

Applicable Conditions for Air Pollution Control Permits

I. Submit a signed certification form.

Applicants using the ePermit page should download the **certification form in PDF**; offline users should use the hardcopy page attached to the S-1 form. Print out a copy and have it signed by the Responsible Official. The Clean Air Branch will only accept an original signed certification form. The form can be submitted by mail, delivery service, or hand delivery but will not be accepted by fax or e-mail.

II. Pay an application fee.

Electronic applications may pay by credit card online or by check. To pay online, at the Fee Payment Step, select your permit action type from the dropdown list. Offline users must pay by check. Download the Instructions and Fee List for more details on Fee Payments.

III. Provide other information as follows:

- A. As required by any applicable requirement or as requested and deemed necessary by the Director of Health (hereafter, Director) to make a decision on the application.
- B. As may be necessary to implement and enforce other applicable requirements of the Clean Air Act or of HAR Chapter 11-60.1 or to determine the applicability of such requirements.

IV. The Director reserves the right to request the following information:

- A. An assessment of the ambient air quality impact of the source or modification. The assessment shall include all supporting data, calculations and assumptions, and a comparison with the National Ambient Air Quality Standards and State Ambient Air Quality Standards.
- B. A risk assessment of the air quality related impacts caused by the covered source or significant modification to the surrounding environment.
- C. Results of source emissions testing, ambient air quality monitoring, or both.
- D. Information on other available control technologies.

V. An application shall be determined to be complete only when all of the following have been complied with:

- A. All information required or requested in the appropriate application form and sections **III, and IV** above has been submitted.
- B. All documents requiring certification have been certified pursuant to HAR §11-60.1-4.
- C. All applicable fees have been submitted.
- D. The Director has certified that the application is complete.

VI. The Director shall not continue to act upon or consider an incomplete application.

- A. The applicant shall be notified in writing whether the application is complete.
1. For applications subject to the review of the Prevention of Significant Deterioration:
 - i. For the requirements of subchapter 7, thirty days after receipt of the application.
 - ii. For the requirements of HAR subchapter 5, sixty days after receipt of the application. For purposes of this paragraph, the date of receipt of an application for a new covered source or significant modification subject to the requirements of subchapter 7 shall be the date the application is determined to be complete for the requirements of subchapter 7.
 - iii. Unless the Director requests additional information or notifies the applicant of incompleteness within sixty days after receipt of an application pursuant to VI.A.1.ii. above, the application shall be deemed complete for the requirements of subchapter 5.
 2. For covered source permit applications for minor modifications:
 - i. Within thirty days after receipt of the application.
 - ii. Unless the Director requests additional information or notifies the applicant of incompleteness within thirty days of receipt of an application, the application shall be deemed complete for the requirements of subchapter 5.
 3. **For covered source permit applications** (not including applications for minor modifications or applications subject to the review of Prevention of Significant Deterioration) **and noncovered source permit applications:**
 - i. Sixty days after receipt of the application.
 - ii. Unless the Director requests additional information or notifies the applicant of incompleteness within sixty days after receipt of an application, the application shall be deemed complete for the requirements of subchapter 4 for Noncovered Source Permitting or subchapter 5 for Covered Source Permitting.
- B. During the processing of an application that has been determined or deemed complete, if the Director determines that additional information is necessary to evaluate or take final action on the application, the Director may request such information in writing and set a reasonable deadline for a response. As set forth in HAR § 11-60.1-62 for Noncovered Source Permits and HAR § 11-60.1-82 for Covered Source Permits, the Noncovered or Covered Sources ability to operate and the validity of the Permit shall continue beyond the permit expiration date until the final permit is issued or denied, provided the applicant submits all additional information within the reasonable deadline specified by the Director.

VII. After receipt of a complete application, the Director, in writing, shall approve, conditionally approve, or deny an application:

- A. For Initial Covered Source Permits, Temporary Covered Source Permits, and Significant Modifications to Covered Source Permits:
 - 1. Within eighteen months, except as provided in i. and ii. below:
 - i. Within nine months for an application containing an early reduction demonstration pursuant to section 112(i)(5) of the Clean Air Act.
 - ii. Within twelve months for a new covered source or significant modification subject to the requirements of HAR Chapter 11-60.1, Subchapter 7 Prevention of Significant Deterioration Review.
- B. For a Covered Source Permit Renewal:
 - 1. Within twelve months, **except** for applications for renewal for coverage under a covered source general permit. If the application for renewal has not been approved or denied within twelve months, the Covered Source Permit and all its terms and conditions shall remain in effect and not expire until the application for renewal has been approved or denied and provided the applicant has submitted any additional information within the reasonable deadline specified by the Director.
 - 2. Within six months for applications for renewal requesting coverage under a covered source general permit. If the application for renewal has not been approved or denied within six months, the coverage under the covered source general permit and all its terms and conditions shall remain in effect and not expire until the application for renewal has been approved or denied and provided the applicant has submitted any additional information within the reasonable deadline specified by the Director.
- C. For Minor Modifications to a Covered Source Permit:
 - 1. Within fifteen days after the end of the Administrator's forty-five-day review period, the Director in writing shall:
 - i. Amend the permit to reflect the minor modification as proposed.
 - ii. Deny the minor modification.
 - iii. Determine that the requested modification does not meet the minor modification criteria, and should be reviewed under the significant modification procedures; or
 - iv. Amend the proposed permit and resubmit the amendment to EPA for reevaluation.

- D. For Initial Noncovered Source Permits, Modifications to Noncovered Source Permits, Temporary Noncovered Source Permits, and Modifications to Temporary Noncovered Source Permits:

The Director, in writing, shall approve, conditionally approve, or deny an application for a Noncovered Source Permit within six months after receipt of a complete application. A Noncovered Source Permit application for a new noncovered source or a modification shall be approved only if the Director determines that the construction or operation of the new Noncovered source or modification will be in compliance with all applicable requirements.

- E. For Noncovered Source Permit Renewals:

The Director, in writing, shall approve, conditionally approve, or deny an application for renewal of a Noncovered Source Permit, including an application for renewal requesting coverage under a noncovered source general permit, within six months after receipt of a complete application. If the application for renewal has not been approved or denied within six months after a complete application is received, the Noncovered Source Permit and all its terms and conditions shall remain in effect and not expire until the application for renewal has been approved or denied.

For Covered Source Permits Only

- VIII. A Covered Source Permit application for an initial permit, renewal, or significant modification shall be approved only if the Director determines that the construction or operation of the covered source will be in compliance with all applicable requirements.**
- IX. The Director shall provide for public notice, including the method by which a public hearing can be requested, and, except in the case of a minor modification, an opportunity for public comment on the draft Covered Source Permit in accordance with HAR §11-60.1-99.**
- X. The Director shall provide a statement that sets forth the legal and factual bases for the draft permit conditions (including references to the applicable statutory or regulatory provisions) to EPA and any other person requesting it.**
- XI. Each application and proposed Covered Source and Covered Source General Permit shall be subject to EPA oversight in accordance with HAR §11-60.1-95.**

For Temporary Permits Only

XII. Upon issuance of a Temporary Covered Source or Temporary Noncovered Source Permit, the following information is required:

- A. Provide all succeeding location changes to the Director for approval at least thirty days, or such lesser time as designated and approved by the Director, prior to the change in location. The owner or operator shall submit sufficient information to enable the Director to assess the air quality impact the temporary covered source may have at the new location.
- B. Permit identification number and expiration date.
- C. Location map of the new temporary location, identifying the surrounding commercial, industrial, and residential developments.
- D. Projected dates of operation at the new location.
- E. Certification that no modification will be made to the equipment, and operational methods will remain similar as permitted under the Permit at the new location.

XIII. The Director shall not continue to act upon or consider a location change request, unless the following have been submitted:

- A. All information required in number XII.
- B. Any additional information as requested by the Director.
- C. Any applicable fees.

XIV. Prior to any relocation, the Director shall approve, conditionally approve, or deny in writing each location change. If the Director denies a location change, the applicant may appeal the decision pursuant to Hawaii Revised Statutes, Chapter 91.

XV. With the exception of the initial location, if a source remains in any one location for longer than twelve consecutive months, the Director may request an ambient air quality impact assessment of the source.

XVI. At each of the authorized locations, the owner or operator shall operate in accordance with the Permit and all applicable requirements.

For General Permits Only

XVII. The Director may approve an application for coverage under a General Covered Source or Noncovered Source permit without repeating the public participation procedures.