DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 3

STATIONARY SOURCE PERMITTING AND AIR POLLUTANT EMISSION NOTICE REQUIREMENTS

5 CCR 1001-5

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PART A CONCERNING GENERAL PROVISIONS APPLICABLE TO REPORTING AND PERMITTING

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II. Air Pollutant Emission Notice (APEN) Requirements

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II.B.3. APEN Applicability

For the purposes of Air Pollutant Emission Notice applicability, a source will be considered to be an individual emission point, or group of points pursuant to Section II.B.4. of this Part A.

II.B.3.a. Criteria Pollutants

For criteria pollutants, Air Pollutant Emission Notices are required for: ~~each individual emission point in a nonattainment area with uncontrolled actual emissions of one ton per year or more of any individual criteria pollutant (pollutants are not summed) for which the area is nonattainment;~~ each individual emission point ~~in an attainment or attainment/maintenance area~~ with uncontrolled actual emissions of two tons per year or more of any individual criteria pollutant (pollutants are not summed)~~;~~ and each individual emission point with uncontrolled actual emissions of lead greater than one hundred pounds per year, regardless of where the source is located.

II.B.3.b. Non-criteria Reportable Pollutants

For non~~-~~-criteria reportable pollutants, Air Pollutant Emission Notices are required for each individual emission point with uncontrolled actual emissions of 1000 pounds per year or more of any individual non-criteria reportable pollutant (pollutants are not summed) that exceed ~~the de minimis levels as determined following the procedures set forth in Appendix A~~.

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II.D. Exemptions from Air Pollutant Emission Notice Requirements

II.D.1. ~~Notwithstanding the exemptions contained in Section II.D.1., Air Pollutant Emission Notices must be filed for all emission units specifically identified in the applicability section of any subpart of Part A of Regulation Number 6 (New Source Performance~~

~~Standards) and/or Regulation Number 8 (Hazardous Air Pollutants), Parts A,C,D, and E. However, Air Pollutant Emission Notices need not be filed for wet screening operations subject to Subpart OOO of the New Source Performance Standards if the exemption in Section II.D.1.cccc. is applicable.~~

Stationary sources having emission units that are exempt from the requirement to file an Air Pollutant Emission Notice must nevertheless comply with all requirements that are otherwise applicable specifically to the exempted emission units, including, but not limited to: Title V, Prevention of Significant Deterioration, nonattainment New Source Review, opacity limitations, odor limitations, particulate matter limitations, and volatile organic compounds controls.

An applicant may not omit any information regarding APEN exempt emission units in any permit application if such information is needed to determine the applicability of Title V (Part C of this Regulation Number 3), Prevention of Significant Deterioration (Section VI., Part D of this Regulation Number 3), or nonattainment New Source Review (Section V., Part D of this Regulation Number 3).

The following sources are exempt from the requirement to file Air Pollutant Emission Notices because by themselves, or cumulatively as a category, they are deemed to have a negligible impact on air quality.

II.D.1.a. Individual emission points ~~in nonattainment areas having uncontrolled actual emissions of any criteria pollutant of less than one ton per year, and individual emission points in attainment or attainment/maintenance areas~~ having uncontrolled actual emissions of any criteria pollutant of less than two tons per year~~,~~ and each individual emission point with uncontrolled actual emissions of lead less than one hundred pounds per year~~, regardless of where the source is located~~.

II.D.1.b. Individual emission points ~~of non-criteria reportable pollutants~~ having uncontrolled actual emissions of any individual non-criteria reportable pollutant less than ~~the de minimis levels as determined following the procedures set forth in Appendix A~~ 1000 pounds per year.

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APPENDIX A

~~Method For Determining~~ De Minimis Levels For Non-Criteria Reportable Pollutants

The following value shall be used as the de minimis level for the uncontrolled actual emissions of each single non-criteria reportable pollutant being emitted from an emission point (individual or grouped): 1000 pounds per year.

If a non-criteria pollutant is not listed in Appendix B, it does not have to be reported unless it is included in a chemical compound group.

An Air Pollutant Emission Notice must be filed for each emission point (individual or grouped) that emits greater than 1000 pounds per year of one or more non-criteria pollutants listed in Appendix B on an uncontrolled actual basis.

~~The following procedures must be followed in order to determine the appropriate de minimis (minimum) reporting level for each pollutant that is emitted from each emission point at a contiguous site. If you do not wish to use the three-scenario approach at your facility, you may elect to use Scenario 1 for all emission points.~~

Definitions

~~Release Point - the lowest height above ground level from which the pollutants are emitted to the atmosphere.~~

~~Property Boundary - the distance from the base of the release point to the nearest property boundary.~~

Point - an individual emission point or a group of individual emission points reported on one Air Pollutant Emission Notice as provided for in Part A, Section II.B.4.

~~**Methodology**~~

~~To determine the de minimis level for a single pollutant being emitted from a point (single or grouped).~~

~~**STEP 1:**~~

~~Determine which of the three scenarios below applies to the emission point. If different scenarios can be applied to the same emission point, use the highest numbered scenario that applies. In the case of grouped emission points, use the lowest scenario number (for the entire group) that applies to any of the single emission points within the group.~~

~~Scenario 1: Release point less than 10 meters or property boundary less than 100 meters;~~

~~Scenario 2: Release point equal to or greater than 10 meters, but less than 50 meters, or property boundary equal to or greater than 100 meters, but less than 500 meters; or~~

~~Scenario 3: Release point equal to or greater than 50 meters, or property boundary equal to or greater than 500 meters.~~

~~**STEP 2:**~~

~~Use Appendix B to identify which of the three bins (Bin A, B, or C) the chemical is listed under.~~

~~If the pollutant is not listed, it does not have to be reported unless it is included in a chemical compound group.~~

~~**STEP 3:**~~

~~Use the table below to determine the de minimis level.~~

~~All values are in pounds per year.~~

	~~**Scenario 1**~~	~~**Scenario 2**~~	~~**Scenario 3**~~
~~Chemical Bin~~	~~De Minimis~~	~~De Minimis~~	~~De Minimis~~
~~Bin A~~	~~50~~	~~125~~	~~250~~
~~Bin B~~	~~500~~	~~1250~~	~~2500~~
~~Bin C~~	~~1000~~	~~2500~~	~~5000~~

~~**STEP 4:**~~

~~Repeat the above steps for each pollutant emitted from each emission point (single or grouped). One Air Pollutant Emission Notice must be filed for each emission point that emits one or more chemicals above the de minimis level.~~

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PART B CONCERNING CONSTRUCTION PERMITS

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II. General Requirements For Construction Permits

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II.A.5. Construction permits are required for hazardous air pollutants if:

II.A.5.a. The source is subject to Colorado Maximum Achievable Control Technology or Generally Available Control Technology.~~; or~~

~~II.A.5.b. The source is subject to Federal National Emission Standards for Hazardous Air Pollutants; or~~

~~II.A.5.c. The source is subject to Federal Maximum Achievable Control Technology or Generally Available Control Technology standards; or~~

~~II.A.5.d. The source is subject to Regulation Number 8, Part E, where the more specific requirements of Regulation Number 8, Part E, take precedence over requirements in this regulation.~~

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II.D. Exemption from Construction Permit Requirements

~~None of the exemptions listed below in Sections II.D.1. through II.D.4. shall apply if a source is subject to Part A of Regulation Number 6 (New Source Performance Standards) and/or Regulation Number 8 (Hazardous Air Pollutants), Parts A,C, D, and E.~~ Permit exemptions taken under this section do not affect the applicability of ~~the~~ any State or Federal regulations that would otherwise apply to the source.

An applicant may not omit any information regarding APEN or permit exempt emission units in any application if such information is needed to determine the applicability of Title V (Part C of this Regulation Number 3), Prevention of Significant Deterioration (Section VI. of Part D of this Regulation Number 3), or Nonattainment New Source Review (Section V. of Part D of this Regulation Number 3).

II.D.1. The following sources are exempt because by themselves, or cumulatively as a category, they are deemed to have a negligible impact on air quality:

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II.D.1.n. Exemption Repealed ~~Crude oil storage tanks with a capacity of 40,000 gallons or less.~~

II.D.2. ~~Facilities located in a nonattainment area for any criteria pollutant for which the area is nonattainment; with t~~Total facility-wide uncontrolled actual emissions ~~(potential emissions at actual operating hours)~~ that are less than the following amounts:

II.D.2.a. Twenty five~~Two~~ tons per year of volatile organic compounds.

II.D.2.b. Twenty five tons per year of any other criteria pollutant, except for lead.~~One ton per year PM10.~~

~~II.D.2.c. One ton per year PM2.5.~~

~~II.D.2.d. Five tons per year total suspended particulate.~~

~~II.D.2.e. Five tons per year carbon monoxide.~~

~~II.D.2.f. Five tons per year sulfur dioxide.~~

~~II.D.2.g. Five tons per year nitrogen oxides.~~

II.D.2.~~h~~c. Two hundred pounds per year lead.

For purposes of calculating total facility uncontrolled actual emissions, only those individual (or grouped) emission points requiring Air Pollutant Emission Notices are to be considered.

~~II.D.3. Facilities located in attainment or attainment/maintenance areas for all criteria pollutants with total facility uncontrolled actual emissions less (potential emissions at actual operating hours) than the following amounts:~~

~~II.D.3.a. Five tons per year volatile organic compounds.~~

~~II.D.3.b. Five tons per year PM10.~~

~~II.D.3.c. Five tons per year PM2.5.~~

~~II.D.3.d. Ten tons per year total suspended particulate.~~

~~II.D.3.e. Ten tons per year carbon monoxide.~~

~~II.D.3.f. Ten tons per year sulfur dioxide.~~

~~II.D.3.g. Ten tons per year nitrogen oxides.~~

~~II.D.3.h. Two hundred pounds per year lead.~~

~~For purposes of calculating total facility uncontrolled actual emissions, only those individual (or grouped) emission points requiring Air Pollutant Emission Notices are to be considered.~~

II.D.~~4~~3. Facilities that emit any other criteria pollutant that is not listed in Sections II.D.2.~~ and II.D.3.~~, above (fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, and municipal waste combustor emissions), with total facility uncontrolled actual emissions of such pollutants that are less than ~~two~~twenty five tons per year.

II.D.~~5~~4. When a facility that was previously exempt from permit requirements exceeds one of the permit de minimis levels stated in Section~~s~~ II.D.2.~~ through II.D.4., above,~~ due to the addition of new emission points or an increase in uncontrolled actual emissions, the Division will issue either a facility-wide permit for all non-grandfathered emission units ~~above~~ that require Air Pollutant Emission Notices ~~de minimis levels~~, or individual emission permits for those emission units that are not otherwise permit exempt.

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PART C CONCERNING OPERATING PERMITS

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II.E. Insignificant Activities and Exemptions from Operating Permit Requirements

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The following sources are exempt from the requirement to obtain an operating permit pursuant to this Part C:

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II.E.3.ddd. Exemption Repealed ~~*Crude oil storage tanks with a capacity of 40,000 gallons or less.~~