

The Practical Side of Getting an Air Permit

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Let's say you come into the office one morning and your production manager tells you that management has finally decided to install a new production line after a year of planning and deliberation. This new production line is going to generate new air emissions. He has placed an order for the new equipment and he wants it installed and operational in a month's time. After all, customers are waiting to buy your products. What are you going to do?



The first thing you do is to tell your management is that they cannot physically install the equipment before the agency gives you a construction permit. The new equipment can be stored in the factory but it cannot be bolted to the ground or rendered operable until you have been issued a construction permit.

In general, the construction permitting process will take two to three months – including a 30-day public comment period. Many state agencies will process your application in an expedited manner for an additional fee. So if time is of the essence, you might want to pay the extra fee to shorten the process.

By the way, some one in your management may view this lengthy permitting process as an unacceptable delay since there are customers waiting to buy your products. Some may even threaten to contact their political representatives in the state legislature or the governor's office to "short cut" or "by-pass" the process right at the start. Some may want to hire an attorney to "raise hell" with the permitting agency. If you are faced with that situation, you should do everything within your power to discourage this kind of behavior or wishful thinking because nothing good will come of it. This is the quickest way to generate ill will within the agency and with the person who will be preparing your construction permit. Just put yourself in the permit writer's shoes. How would you like it if someone goes over your head to your boss and tries to take short cuts that may not even be legal? Do not do it. A close analogy to this kind of behavior is sending your food back to the kitchen with a complaint about the chef. Bad things will happen to your digestive system when you get your food back from the chef.

Instead of looking for "short cuts", what you want to do is to immediately get in touch with the permit writer and provide the agency with all the necessary information for your permit. The sooner you do it and the more cooperative you

are, the sooner you will get your permit. Do not play cat and mouse game with the agency. Ninety-nine percent of the time, the permit writer will work with you in a professional manner and get you that much needed construction permit as long as you treat him with professionalism. Just like you, he is doing his job. Ask and pay for the expedited service if it is available.

After you have submitted your application, the agency may have additional questions about it. Always respond to the agency's information request fully and in a timely fashion.

Once the agency has completed your draft permit, it will send you a copy and publish a notice in your local newspaper indicating its intent to grant you your permit. You and the general public will have 30 days to review and comment on the draft permit. Now is the time to go over your draft permit with a fine tooth comb to make sure that you can live with all the permits conditions. If there are any questions about the draft permit, now is the time to raise them with the agency.

One last point: If you are hiring a consultant to obtain the permit for you, make sure that your consultant knows how to interact with the agency in a professional manner. Always remember that your consultant REPRESENTS your organization before the agency. Your consultant may be the world's most knowledgeable person on air regulations, but if he or his company has a bad reputation within the agency for not being able to work with the permit writers, it will be an uphill battle for you.

Keep this in mind: People work with people they like.

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