



Lane Regional Air Protection Agency (LRAPA)

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 LRAPA. In some situations, LRAPA 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 [LRAPA title 12](#) 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 [LRAPA Table 1 – section 37-8010](#) 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 LRAPA 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 [LRAPA title 12](#).

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 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 [LRAPA title 12](#) 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

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| <ul style="list-style-type: none">• [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 LRAPA title 12;
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 LRAPA title 12; |
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- [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 ([LRAPA section 32-008](#)) or a Maximum Achievable Control Technology determination ([LRAPA section 44-130](#)); and
- [Type 1 and 2] Is not required to obtain a permit under LRAPA title 37.

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 [LRAPA title 12](#) 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 [LRAPA section 42-0041](#);
- Would be used to establish a federally enforceable limit on the potential to emit;

or

- Would require a TACT determination under [LRAPA section 32-008](#) or a MACT determination under [LRAPA section 44-130](#).

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, LRAPA will generally only need to establish emissions estimates/changes from the proposed construction.

For unpermitted operations, LRAPA 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.

1. **Permit 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 Corporation Division, ownership type and mailing address. Enter the number of employees for the corporation.

3. **Facility Location:** Enter the common name of the facility and address if different from the information provided in question 2. Enter the number of employees for the plant site. If the information is the same, enter "same".
4. **Site 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.
5. **Standard Industrial Classification Code(s):** 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.
6. **Type of construction/modification change:** Enter the type of change (1 or 2) as described above.
7. **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.
8. 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 LRAPA Permit Coordinator if no permit writer has yet been assigned.
9. 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 talk to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
10. Indicate (yes or no) whether this project will result in increased pollutant emissions. 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 talk to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
11. 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 talk to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
12. Indicate the time period during which the proposed construction would take place.

- a. Indicate the date on which construction did or will commence. This refers to the date on which the owner/operator first makes a financial commitment to begin construction.
 - b. Indicate the date on which actual construction is anticipated to begin. This refers to the date on which the physical activity of construction will begin.
 - c. Indicate the date on which construction is anticipated to be completed such that the facility is operational for purposes of shakedown.
13. Indicate (yes or no) whether tax credits will be requested once construction is completed.
 14. 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 process equipment.
 15. 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.
 16. Prepare and attach a process flow diagram illustrating the proposed construction. Consult with the LRAPA Permit Writer about the level of detail required. The diagram should identify:
 - a. The location of all control devices and their relationship to the production process(es); and
 - b. The location of all fuel-burning devices/processes.
 17. 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 also mark the location of landmarks.
 18. 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;
 - The construction is a facility expansion;
 - The construction will cause an increase in emissions of regulated air pollutants; or
 - A current Land Use Compatibility Statement is not on file with LRAPA.

The Land Use Compatibility (LUCS) form is provided by LRAPA.

19. The owner/operator should provide summary 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, below.
 - a. List all emissions points at the facility.
 - b. For *each* emissions point identified under subpart a, list the regulated air pollutant(s) emitted.
 - c. Provide the short-term and annual pre-construction emissions. 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.
- d. Provide the short-term and annual post-construction emissions. 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.

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:

	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