

Measures for the Granting of Permits to Install, Modify, and Operate Stationary Sources

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Environmental Protection Administration in conjunction with Ministry of
Transportation and Communication of the Republic of China on Taiwan

English Translation¹

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Article 1

These Measures are promulgated in accordance with Section 3 of Article 24 of the Air Pollution Control Act (hereinafter "the Act").

¹ Translators' note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of these Measures.

In translating these Measures, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of these Measures, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

Article 2

These Measures apply to the stationary sources which are designated and publicly announced [by the Responsible Agency at the central government level] in accordance with Section 1 of Article 24 of the Act, and the installation, modification and operation of which are subject to permit.

The Responsible Agency at the central government level may, in light of the [associated] production processes of the stationary sources and the type and scale of their pollution control devices, classify the stationary sources mentioned in the preceding Section as Category 1 or Category 2 [sources] and publicly announce [this classification decision].

Article 3

The term "modification" used in Article 24 of the Act refers to the replacement or enlargement of the equipment, or changes in the production process, fuel, raw materials or (final) products, which result in the addition of types of air pollutant [emissions] should [the source] lack pollution controls or treatments, or result in one of the following situations:

1. an increase of more than 10 percent of the [original] total emissions [amount] should [the source] lack pollution controls or treatments;
2. one of the following [types of] annual emissions increases when [the source] has undertaken pollution controls or treatments:
 - 1) Nitrogen oxide (NO_x) of 40 metric tons or more;
 - 2) Sulfur oxide (SO_x) of 40 metric tons or more;
 - 3) Volatile organic compounds (VOC) of 40 metric tons or more;
 - 4) Suspended particulates of 15 metric tons or more;

- 5) Carbon monoxide (CO) of 100 metric tons or more.

The VOCs mentioned in Sub-Item 3 of Item 2 of the preceding Section refer to all types of carbon compounds, with the exception of methane, CO, CO₂, carbonic acid, carbide, carbonate, and ammonium carbonate.

Article 4

The term “establishment” used in Article 69 of the Act refers to, for a stationary source, the completion of construction, [actual] construction, the completion of a bid for construction, or the completion of a contract for construction.

Article 5

When applying for stationary source installation or operating permits a public or private premise shall complete an application form and submit an Air Pollution Control Plan, certified by licensed environmental technicians or relevant professional engineers, to the responsible agency at the municipal or county (city) government level. A public or private premise may simultaneously submit evidentiary documents on total emissions as well as [emissions] concentration permits and apply for an allowance for control of total emissions in accordance with Section 1 of Article 26 of the Act.

Article 6

A stationary source which, in accordance with relevant statutes and regulations, must conduct environmental impact assessments (EIA), may, during the EIA process, submit an Air Pollution Control Plan to the Responsible Agency at the municipal or county (city) government level for review. Should the source [successfully] complete the EIA process, it may directly receive an installation permit from the Responsible Agency at the municipal or county (city) government level by paying the installation permit fees and review fees.

The contents of the permit mentioned in the preceding Section shall be consistent with the conclusions of the EIA process.

Article 7

The Responsible Agency at the municipal or county (city) government level, when considering an installation or modification permit for a stationary source, shall notify public or private premises to pay review fees and permit fees within 7 days [of the notification] and shall complete the [related] review within 30 days [of the submission of the application]; for those [stationary sources] which satisfy the requirements, an installation permit shall be issued.

Where the application document is incomplete or inconsistent with relevant regulations, the Responsible Agencies at the municipal or county (city) government levels shall promptly notify the public or private premises to make [required] corrections within a specific time period. Applications [with regard to which applicants] fail to make the necessary corrections or to pay review fees or permit fees within the specified time period shall be rejected. The time period for correction shall not be calculated in the time period for review; the total time period specified for correction may not exceed 90 days.

Article 8

Public or private premises may not commence installation of equipment or construction of facilities before acquiring an installation permit, and shall conduct installation or modification only in accordance with the installation permit. The paving of land and construction of infrastructure, however, is not subject to this restriction.

Article 9

An installation permit shall contain the following information:

1. The valid period for and the sequential number of the permit;

2. Basic information:

- 1) Name and address of the public or private premises;
- 2) Name, identification number and residential address of the responsible person(s) for the public or private premises;

3. Contents of permit:

- 1) Name, type, specification and designated operating conditions of the stationary source;
- 2) Method of air pollution control, name(s), type(s), designed capacity(ies) and treatment efficiency(ies) of the pollution control equipment;
- 3) Method of collecting and emitting air pollutants, diameter(s) of emission pipe(s) and location(s) of emission point(s);
- 4) Type(s) of air pollutant emitted and [related] maximum emissions limits; and
- 5) Other installation-related matters approved by the Responsible Agency.

Article 10

Public or private premises, when applying for an operating permit for a stationary source in accordance with Section 2 of Article 24 of the Act shall complete an application form and submit the following documents to the responsible agency at the municipal or county (city) government level:

1. A photocopy of the installation permit;

2. A photocopy of the establishment permit issued by the Responsible Agency for the Enterprise Associated with the Industry at issue² or [other] relevant evidentiary document;
3. A Trial Run Plan which shall include:
 - 1) Steps or procedures for the trial run and the days required for reaching maximum operating capacity as [described] in the application;
 - 2) Estimates of air pollutant emissions at each step or procedure of the trial run and measures to be taken to prevent the emissions from surpassing relevant emission standards or emission limits; and
 - 3) Plan for air pollutant emissions tests; and
4. Other information required by the Responsible Agency.

The public or private premises mentioned in the preceding Section may simultaneously submit evidentiary documents on total emissions as well as [emissions] concentration permits and apply for an allowance for control of total emissions in accordance with Section 1, Article 26 of the Act.

Unless acquiring advance approval from the Responsible Agency, the time period for the trial run prescribed in the Sub-Item 1, Item 3 of Section one shall not be longer than 90 days.

Stationary sources which have acquired an installation permit in accordance with Article 7 of these Measures shall submit an explanation of air pollution control measures [to be adopted] when applying for an operating permit.

² Translators' note: For example, the Ministry of Economic Affairs for a power plant project or

Article 11

Public or private premises applying for an operating permit for a stationary source in accordance with Article 69 of the Act shall complete an application form and submit the following documents to the responsible agency at the municipal or county (city) government level:

1. A photocopy of the registration authorization or business license issued by the Responsible Agency for the Enterprise Associated with the Industry at issue [or other relevant evidentiary document];
2. Explanation of the air pollution control measures [to be adopted];
3. Plan for air pollutant emissions tests; and
4. Other information required by the Responsible Agency.

Article 12

The explanation of air pollution control measures [to be adopted] mentioned in Section 4 of Article 10 and Item 2 of the preceding Article shall include:

1. Goal of the control [measures];
2. Map illustrating the environment within 2 kilometers from the outer boundary of the [stationary] source;
3. Map illustrating the surface allocation of plants and facilities;
4. Map illustrating the production process(es) and timetable(s) for production;
5. Types, components and quantities of raw materials and fuels, and types and yields of products;

the Ministry of Finance in the case of a financial project.

6. Materials transportation, storage and stacking methods;
7. Types, components, concentrations and amounts of air pollutant emissions;
8. Types, construction, efficiencies, processes, operating conditions and design maps of air pollution control facilities; and
9. Other matters designated by the Responsible Agency.

Article 13

Public or private premises which [maintain] more than one stationary source of the same type, scale, operating condition and containing the same pollution control equipment may, upon the approval of the Responsible Agency, select some amount of the [stationary] sources as the [subject of] the test operation.

Article 14

The Responsible Agency at the municipal or county (city) government level shall conduct reviews of operating permits for stationary sources in accordance with the following procedures:

1. The Responsible Agency shall notify the public or private premises to submit review fees and permit fees within seven (7) days [of the notification] and complete the review based upon written documentation within thirty (30) days [of the submission of the application]; for those public or private premises which [successfully] pass the review, the Responsible Agency shall notify the premises to conduct a trial run or test of air pollutants emissions;
2. [Public or private] premises shall, within 45 days of receipt of the notification mentioned in the preceding Item, complete the trial run and test in accordance with the approved plan for the air pollutants emissions test and submit a report of

the [test] results to the Responsible Agency; those conducting a trial run may submit a report of air pollutants emissions test to the Responsible Agency within fifteen (15) days of the expiration of the time period approved for trial run. The public or private premises the emission tests of which meet the emission standards may continue conducting the trial run. The Responsible Agency shall complete the review within fifteen (15) days of the submission of the test report [of air pollutants emissions].

3. The public or private premises whose air pollutants emission test report submitted meet the emission standards shall apply for an operation permit by submitting the registration authorization or business license issued by the Responsible Agency for the Enterprise Associated with the Industry at issue.

Where the application document or the air pollutants emission test report is incomplete or inconsistent with relevant regulations, the Responsible Agencies shall promptly notify [the public or private premises] to make [required] corrections within a specific time period; [permit] applications [by those premises] which fail to make the necessary corrections, to pay review fees and permit fees, or to submit the air pollutants emissions test report shall be rejected. The time period specified for correction shall not be calculated in the time period for review; the total time period specified for correction may not exceed ninety (90) days.

Article 15

Public or private premises may not commence operation before acquiring an operation permit, and shall conduct operations in accordance with this permit.

Article 16

An operation permit shall contain the following information:

1. The valid period for and the sequential number of the [operating] permit;

2. Basic information:

- 1) Name and address of the public or private premise;
- 2) Name(s), identification number(s) and residential address(es) of the responsible person(s) for the public or private premise;
- 3) Name of the unit [(department) responsible] for the operation and maintenance of the [air pollution] control equipment;

3. Contents of permit:

- 1) Name of the stationary source, restrictions on its operating conditions and operation time-tables;
- 2) Methods of air pollution control, and name(s), type(s), designed capacity(ies) and restrictions on operating conditions of the pollution control equipment;
- 3) Methods of collecting and emitting air pollutants, diameter(s) of emission pipe(s) and location(s) of emission point(s);
- 4) Types of air pollutants emitted, limits on emission concentrations and emission amounts for each unit of time;
- 5) Requirements [items, frequencies, etc.)] for periodic inspection of the stationary sources, operation of air pollution control equipment, and air pollutant emissions; and
- 6) Other operating conditions approved by the Responsible Agency.

Article 17

Whenever there are changes in actual operation that do not constitute

“modifications” [per the provisions of these Measures], [the public or private premises] shall:

1. re-apply, prior to the changes, for an operating permit in accordance with the relevant procedures prescribed in these Measures where the production process, facilities, or operating conditions change; no test of air pollutants emission is required if there is no increase in terms of the type and emissions of the air pollutants emitted; or
2. apply, within 30 days of the changes, for re-issuance of an operating permit by submitting relevant evidentiary documents to the Responsible Agency, where there is a shift to low-pollution fuels, a dismantling or suspension of polluting equipment, an installation of pollution control equipment, or an increase in pollution control efficiency.

Article 18

For permit applications being considered by the Responsible Agency prior to the amendment of these Measures, the requirements for review, testing and notification time-periods contained in the pre-amendment version of these Measures shall apply.

Article 19

The time period for the review of installation permits and operating permits for Category 1 stationary sources may be extended by fifteen (15) days without subjecting to the restrictions imposed in Articles 7 and 14 of these Measures.

Article 20

In cases where permits are destroyed or lost, or changes are made to the basic information contained therein, the public or private premises [(permit recipients)] shall, within thirty (30) days of the destruction, loss, or change, apply at the Responsible Agency at the municipal or county (city) government level for permit re-issuance or modification.

Article 21

[The public or private premises whose] stationary sources require no more than three months for equipment installation or plant construction may concurrently submit an application form, air pollution control plan, and the documents prescribed in Items 3 and 4 of Section 1 of Article 10 to the Responsible Agency at the municipal or county (city) government level for an installation permit and operating permit.

While considering an application for installation and operating permits prescribed in the preceding section, the Responsible Agency shall review and issue an installation permit in accordance with Article 7 of these Measures, and shall notify the public or private premises to conduct a trial run before reviewing and issuing an operating permit in accordance with Items 2 and 3 of Section 1, as well as Section 2 of Article 14 of these Measures.

Article 22

These Measures shall come into force upon the date of promulgation.