100) days for construction and modification permits which present unique or technically complex issues. Otherwise, it should take significantly less time to complete the technical review and prepare the necessary documents for the supervisor's review. In the case of denial, the same time periods would apply.

4.01.a. If the DAQ finds an application to be technically deficient during its technical review of the application and the submission of additional information by the applicant may remedy such deficiency, the DAQ shall send the applicant a Notice of Deficiency ("NOD") letter, specifying a time certain for the submittal of additional information.

4.01.b. If the applicant submits the additional information within the time period specified by the DAQ, the regulatory time periods for agency action will continue to run uninterrupted. If, however, the applicant does not submit the information timely, the time period for DAQ action will be suspended until such time as the applicant submits the requested information, and if it is determined that the applicant is not diligently pursuing the application, the application may be denied. A new application may be submitted, accompanied by a new filing fee.

4.02. The permits supervisor will review the engineer's recommendation and supporting documents. This step takes between one day and two (2) weeks to complete, depending upon technical complexity or uniqueness of issues.

4.03. For applications subject to Notice Levels B and C, a forty-five (45) day notice of the DAQ's intent to issue a permit will be provided to the public. This step takes approximately fifty (50) days to complete, unless a public meeting is held, which may result in additional time.

4.04. The engineer will review any public comments received and prepare a written response, including any changes to the draft permit, and submit the documents to the permits supervisor. This step takes one to two (2) weeks to complete.

4.05. The Director reviews and issues or denies the permit. This step takes approximately two (2) days.

4.06. Sections 4.01 through 4.05 will be accomplished within the regulatory time period of one hundred eighty (180) days for construction and modification permits, sixty (60) days for Class I

administrative updates, general and temporary permits, and forty-five (45) days for relocation permits. In most cases, however, substantially less time will be required.

Section 5: Application Holds

5.01. In extenuating circumstances where the applicant cannot continue the application review process, a complete application may be placed on hold. During such hold, the statutory time period for and all application review by DAQ will be suspended.

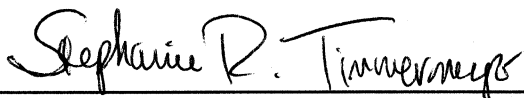
5.02. A request for hold must be made in writing to the Director, specifying the reasons for the request and signed by the Responsible Official.

5.03. If granted, such hold may not exceed 60 days.

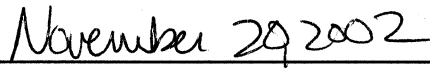
5.04. Before an approved hold expires, the company must submit a written request to continue the application review process, submit a revised application or submit a written request to withdraw the application. All approved holds allowed to expire may result in denial of the application.

Section 6: Amendment of Policy

6.01. This policy may be amended at any time by the DAQ.



Stephanie R. Timmermeyer, Director
Division of Air Quality



Date