

State of Hawaii
Department of Health
Environmental Management Division
Clean Air Branch

**Instructions for Applying for an Air Pollution Control Permit
(Covered Source Permit and Noncovered Source Permit)**

A. Legal Authority

Clean Air Act Amendments of 1990
Chapter 342B, Hawaii Revised Statutes
Hawaii Administrative Rules, Title 11, Chapter 59, "Ambient Air Quality Standards," and
Chapter 60.1, "Air Pollution Control"

B. Responsible Agency

Clean Air Branch
Hawaii Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801 (808) 586-4200

C. Applicability

Air Pollution Control Permits are required prior to constructing, reconstructing, modifying, or operating a stationary air pollution source. There are two types of Air Pollution Control Permits: Covered Source Permits and Noncovered Source Permits. In general, covered sources include major sources of air emissions and sources subject to a federal performance or control technology standard. Noncovered sources are all other stationary sources that are not covered sources.

The permit applicability requirements for noncovered sources and covered sources are specified in Hawaii Administrative Rules (HAR) §11-60.1-62 and §11-60.1-82, respectively.

D. Permit Requirements and Procedure:

The following are general guidelines to follow when applying for an Air Pollution Control Permit. The specific application and permit requirements are found in HAR 11-60.1, Subchapter 4, Noncovered Sources and Subchapter 5, Covered Sources.

1. Applications for a permit shall be submitted to the Director of Health (hereafter, Director) on forms furnished by the Director. Each form shall be **certified by a Responsible Official**. Depending on the type of source and application, the following forms are required:

Covered Source Permit

- Application for an Initial Covered Source Permit: Forms S-1, S-2, C-1, & C-2
- Application for a Covered Source Permit Renewal: Forms S-1, S-3, C-1, & C-2
- Application for a Temporary Covered Source Permit: Forms S-1, S-4, C-1, & C-2
- Application for a General Covered Source Permit: Forms S-1, S-5, C-1, & C-2
- Application for a Significant Modification to a Covered Source: Forms S-1, S-6, C-1, & C-2
- Application for a Minor Modification to a Covered Source: Forms S-1, S-7, & C-1
- Application for Ownership Transfer: Forms S-1

Noncovered Source Permit

- Application for an Initial Noncovered Source Permit: Forms S-1, S-8, & C-1
- Application for a Noncovered Source Permit Renewal: Forms S-1, S-9, & C-1
- Application for a Temporary Noncovered Source Permit: Forms S-1, S-10, & C-1
- Application for a General Noncovered Source Permit: Forms S-1, S-11, & C-1
- Application for a Modification to a Noncovered Source: Forms S-1, S-12, & C-1
- Application for Ownership Transfer Forms S-1

2. The application for ownership transfer (Administrative Permit Amendment) shall be submitted and signed by a responsible official of the new owner. A cover letter describing the ownership transfer should accompany the application and be signed by both the new and previous owners.
3. Submit an application fee according to the **Application Fee Schedule** in section G. of these instructions.
4. The Department of Health (hereafter, Department) reviews the application for completeness. The applicant shall be notified **in writing** whether the application is complete or incomplete. If the application is incomplete, the applicant is requested to submit supplemental information. **The Department shall not act upon or consider an incomplete application.**
5. After receipt of the complete application, the Department, in writing, shall approve, conditionally approve, or deny an application.

Except for administrative permit amendments and permit amendments reflecting minor modifications, the Director **shall** provide for public participation on all Covered Source Permit applications and draft Covered Source Permits. Except for administrative permit amendments, the Director **may** provide for public comment/hearing on any Noncovered Source Permit applications and draft Noncovered Source Permits.

E. Problem Areas and Suggestions for Minimizing Problems

Incomplete applications cause unnecessary delays in permit processing. The applicant should contact the Engineering Section of the Clean Air Branch at (808) 586-4200 as soon as questions arise as to applicability of regulations and data requirements. Applicants are encouraged to consider seeking professional assistance, including qualified engineering and consulting firms. Applicants may also schedule a meeting with the Clean Air Branch to discuss the application and permit requirements.

F. Application Forms

- S-1: Standard Air Pollution Control Permit Application Form
- S-2: Application for an Initial Covered Source Permit
- S-3: Application for a Covered Source Permit Renewal
- S-4: Application for a Temporary Covered Source Permit
- S-5: Application for a General Covered Source Permit
- S-6: Application for a Significant Modification to a Covered Source
- S-7: Application for a Minor Modification to a Covered Source
- S-8: Application for an Initial Noncovered Source Permit
- S-9: Application for a Noncovered Source Permit Renewal
- S-10: Application for a Temporary Noncovered Source Permit
- S-11: Application for a General Noncovered Source Permit
- S-12: Application for a Modification to a Noncovered Source
- C-1: Compliance Plan
- C-2: Compliance Certification

G. Application Fee Schedule

1. Application fees shall be submitted with each permit application (**including applications submitted by federal, state, and county government agencies**) and shall not be refunded or applied to any subsequent application, unless otherwise provided for in HAR Chapter 11-60.1, subchapter 6. The fee schedule for covered sources is given in Table 1 and the fee schedule for noncovered sources is given in Table 2.
2. Application fees shall be submitted by check or money order and made payable to the following:
For a covered source: **Clean Air Special Fund-COV**
For a noncovered source: **Clean Air Special Fund-NON**
3. Checks returned for any reason (e.g., insufficient funds, closed account, etc.) shall be considered a failure to pay. Returned checks are subject to an additional \$15 handling charge. .
4. If a source can be categorized under two or more types of sources listed in the fee schedule, the owner or operator of that source shall pay the highest application fee that is applicable to the source.

5. If a modification changes the classification of a source, the modification fee shall no longer apply. The fee associated with the initial permit for the new source category shall apply. For example:

A modification to a ***nonmajor covered source*** which triggers a ***major covered source*** review shall be subject to the fee associated with the initial permit for a ***major covered source*** and not to the fee associated with a ***nonmajor covered source modification***.

6. An application fee for an administrative permit amendment shall be assessed only if the administrative change is requested by the owner or operator of the source.

TABLE 1
Covered Sources

	PSD Source	Major Source		Nonmajor Source		Temporary Source		General Permit Source
		Non-Toxic ¹	Toxic ²	Non-Toxic ¹	Toxic ²	Non-Toxic ¹	Toxic ²	
Initial Permit	\$10,000	\$4,000	\$5,000	\$1,000	\$2,000	\$1,000	\$2,000	\$40/year ³
Renewal	\$3,000	\$3,000	\$3,000	\$500	\$1,000	\$500	\$1,000	\$100
Major Modification	\$10,000	--		--		--		--
Minor Modification	\$200	\$200	\$200	\$100	\$200	\$100	\$200	--
Significant Modification for increase of: regulated air pollutants < 40 TPY, or hazardous air pollutants < 1 TPY	\$1,000	\$1,000	\$1,000	\$500	\$1,000	\$500	\$1,000	--
Significant Modification for increase of: regulated air pollutants ≥ 40 TPY, or hazardous air pollutants ≥ 1 TPY	\$2,000 or \$3,000 ⁴	\$2,000	\$3,000	\$1,000	\$2,000	\$1,000	\$2,000	--
Change in Location	--	--		--		\$100	\$300	--
Administrative Permit Amendment	\$100	\$100		\$100		\$100		\$50

¹ See "Non-toxic source" in the Definitions section

² See "Toxic source" in the Definitions section.

³ \$40 for each remaining year before expiration of a general permit at the time of application submittal. Any fraction of a remaining year shall be rounded up to the next full year.

⁴ Except for individual sources having or seeking coverage under a general covered source permit, if a covered source can be categorized under two or more types of sources listed in the fee schedule, the owner or operator of that source shall pay the highest application fee that is applicable to that source. (§11-60.1-113 (c)).

TABLE 2
Noncovered Sources

	Source		Temporary Source		General Permit Source
	Non-Toxic ¹	Toxic ²	Non-Toxic ¹	Toxic ²	
Initial Permit	\$150	\$200	\$150	\$200	\$20/year ³
Renewal	\$100	\$150	\$100	\$150	\$50
Modification for increase of: regulated air pollutants < 40 Tons Per Year (TPY), or hazardous air pollutants < 1 TPY	\$100	\$150	\$100	\$150	--
Modification for increase of: regulated air pollutants ≥ 40 TPY, or hazardous air pollutants ≥ 1 TPY	\$150	\$200	\$150	\$200	--
Change in Location	--	--	\$50	\$100	--
Administrative Permit Amendment	\$50	--	\$50	--	\$25

¹ See “*Non-toxic source*” in the Definitions section.

² See “*Toxic source*” in the Definitions section.

³ \$20 for each remaining year before expiration of a general permit at the time of application submittal. Any fraction of a remaining year shall be rounded up to the next full year.

Definitions

The following definitions are provided for your use and can be found in Hawaii Administrative Rules, Chapter 11-60.1. Some definitions may have been edited for clarity.

“Act” means the Clean Air Act, as amended, 42 United States Code Section 7401, et seq.

"Applicable requirement for Covered Sources" means all of the following as they apply to emissions units in a covered source (including requirements that have been promulgated or approved by the U.S. Environmental Protection Agency (EPA) through rulemaking at the time of permit issuance but have future-effective compliance dates):

- (1) Any standard or other requirement provided for in the state implementation plan approved or promulgated by EPA;
- (2) Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking pursuant to Title I, including Part C of the Act;
- (3) Any standard or other requirement approved pursuant to Section 111 of the Act, including Section 111(d);
- (4) Any standard or other requirement approved pursuant to Section 112 of the Act, including any requirement concerning accident prevention approved pursuant to Section 112(r)(7) of the Act;
- (5) Any requirement approved pursuant to Section 504(b) or 114(a)(3) of the Act;
- (6) Any standard or other requirement governing solid waste incineration approved pursuant to Section 129 of the Act;
- (7) Any standard or other requirement for consumer and commercial products, approved pursuant to Section 183(e) of the Act;
- (8) Any standard or other requirement for tank vessels approved pursuant to Section 183(f) of the Act;
- (9) Any standard or other requirement of the program to control air pollution from outer continental shelf sources approved pursuant to Section 328 of the Act;
- (10) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone approved pursuant to Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit;
- (11) Any National Ambient Air Quality Standard (NAAQS) or increment or visibility requirement approved pursuant to Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act;
- (12) Any NAAQS or state ambient air quality standard;
- (13) Any standard or other requirement approved pursuant to Title I, including Part C of the Act;
- (14) The application of best available control technology to control those pollutants subject to any NAAQS or state ambient air quality standard, but only as best available control technology would apply to new covered sources and significant modifications to covered sources that have the potential to emit or increase emissions above significant amounts considering any limitations, enforceable by the Director, on the covered source to emit a pollutant; and
- (15) Any standard or other requirement provided for in chapter 342B, Hawaii Revised Statutes (HRS); HAR chapter 11-60.1; or HAR chapter 11-59.

"Applicable requirement for Noncovered Sources" means all of the following as they apply to emissions units in a noncovered source:

- (1) Any NAAQS or state ambient air quality standard;
- (2) The application of best available control technology to control those pollutants subject to any NAAQS or state ambient air quality standard, but only as best available control technology would apply to new noncovered sources and modifications to noncovered sources that have the potential to emit or increase emissions above significant amounts considering any limitations, enforceable by the Director, on the noncovered source to emit a pollutant; and
- (3) Any standard or other requirement provided for in chapter 342B, HRS; HAR chapter 11-60.1; or HAR chapter 11-59.

"Compliance plan" means a plan which includes a description of how a source will comply with all applicable requirements, and includes a schedule of compliance under which the owner or operator will submit progress reports to the Director no less frequently than every six months.

"Covered source" means:

- (1) Any major source;
- (2) Any source subject to a standard or other requirement under Section 111 of the Act;
- (3) Any source subject to an emissions standard or other requirement for hazardous air pollutants pursuant to Section 112 of the Act, with the exception of those sources solely subject to regulations or requirements pursuant to Section 112(r) of the Act; and
- (4) Any source subject to the rules for prevention of significant deterioration of air quality as established in HAR chapter 11-60.1.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated or hazardous air pollutant.

"General permit for Covered Sources " means a covered source permit covering numerous similar sources that meets the requirements of HAR §11-60.1-92.

"General permit for Noncovered Sources" means a noncovered source permit covering numerous similar sources that meets the requirements of HAR §11-60.1-70.

"Hazardous air pollutants" means those hazardous air pollutants listed pursuant to Section 112(b) of the Act and any other hazardous air pollutants listed in HAR §11-60.1-172.

"Major source" means:

- (1) For hazardous air pollutants, a source or a group of stationary sources that is located on one or more contiguous or adjacent properties, and is under common control of the same person (or persons under common control) and that emits or has the potential to emit considering controls and fugitive emissions, any hazardous air pollutant, except radionuclides, in the aggregate of ten tons per year or more or twenty-five tons per year or more of any combination; or

- (2) For any other pollutant, a source, or a group of stationary sources that is located on one or more contiguous or adjacent properties, and is under common control of the same person (or persons under common control) belonging to a single major industrial grouping (i.e., all having the same two-digit Standard Industrial Classification Code) and that emits or has the potential to emit, considering controls, one hundred tons per year or more of any air pollutant. Fugitive emissions from the stationary source shall be considered in determining whether the stationary source is major, if it belongs to one of the following categories of stationary sources:
 - (A) Coal cleaning plants (with thermal dryers);
 - (B) Kraft pulp mills;
 - (C) Portland cement plants;
 - (D) Primary zinc smelters;
 - (E) Iron and steel mills;
 - (F) Primary aluminum ore reduction plants;
 - (G) Primary copper smelters;
 - (H) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
 - (I) Hydrofluoric, sulfuric, or nitric acid plants;
 - (J) Petroleum refineries;
 - (K) Lime plants;
 - (L) Phosphate rock processing plants;
 - (M) Coke oven batteries;
 - (N) Sulfur recovery plants;
 - (O) Carbon black plants (furnace process);
 - (P) Primary lead smelters;
 - (Q) Fuel conversion plants;
 - (R) Sintering plants;
 - (S) Secondary metal production plants;
 - (T) Chemical process plants;
 - (U) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million BTU per hour heat input;
 - (V) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
 - (W) Taconite ore processing plants;
 - (X) Glass fiber processing plants;
 - (Y) Charcoal production plants;

- (Z) Fossil fuel fired steam electric plants of more than two hundred fifty million BTU per hour heat input; and
- (AA) All other stationary source categories regulated by a standard promulgated pursuant to Section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.

"Minor modification" (for covered sources) means a modification which:

- (1) Does not increase the emissions of any air pollutant above the permitted emission limits;
- (2) Does not result in or increase the emissions of any air pollutant not limited by permit to levels equal to or above:
 - (A) 500 pounds per year of a hazardous air pollutant;
 - (B) twenty-five percent of significant amounts of emission as defined in HAR §11-60.1-1, paragraph (1) in the definition of "significant";
 - (C) five tons per year of carbon monoxide; or
 - (D) two tons per year of each regulated air pollutant other than carbon monoxide;
- (3) Does not violate any applicable requirement;
- (4) Does not involve significant changes to existing monitoring requirements or any relaxation or significant change to existing reporting or recordkeeping requirements in the permit. Any change to the existing monitoring, reporting, or recordkeeping requirements that reduces the enforceability of the permit is considered a significant change;
- (5) Does not require or change a case-by-case determination of an emission limitation or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (6) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement, and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (A) A federally enforceable emissions cap assumed to avoid classification as a modification pursuant to any provision of Title I of the Act or subchapter 7 of HAR chapter 11-60.1; and
 - (B) An alternative emissions limit approved pursuant to regulations promulgated pursuant to Section 112(i)(5) of the Act or subchapter 9 of HAR chapter 11-60.1; and
- (7) Is not a modification pursuant to any provision of Title I of the Act.

"Modification" (for **covered sources**) means a physical change in or a change in the method of operation of a stationary source which requires a change to a permit. Modification includes minor and significant modifications. Routine maintenance, repair, and replacement of parts shall not be considered a modification.

"Modification" (for **noncovered sources**) means a physical change in or a change in the method of operation of a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted; or every significant change in existing monitoring requirements, and every relaxation of, or significant change in reporting or recordkeeping requirements. Routine maintenance, repair, and replacement of parts shall not be considered a modification.

"Noncovered source" means a stationary source constructed, modified, or relocated after March 20, 1972, that is not a covered source.

"Non-toxic source" means a stationary source that is not a toxic source.

"Responsible official" means:

- (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or an authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (A) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (B) The delegation of authority to such representative is approved in advance by the Director;
- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal, or other public agency: a principal executive officer, ranking elected official, or an authorized representative as approved by the Director. For the purposes of this chapter, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

"SICC" means Standard Industrial Classification Code.

"Significant modification" (for covered sources) means a modification which does not qualify as a minor modification or administrative amendment. A significant modification shall include every significant change in existing monitoring requirements, and every relaxation of, or significant change to the existing reporting or recordkeeping requirements. Nothing herein shall be construed to preclude the permittee from making changes consistent with this part that would render existing permit compliance terms and conditions irrelevant.

"Standard Industrial Classification Code" means Major Group Number, Industry Group Number, or Industry Number as described in the Standard Industrial Classification Manual, 1987.

"Temporary covered source" means a nonmajor covered source that is intended to be operated at multiple locations for a designated period of time at each location. The operation of the source shall be temporary and involve at least one change of location during the term of a covered source permit.

"Temporary noncovered source" means a noncovered source that is intended to be operated at multiple locations for a designated period of time at each location. The operation of the source shall be temporary and involve at least one change of location during the term of a noncovered source permit.

"Toxic source" means:

- (1) A major covered source that emits or has the potential to emit any hazardous air pollutant, except radionuclides, in the aggregate of ten tons per year or more, or twenty-five tons per year or more of any combination;
- (2) A covered source that is subject to an emission standard or other requirement for hazardous air pollutants approved pursuant to Section 112 of the Act, with the exception of those sources solely subject to regulations or requirements approved pursuant to Section 112(r) of the Act; or
- (3) A noncovered source that emits or has the potential to emit two tons per year or more of any hazardous air pollutant or five tons per year or more of any combination.