

Vielhauer, Trina

From: Linero, Alvaro
Sent: Tuesday, February 01, 2005 3:22 PM
To: Vielhauer, Trina
Subject: RE: Commenced Construction

Trina. Help!

Teresa put together attached chart on commencing construction.

See column on far right, second page, 62-210, Permits required.

Looks like a permit is required prior to beginning construction. But to commence construction means you have all permit AND have done one or more of three things:

beginning on-site construction

Binding contract to do it

Initiating change in operation

It's looking like they can e.g. buy a turbine, but not enter into a binding contract to install it. That would mean they commenced construction per NSPS but not per our SIP rule.

I don't know how we would enforce on a start of construction (not physical construction) without a permit unless they told us or we found out about it.

I think some States actually allow physical start of construction (i.e. as opposed to just binding agreements) while applications are considered. I wouldn't suggest going that far.

I think we should allow binding agreements before permits because they probably already occur, they promote economic efficiency, etc. Now they would have to understand that they could have to renegotiate some details related to BACT!

Looks like this would require a rule change.

Let me know if you think some can do a design/build contract before getting a permit. It would facilitate reasonable assurance in some cases.

Al.