

CONSTRUCTION AIR PERMITTING

Section: 01 41 26.10

PART 1 – GENERAL

1.1 SUMMARY

- A. This Section covers the requirements for obtaining the appropriate authorization (air permit or permit by rule) for air emissions that are released into the atmosphere during construction.
- B. This Section addresses the requirement for special tracking to demonstrate air quality general conformity and greenhouse gas emissions analysis.

1.2 REFERENCES

The following is a list of standards which may be referenced in this Section:

- A. United States Environmental Protection Agency (EPA), U.S. Code of Federal Regulations (CFR):
 - 1. 40 CFR Part 60, Standards of Performance for New Stationary Sources.
 - 2. 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants.
- B. Texas Administrative Code (TAC):
 - 1. 30 TAC 101, General Air Quality Rules
 - 2. 30 TAC 106, Permits by Rule
 - 3. 30 TAC 116, Control of Air Pollution from Volatile Organic Compounds

1.3 DEFINITIONS

- A. Emission Events (EE): Any upset event or unscheduled maintenance, startup, or shutdown activity that results in unauthorized emissions from an emissions point.
- B. Excess Opacity Events (EOE): An opacity reading(s) equal to or exceeding 15 additional percentage points above the applicable opacity limit, averaged over a six-minute period.
- C. Facility: A discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment.

1.4 SUBMITTALS

The Contractor shall:

- A. Submit an air emission memorandum to the Owner's Authorized Representative (OAR) prior to obtaining a building permit. The memorandum shall identify the Project's regulated air emission sources, provide an estimate of the emissions, and identify what permit is required (new source review permit (30 TAC 116), standard air permit, or Permit-by-rule (30 TAC 106).
- B. Prepare the required air permit application(s) and submit to the OAR for review prior to submittal to Texas Commission on Environmental Quality (TCEQ). Air permit applications shall be submitted to OAR 15 Calendar Days prior to submittal to TCEQ.
- C. Submit a copy of the approval letter from TCEQ for authorization (air permit or permit by rule) to the OAR and the Construction Manager (CM). Regulated activities cannot begin until the Contractor receives approval from TCEQ.

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- D. Submit to TCEQ, the OAR, and the CM, a completed TCEQ Form 10360 for any Emissions Events (EE) or Excess Opacity Events (EOE) that occur at the facility or during the Project as-soon-as practicable and no later than 24 hours of discovery.

1.5 PERMITS

A. General:

The Contractor shall:

1. Submit an air emission memorandum to the OAR prior to obtaining a building permit.
2. Complete the air permit application and submit to the OAR for review 15 Calendar Days prior to submission to TCEQ.
3. The Contractor shall be responsible for obtaining all necessary air permits, including all permit application fees and public notification requirements.
4. The Contractor shall be held liable for payment of any fines assessed by TCEQ or EPA due to Contractor's failure to adhere to the requirements of the permits and/or permit by rule(s).

B. Standard Air Permit:

1. Use the current applicable PI-1 form, Core Data form, applicable TCEQ checklist form, and notification form. TCEQ forms can be found at the TCEQ website: <https://www.tceq.texas.gov/>
2. The Contractor shall coordinate with TCEQ for any required inspections of the permitted facility or operation.
3. The Contractor shall notify the CM within 24 hours of the scheduled inspection, or immediately for non-scheduled TCEQ inspection.

C. Permit by Rule:

Use form TCEQ PI-7 and applicable TCEQ specific checklists. TCEQ forms can be found at the TCEQ website: <https://www.tceq.texas.gov/>

- D. Special Tracking – The Contractor shall provide project tracking and air emissions analysis to demonstrate compliance with general conformity analysis as requested by the OAR. The Contractor shall be responsible for supplying air quality expert personnel to perform any necessary general conformity tracking/analysis. Additionally, annual project greenhouse gas emissions analysis will be required for all large capital projects (Contract value in excess of \$1,000,000.00) upon the request of the Environmental Affairs Department (EAD), through the OAR.

PART 2 – PRODUCTS

Not Used.

PART 3 - EXECUTION

3.1 PERMIT COMPLIANCE

The Contractor shall:

- A. Comply explicitly with all requirements of the air permit or permit by rule.
- B. Document compliance with air permit and permit by rule conditions, including permit by

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rules that do not require registration with TCEQ.

- C. Monitor the air emissions and submit to TCEQ and CM a completed TCEQ form 10360 for any Emissions Events (EE) or Excess Opacity Events (EOE) that occur at the facility. Submit the form as soon as practicable, and no later than 24 hours after discovery.
- D. Estimate emissions for permitted sources on a monthly basis (or as specified) for the purpose of demonstrating compliance with permit and/or permit by rule limits.

PART 4 – MEASUREMENT AND PAYMENT

Not Used.

- END OF SECTION -