



Air Pollution Control Division

Small Business Assistance Program

Reporting Your Air Emissions and Applying For Air Permits Step-By-Step for Colorado Businesses

Not sure whether you need to report your air emissions, obtain an air permit, or even where to start? Then follow this step-by-step guide to air permitting in Colorado. This guide was developed by the Colorado Department of Public Health and Environment (CDPHE) Small Business Assistance Program to help businesses understand and comply with Colorado's Air Pollutant Emission Notice (APEN) and air permitting requirements.

This guide is organized in two parts. *Part I - Getting Started* is designed to help you determine whether you need to submit an Air Pollutant Emission Notice (APEN) to report your emissions to the CDPHE Air Pollution Control Division (the Division). *Part II - Obtaining a Permit* will help you determine whether you need to obtain a permit for your business operations and how to begin the permitting process.

Part I - Getting Started

Do I Need to Submit an Air Pollutant Emission Notice (APEN)?

In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions using the Air Pollutant Emissions Notice (APEN) form to the Air Pollution Control Division (the Division). This is a two in one form for reporting air emissions and to obtain an air permit, if a permit will be required. In addition, revised APENs must be submitted when certain business or operational changes occur (e.g., a significant change in actual emissions, a change in ownership, the installation of new or different pollution control equipment, modification of an existing permit, or expiration of the current APEN). APENs must be renewed every five (5) years. Only those businesses exceeding the reporting thresholds must report their emissions and even though a business' emissions are under reporting and permitting thresholds they must always comply with the Colorado air quality regulations.

Follow the steps listed below to determine whether an APEN or revised APEN is required for your business and what forms you may need to complete. Environmental regulations can be complex and confusing, and we are here to help. If you have any questions regarding Colorado's APEN or air permitting requirements, please call the Small Business Assistance Program (SBAP) at 303-692-3175 or 303-692-3148.

STEP 1: EVALUATE YOUR OPERATIONS

First, inventory your operations to identify sources of air emissions at your facility. Air emissions are commonly associated with dry cleaning, print shop, paint booth, plating, hot mix asphalt operations, fuel dispensing stations, glycol dehydrators; grain elevators and feed mills, land development, mining; oil and natural gas operations; other operations involving condensate tanks, boilers, dryers, heaters, and generators, and the use of solvents, cleaners, paints, or

coatings. If you are unsure whether your business operations emit air pollutants, call the Small Business Assistance Program for assistance.

STEP 2: IDENTIFY YOUR REGULATED AIR POLLUTANTS

Determine whether your operations emit pollutants that are regulated as “Criteria” or “Non-Criteria” pollutants by the federal government or by the State of Colorado. It’s important that you understand which pollutants are emitted and how they are categorized. Product and chemical information can be obtained from your supplier and is provided on safety data sheets (SDSs).

Criteria Pollutants include: carbon monoxide, nitrogen oxides, sulfur dioxide, PM10, PM 2.5, total suspended particulates, ozone, volatile organic compounds, lead, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste combustor organics, municipal waste combustor metals, and municipal waste combustor acid gases.

Non-Criteria Pollutants are listed in Regulation No. 3, Appendix B. Non-criteria pollutants include:

1. Federal, or federal and state hazardous air pollutants (called “HAP” in Appendix B)
2. State-only hazardous air pollutants (called “HAPs” in Appendix B)

See Regulation No. 3 Appendix B for a current list of reportable HAPs:

www.colorado.gov/CDPHE/aqcc-regs

STEP 3: DETERMINE IF MACT, NESHAP OR NSPS REQUIREMENTS APPLY TO YOU

If your business emits a federally-regulated non-criteria pollutant (i.e., called “HAP” in Regulation No. 3, Appendix B), then the source emitting that pollutant may be subject to EPA’s Maximum Achievable Control Technology (MACT) requirements or a National Emissions Standard for Hazardous Air Pollutants (NESHAP). MACT/NESHAPs are Federal rules that specifically limit the emissions of hazardous air pollutants, whereas New Source Performance Standards (NSPS) specifically limit the emissions of criteria pollutants. Copies of the MACT standards in pdf format are available at the EPA’s website at: www.epa.gov/ttn/atw/mactfnlalph.html. The Division provides additional information regarding MACT standards and guidance documents for complying with the standards at: www.colorado.gov/cdphe/airguidance. Sources that are subject to EPA MACT requirements must notify the Division of the Federal rule that they are subject to by submitting an Initial Notification as defined in the Federal rule. Those MACT/NESHAPs adopted by the Air Pollution Control Commission can be found in Regulation No. 8. Examples of sources in Colorado that may be subject to MACT requirements are:

- Dry Cleaners
- Halogenated Solvent Cleaning Machines (Degreasers)
- Chrome Electroplating and Anodizing Operations
- Wood Furniture Manufacturing
- Printing and Publishing
- Portland Cement Manufacturing
- Secondary Aluminum Production...

Sources that are subject to federal New Source Performance Standards (NSPS) are also required to submit an Initial Notification to the Division. Examples of sources in Colorado that fall under a NSPS are:

- Boilers
- Incinerators
- Internal Combustion Engines (such as generators)
- Municipal Solid Waste Landfills
- Hot Mix Asphalt
- Oil and Gas Operations...

Up to date NSPS rules are available online at: www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol6/xml/CFR-2011-title40-vol6-part60.xml. Those NSPSs adopted by the Air Pollution Control Commission can be found in Regulation No. 6.

STEP 4: DETERMINE WHICH SOURCES ARE EXEMPT

Certain categories of sources are exempt from APEN requirements because the emissions from those sources are considered to have a negligible impact on air quality. Exempt sources are listed in Regulation 3, Part A, Section II.D (excerpts attached). If you are unsure whether a source at your business is exempt, contact the Small Business Assistance Program for help.

STEP 5: CALCULATE YOUR UNCONTROLLED ACTUAL EMISSIONS

The next step is to determine uncontrolled actual emissions from your operations. Uncontrolled actual emissions do not take into account any pollution control equipment that may exist. Do not include exempt sources of emissions in your calculations unless the Division specifically asks you to include them. Your uncontrolled actual emissions are calculated using these general assumptions:

- Actual hours of operation
- Actual material usage or project operational capacity
- Unit(s) or equipment operate without air pollution controls

There are several different methods used to calculate uncontrolled actual emissions. These methods include using emission factors, mass balance analysis, and air emissions performance test data.

- **Emission factors** exist for many types of emission units and processes. These factors are average emission values from industry data. The factors are usually expressed as the weight of pollutant released per volume or weight of the activity or process. US EPA emission factors are provided in the *Compilation of Air Pollutant Emission Factors (AP-42)* and *Factor Information Retrieval System (FIRE)* which are available online at www.epa.gov/ttn/chief.
- **Mass balance analysis** relies on the principle that the material entering a process is equal to that which leaves the process either as a product, a recycled material, an air emission or a waste product. To use a mass balance, you must be certain how the products and processes behave.
- **Performance test data** or data from a continuous emission monitor can be used in place of emission factors. The data must be taken from a performance test that has been conducted in accordance with specified performance test methods.

When calculating uncontrolled actual emissions, you may group multiple emission points together if they meet the following guidelines:

- All of the grouped sources have identical source classification codes and use the same emission factors for criteria pollutants.
- All of the grouped sources share a similar location within the facility.
- Sources regulated by New Source Performance Standards (NSPS) should not be grouped with non-NSPS sources.
- None of the grouped sources is required to monitor emissions using continuous emission monitors.
- Each of the grouped sources has fuel usage, production, and consumption levels that are indistinguishable from the other grouped points.
- None of the grouped sources has previously been issued its own emissions permit.

The Division can require a separate APEN for any process or activity on a case-by-case basis.

STEP 6: DETERMINE IF YOU NEED TO SUBMIT AN APEN

Once you have identified the source(s) of air emissions at your business and know the types and quantities of pollutants emitted, you can determine whether you need to submit an APEN to the Division. Again, the APEN is a form to report emissions and a tool to detail what is occurring at your business. If you are required to report your emissions to the Division, APENs must be submitted for the following scenarios:

- When uncontrolled actual emissions for an emission point or group of emission points exceed defined emission thresholds (see Table 1);
- Annually whenever a significant change in emissions occurs (see definition of “significant change”);
- When there is a change in ownership or a change in business/source location;
- When new or different control equipment is installed;
- When a permit limit is modified; or
- Before the current APEN expires.

Each of these scenarios is described in more detail below.

TABLE 1 APEN THRESHOLDS		
Pollutant Category	Uncontrolled Actual Emissions	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1tons per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	250 pounds per year	250 pounds per year

A. Submit an APEN... When uncontrolled actual emissions for an emission point or group of emission points exceed defined emission thresholds.

An APEN is required for each emission point or group of emission points having emissions that exceed the defined emission thresholds shown in Table 1.

As shown in Table 1, different emission thresholds exist for criteria pollutants, non-criteria pollutants and lead for businesses operating in Colorado. Attainment areas are areas that meet the National Ambient Air Quality Standards (NAAQS) for pollutants. To see the current attainment or non-attainment areas in Colorado see the following link:

www.colorado.gov/cdphe/attainment. The Division can assist you in determining whether your business/source location is in an attainment or non-attainment area.

B. Submit an APEN... Annually whenever a significant change in emissions occurs.

Sources must submit a revised APEN to inform the Division of significant changes in actual emissions by April 30th of the following year (e.g., a change in emissions in calendar year 2012 must be reported by April 30, 2013.) The definition of a “significant change in emissions” varies based on whether the source emits criteria or non-criteria pollutants, as described below.

Criteria Pollutants:

- For sources emitting less than 100 tons per year a change in actual annual emissions of 5 tons per year or more above the level reported on the last APEN submitted to the Division;
- For volatile organic compound (VOC) and nitrogen oxide (NO_x) sources in ozone nonattainment areas emitting less than 100 tons per year of VOC or NO_x, a change in actual annual emissions of 1 ton or more, or 5 percent, whichever is greater above the level reported on the last APEN submitted to the Division;
- For sources emitting 100 tons per year or more, a change in actual annual emissions of 50 tons or more, or 5 percent, whichever is less above the level reported on the last APEN submitted to the Division;
- A change in actual emissions of 50 pounds per year of lead, above the level reported on the last APEN submitted to the Division.

Non-Criteria Pollutants:

- An increase in actual annual emissions of 50 percent or 5 tons, whichever is less.

C. Submit an APEN... When there is a change in ownership or a change in the business/source location.

An APEN must be submitted to the Division whenever the ownership or location of a business (or source) changes. For a change in ownership, the new owner must also supply a signed agreement containing the specific date for the transfer of the permit, responsibility, coverage and liability between the current and new permittee. A Transfer of Ownership form can be found on the Divisions website. If you are unable to contact the previous owner the new owner can submit a “Bill of Sale” to transfer the ownership. After the Division receives the APEN, fee and written agreement, the Division will issue a new permit reflecting the ownership change.

If a company is changing its name only, and all other procedures and information as stated in the last APEN submitted by the business remains unchanged, the company must only submit one APEN indicating the name change. This change will be updated in the Divisions billing system and on the permit if a permit exists.

A. D. Submit an APEN... When new or different air pollution control equipment is installed.

An APEN is required whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment. Revised APENs are not required for routine maintenance or repair of control equipment.

B. Submit an APEN... When a permit limit is modified.

If you have an existing permit that requires modification (e.g., the owner wishes to change the operation equipment or throughput), a revised APEN must be submitted.

C. Submit an APEN... Before the current APEN expires.

An APEN is valid for five years. A new, fully completed APEN form must be submitted at least 30 days before expiration of the five year term of the current APEN. Contact the Division at 303-692-3150 if you are unsure when your APEN expires. APEN expiration dates can also be found on your annual bill.

STEP 7: COMPLETE AND SUBMIT APEN FORMS AND FEES

What Forms Do I Need?

If your business meets any of the criteria discussed in Step 6, you will need to submit an APEN to the Division. Please note that the APEN form is combined with the permit application, titled “APEN and Application for Construction Permit”, and does not automatically mean that a permit will be issued; see Part II Obtaining a Permit. Other forms in addition to the APEN may be required. APEN and reporting forms are available through the Divisions website and can be downloaded at: www.colorado.gov/cdphe/APENforms. Some of the common reporting forms are described below.

- **General APEN:** Complete and submit the General APEN form to report information about the type of emission point (e.g., boiler, crusher), the material processed or burned, and the resulting emissions.

Note: the APEN form requires both “actual” and requested” levels corresponding to the annual fuel consumption and raw material consumption levels of the source.

The “actual” consumption level is the amount of material used annually, and may be determined based on operating performance during a previous year or, for new businesses, based on best professional judgment. The Division will calculate your annual emission fees based on the “actual” consumption level reported on the APEN. If at the end of the calendar year, you find that your “actual” consumption levels listed on the APEN have been significantly exceeded, then you must inform the Division of the change in actual emissions by submitting a revised APEN by April 30th of the following year (i.e., a change in emissions in calendar year 2013 must be reported by April 30, 2014). The definition of a “significant change in emissions” which requires the submission of a revised APEN was discussed in Step 6.B.

The “requested” consumption level reported on your APEN will be used by the Division to determine your permit limit, if a permit is required. In order to remain in compliance with your permit, this permit level **must not** be exceeded. Because an APEN is valid for five years, you should select a “requested” consumption level that allows for business growth

during this period. If you wish to modify your permit limit, you must submit a new APEN to the Division, and a revised permit must be obtained before the change at the source occurs.

Some sources will not require a permit due to low emission rates and will only need to file the APEN. **Do not** use the General APEN form if a more specialized APEN (Specialty APEN) form exists.

- **Specialty APEN:** These forms were developed to make the application process easier for specific types of sources. If a Specialty APEN form exists for your business, use this form in place of the General APEN form:

Specialty APENs

<ul style="list-style-type: none"> • Air Curtain Destructors • Amine Sweetening Unit Emissions • Concrete Batching Operations • Dry Cleaning Facilities • Fuel Dispensing Stations • Glycol Dehydrators • Grain Elevators and Feed Mills • Hot Mix Asphalt (HMA) Plants • Hydrocarbon Liquid Loading Operations • Land Development • Midstream Condensate Storage Tank Emissions • Mining Operations • Municipal Solid Waste Landfills 	<ul style="list-style-type: none"> • Natural Gas Venting • Exploration and Production (E&P) Condensate Tanks • Fugitive Component Leak Emissions (Oil and Gas Operations) • Paint Spray Operations • Print Shop Operations • Produced Water Tank • Reciprocating Internal Combustion Engines.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- **Supplemental forms:** The Division requires that supplemental information forms be submitted along with the APEN for specific types of sources. Examples of sources requiring supplemental forms include:

- Above Ground Storage Tanks (not including condensate tanks)
- Control Equipment
- Incinerators
- Municipal Landfills
- Sand Blasting Control Plan

- **APEN Addendum for Non-Criteria Reportable Pollutants:** An APEN Addendum is required for sources with non-criteria reportable pollutants, also known as Hazardous Air Pollutants (HAPs), (listed in Regulation 3, Appendix B). For sources with non-criteria reportable pollutants above reporting thresholds, the APEN Addendum form is submitted along with the APEN form. For a list of non-criteria reportable pollutants go to Regulation No. 3 at: www.colorado.gov/cdphe/aqcc-regs

- **Other Dry Cleaner forms**

- **Perchloroethylene Dry Cleaner Notification and Compliance Report:** Drycleaners using perchloroethylene must submit this form (along with the Specialty APEN) to provide notification of the use of perchloroethylene and to show that control equipment, if required, is installed in accordance with air quality regulations.

- **Other MACT and NSPS forms**

- MACT and NSPS sources may require additional reporting forms. If your operation is subject to a MACT or NSPS, an Initial Notification must be submitted to the Division. The Division can assist you in determining if a specific MACT or NSPS source requires additional forms. Examples of Initial Notification forms can be found at: www.epa.gov/ttn/atw/area/arearules.html#inot

Where Do I Send My Forms?

Completed forms and applications should be mailed to:

Colorado Department of Public Health and Environment
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

What Fees Apply?

- **Filing Fee:** A filing fee is required for each APEN submitted, including APENs submitted for administrative changes (e.g., change in ownership, change in location). The application fee is listed on the APEN form.
- **Annual Fee:** All sources required to file APENs must pay annual fees. The Division bills each source subject to an APEN an annual emissions fee per ton of criteria pollutants emitted and a fee per ton of non-criteria (hazardous air pollutants) emitted. These fees are subject to change by the legislature on an annual basis. The Division mails invoices for these fees in May or June of each year. The annual bill you will receive will be for the previous year's emissions from your operation.

Current information on filing fees, annual fees, and hourly engineering fees are available online at: www.colorado.gov/pacific/cdphe/emissions-and-permitting-fees

Make checks payable to *CDPHE ASD-A/R-B1* at the address provided above.

Part II - Obtaining a Permit

Do I Need a Permit? How Do I Get One?

Some businesses fulfill their air pollution reporting requirements by simply maintaining an APEN (APENs are valid for five years) and paying annual fees based on the air pollutants emitted. Many new and existing businesses, however, also trigger the need for an air pollution permit (called a "Construction Permit") due to the level of air pollutants emitted.

Follow the steps listed below to determine whether a Construction Permit is required for your business and what forms you may need to complete. Note that the steps taken to obtain a Construction Permit are in addition to the steps taken to submit an APEN. Submitting the APEN and Application for Construction Permit will initiate the Construction Permit process if the emissions reported are at permitting thresholds.

STEP 8: DETERMINE IF YOU ARE REQUIRED TO HAVE A CONSTRUCTION PERMIT (AIR PERMIT)

In Colorado, a Construction Permit is required before construction of a new source or when modification of an existing source commences, provided the emissions resulting from the new or modified source combined with the emissions from all other emissions points at the facility that require an APEN will equal or exceed the levels shown in Table 2. Some sources are specifically exempt from obtaining permits. Exempt sources are listed in Regulation 3, Part B, Section III.D (excerpts attached). If you are unsure whether a source is exempt from obtaining a permit, contact the Small Business Assistance Program for help.

Pollutant Category	Uncontrolled Actual Emissions	
	Attainment Area (tons per year)	Non-attainment Area (tons per year)
Volatile organic compounds	5	2
PM-10, PM-2.5	5	1
Total suspended particulates	10	5
Carbon monoxide	10	5
Sulfur dioxide	10	5
Nitrogen oxides	10	5
Lead	200 pounds per year	200 pounds per year
Other criteria pollutants: fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste incinerator emissions.	2	2

As shown in Table 2, different permit emission thresholds exist for criteria pollutants and lead, and for businesses located in attainment or non-attainment areas. Attainment areas are areas that meet the National Ambient Air Quality Standards (NAAQS) for pollutants.

The Division can assist you in determining whether your business/source location is in an attainment or non-attainment area. Notice that non-criteria pollutants (listed in Regulation 3, Appendix B) are not listed in Table 2. Sources of non-criteria pollutants typically do not require an emission permit unless:

1. The source emitting a non-criteria pollutant is also a volatile organic compound or a particulate that exceeds the corresponding threshold listed in Table 2; or
2. The source has a potential to emit 10 tons per year or more of a single HAP or 25 tons per year or more of a combination of HAPs. These sources are considered "major sources," and must obtain an operating permit, even if no standard for the HAP has yet been set.

STEP 9: COMPLETE AND SUBMIT THE APEN AND APPLICATION FOR CONSTRUCTION PERMIT

If your business requires a Construction Permit, the submission of an APEN and Application for Construction Permit will start the permitting process. If this application package is incomplete, the Division can request additional information or reject the application, which can delay the permitting process and increase the processing time and associated fees. If your APEN is rejected, the Division will require an additional APEN with associated fees to be submitted. Therefore, you should strive to include all necessary information, complete and sign all forms, and address all potential emission sources at the facility when submitting the application form to ensure completeness of the package. *The Division requires all original-signature forms, and does not accept faxed, emailed, or incomplete forms.* If the applicant does not submit additional information requested by the Division, the Division may deny the permit application.

➤ General Permit option:

General permits may be another option for permitting your operations. General permits offer a streamlined approach to air emissions permitting and are currently available for the following sources:

- Condensate Storage Tank Batteries
- Hydrocarbon Liquid Loading
- Natural Gas and Diesel Reciprocating Internal Combustion Engines
- Land Development
- Oil & Gas Storage Tanks (non subpart NSPS 0000)
- Produced Water Storage Tank Batteries

General Permits are obtained by submitting one of the Specialty APENs. On the APEN form, you may choose to apply for a general permit. To qualify to use a general permit your operation must be able to meet the criteria of emissions limitations and other operating conditions of the general permit immediately. When the general permit is not applicable or does not meet the unique needs of a facility, an individual permit is issued through the traditional construction permit process. If your operation qualifies for a general permit then you may start operations of the facility or equipment once the Division receives a complete APEN application and applicable general permit fee.

What Should Be Included in a Permit Application?

The amount and complexity of the information that must accompany an application for a Construction Permit will vary depending on the location (i.e., attainment or nonattainment area) and size of the proposed new source or modification. The different APEN and Applications for Construction Permit and other reporting forms are available through the Department and can be downloaded at www.colorado.gov/cdphe/airforms. At a minimum, an application typically includes:

- ✓ Completed APEN and Application for a Construction Permit (this is one form)
- ✓ Sufficient supporting documentation for emission calculations (i.e. mass balance calculations, quantification of waste shipped off-site, emission data on similar sources, actual test data)

- ✓ Equipment information (specification sheets with make, model, serial number...)
- ✓ The application filing fee

All permit applicants must provide the source of any emissions estimates provided on the APEN. If the application submitted to the Division uses emission estimates based on methods that the Division has not already approved, the applicant must submit supporting information and obtain the Division's approval on the emission estimation methods. To determine if dispersion modeling or modeling-related data should be submitted with the permit application, refer to the Colorado Modeling Guideline for Air Quality Permits at www.colorado.gov/airquality/permits.aspx.

What Fees Apply?

In addition to the APEN filing fee, permit processing fees will be assessed at an hourly rate. Once an application is received, all processing time will be charged regardless of whether a permit is issued or not. If a project is cancelled, notify the Division in writing immediately!

Current information on filing fees, annual fees, and hourly engineering fees are available online at: www.colorado.gov/cs/Satellite/CDPHE-AP/CBON/1251596441467

STEP 10: POTENTIAL PUBLIC NOTICE PERIOD

For some businesses, a 30-day public comment period (e.g., when a public notice is published in a local newspaper and written comments from the public are requested) will be included as part of the permitting process. The following sources are subject to public comment:

- Sources that will generate projected controlled emissions exceeding 25 tons per year in nonattainment areas, 50 tons per year in attainment areas, or 200 pounds per year of lead in any area.
- Sources for which preliminary analysis indicates a possible violation of Commission Regulation No. 2 (odor emissions).
- Hazardous air pollutants if the source is subject to Federal National Emissions Standards for Hazardous Air Pollutants (NESHAP), or Federal MACT and is required to obtain a permit.
- Sources wishing to obtain federally enforceable emission limits to avoid major source status (by limiting potential to emit) through a construction permit.

At the conclusion of the public comment period, the Division will review the comments received and, if necessary, revise the draft permit.

STEP 11: SUBMIT A NOTICE OF START UP

Once you have been issued a permit, you may begin construction or modification of the source; however, you must submit a Notice of Start Up form to the Division no later than 15 days after commencement of operation of the emissions source. The Notice of Start Up form can be downloaded at www.colorado.gov/cdphe/APENforms.

Once the source begins operation, the Division may inspect the source to ensure compliance with all applicable permit conditions.

STEP 12: SUBMIT A SELF-CERTIFICATION PACKAGE

Construction Permits will be issued as “Issuances” (i.e. Issuance 1, Issuance 2, etc). A new Issuance will be written for each modification to a permit. The final step of the air permitting process, to finalize the permit, is to submit the Self-Certification Package. This step requires that the business certifies compliance with the terms and conditions of the permit and allows the business to make changes to the permit if necessary.

The Self-Certification Package can be downloaded from the following page under Permit Approval and Self Certification: www.colorado.gov/cdphe/APENforms

Included in the packet are:

- Guidance for self-certification,
- Definition of a responsible official,
- Testing Requirements (if required), and
- Guidance on compliance plan requirements

The Self-Certification Package must be signed and submitted within 180 days of commencement of operations, or the permit may be revoked. Once you demonstrate compliance with your permit, submit the Self-Certification Package, and pay the processing fees the Division will issue a Final Approval to Operate letter allowing your business the final authority to operate under the conditions of your Construction Permit. **Please note that if the permit processing fee is not paid within 30 days of receipt, you will be in violation of your permit conditions and may result in revocation of the permit.**

The permit is issued for the life of the source, unless there are changes in the operation or throughput of the source, which would require a modification to the permit. A permit processing timetable is provided below:

STEP 13: COMPLY WITH YOUR PERMIT

Finally, you must comply with your air permit on an on-going basis. The permit will include detailed information on control equipment, monitoring, and reporting requirements associated with the source. If you wish to change the operation or throughput of a source, such that the permit conditions or emission limit would be exceeded, you must first obtain a modified permit. Proposed changes in equipment or controls may also require a permit modification even if there is no associated change in emissions. A permit modification will result in an issuance of a revised permit, and associated fees charged. A revised APEN must be filed specifying all changes.

Colorado air regulations are downloadable at www.colorado.gov/cdphe/aqcc-regs.

If you have additional questions regarding APENs, Construction permits or other Colorado air quality regulations, the SBAP is here to assist you. Please contact the Small Business Assistance Program (SBAP) at 303-692-3148 or 303-692-3175.

Excerpts - Regulation 3, Part A, Section II.D APEN Exemptions

II.D. Exemptions from Air Pollutant Emission Notice Requirements

II.D.1.

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 No. 3), Prevention of Significant Deterioration (Section IV.D.3., Part B of this Regulation No. 3), or nonattainment New Source Review (Section IV.D.2.a., Part B of this Regulation No. 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 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 having uncontrolled actual emissions of any individual non-criteria reportable pollutant less than 250 pounds per year.

II.D.1.c. Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from other processes or equipment.

II.D.1.d. Fireplaces used for recreational purposes, inside or outside.

II.D.1.e. Fires and equipment used for noncommercial cooking of food for human consumption, or cooking of food for human consumption at commercial food service establishments, except for char broilers and wood fired equipment (but not including campfires) in PM10 nonattainment areas. Charbroiled shall mean a cooking device in a commercial food service establishment, either gas fired or using charcoal or other fuel, upon which grease drips down upon an open flame, charcoal or embers.

II.D.1.f. Safety flares used to indicate danger to the public.

II.D.1.g. Agricultural operations such as farming, cultivating, harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation No. 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major stationary source

(Regulation No. 3 Part A, section I.B.59); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation No. 6, Part A); or (3) participates in the early reduction program of the Federal Act, section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulation promulgated by the commission.

II.D.1.h. Emissions from, or construction, or alteration of residential structures, including all buildings or other structures used primarily as a place of residence, and including home heating devices.

II.D.1.i. Laboratories and research & development facilities:

II.D.1.i.(i) Noncommercial (in-house) experimental and analytical laboratory equipment that is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.

II.D.1.i.(ii) Research and development activities that are of a small pilot scale and that process less than ten thousand pounds of test material per year;

II.D.1.i.(iii) Small pilot scale research and development projects less than six months in duration with controlled actual emissions less than five hundred pounds of any criteria pollutant or ten pounds of any non-criteria reportable pollutant.

II.D.1.j. Disturbance of surface areas for purposes of land development, that do not exceed twenty-five contiguous acres and that do not exceed six months in duration. (This does not include mining operations or disturbance of contaminated soil).

II.D.1.k. Each individual piece of fuel burning equipment, other than smokehouse generators and internal combustion engines, that uses gaseous fuel, and that has a design rate less than or equal to five million British thermal units per hour. (See definition of fuel burning equipment, Common Provisions Regulation).

II.D.1.l. Internal combustion engines powering portable drilling rigs.

II.D.1.m. Exemption Repealed

II.D.1.n. Chemical storage tanks or containers that hold less than five hundred gallons, and that have an annual average daily throughput of less than twenty-five gallons.

II.D.1.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.

II.D.1.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.

II.D.1.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation No. 9).+

II.D.1.r. Brazing, soldering, or welding operations, except those that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.

II.D.1.s. Street and parking lot striping.

II.D.1.t. Battery recharging areas.

II.D.1.u. Aerosol can usage.

II.D.1.v. Sawing operations, that are ancillary to facility operations, and are not part of the production process.

II.D.1.w. The process of demolition and re-bricking of furnaces and kilns. This does not include subsequent operation of such furnaces or kilns.

II.D.1.x. Road and lot paving operations at commercial and industrial facilities, except that asphalt and cement batch plants require Air Pollutant Emission Notices and permits, unless exempt under some other section.

II.D.1.y. Adhesive use that is not related to production.

II.D.1.z. Fire training activities.

II.D.1.aa. Caulking operations that are not part of a production process.

II.D.1.bb. Landscaping and site housekeeping devices equal to or less than ten horsepower in size (lawnmowers, trimmers, snow blowers, etc.).

II.D.1.cc. Fugitive emissions from landscaping activities (e.g., weeding, sweeping).

II.D.1.dd. Landscaping use of pesticides, fumigants, and herbicides.

II.D.1.ee. Exemption Repealed

II.D.1.ff. Emergency events such as accidental fires.

II.D.1.gg. Smoking rooms and areas.

II.D.1.hh. Plastic pipe welding.

II.D.1.ii. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

II.D.1.jj. Beauty salons.

II.D.1.kk. Operations involving acetylene, butane, propane and other flame cutting torches.

II.D.1.ll. Pharmacies.

II.D.1.mm. Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed five thousand gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.

II.D.1.nn. Architectural painting, roof coating material and associated surface preparation (except for sandblasting and except for volatile organic compound emissions, associated with surface preparation, above Air Pollutant Emission Notice de minimis levels) for maintenance purposes at industrial or commercial facilities.

II.D.1.oo. Emissions that are not criteria or non-criteria reportable pollutants (See section I.B.39., Part A) (These emissions include methane, ethane, and carbon dioxide).

II.D.1.pp. Janitorial activities and products.

II.D.1.qq. Grounds keeping activities and products.

II.D.1.rr. Sources of odorous emissions that do not utilize emission control equipment for control of odorous emissions. This exemption applies to the odor emissions only. All other emissions are subject to other exemptions set forth in this regulation. This exemption does not exempt any source from the requirements of Regulation No. 2.

II.D.1.ss. Truck and car wash units.

II.D.1.tt. Office emissions, including cleaning, copying, and restrooms.

II.D.1.uu. Exemption Repealed

II.D.1.vv. Electrically operated curing ovens, drying ovens and similar activities, articles, equipment, or appurtenances. This exemption applies to the ovens only, and not to the items being dried in the ovens.

II.D.1.wv. Equipment used exclusively for portable steam cleaning.

II.D.1.xx. Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

II.D.1.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.

II.D.1.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation No. 7, section IV. are met, where applicable.

II.D.1.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or used lubricating oils.

II.D.1.bbb. Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of one gallon or less.

II.D.1.ccc. Fuel storage and dispensing equipment in ozone attainment areas operated solely for company owned vehicles where the daily fuel throughput is no more than four hundred gallons per day that is calculated as an annual average. Sources in the Denver-Metropolitan ozone attainment-maintenance area must utilize Stage 1 vapor recovery on all tanks greater than 550 gallons capacity, as required by Regulation No. 7, in order to take this exemption.

II.D.1.ddd. Exemption Repealed

II.D.1.eee. Indirect sources are exempt until a permit regulation specific to indirect sources is promulgated by the commission.

II.D.1.fff. Storage tanks meeting all of the following criteria:

II.D.1.fff.(i) Annual throughput is less than four hundred thousand gallons; and

II.D.1.fff.(ii) The liquid stored is one of the following:

II.D.1.fff.(ii)(A) Diesel fuels 1-D, 2-D, or 4-6;

II.D.1.fff.(ii)(B) Fuel oils #1 through #6;

II.D.1.fff.(ii)(C) Gas turbine fuels 1-GT through 4-GT;

II.D.1.fff.(ii)(D) An oil/water mixture with a vapor pressure equal to or lower than that of diesel fuel (Reid Vapor Pressure of 0.025 pounds per square inch absolute).

II.D.1.ggg. Each individual piece of fuel burning equipment that uses gaseous fuel, and that has a design rate less than or equal to ten million British thermal units per hour, and that is used solely for heating buildings for personal comfort.

II.D.1.hhh. Natural gas vehicle fleet fueling facilities.

II.D.1.iii. Electric motors driving equipment at non-commercial machining shops.

II.D.1.jjj. Recreational swimming pools.

II.D.1.kkk. Forklifts.

II.D.1.lll. Exploration and production sites (well site and associated equipment) shall provide written notice to the Colorado Oil and Gas Conservation Commission of proposed drilling locations prior to commencement of such operations. Air Pollutant Emission Notices are not required until after exploration and/or production drilling, workovers, completions, and testing are finished.

If production will result in reportable emissions, the owner or operator shall file an Air Pollutant Emission Notice with the Division within thirty days after the well completion or recompletion report and log is filed with the appropriate state or federal agency. If production will not occur, or production will not result in reportable emissions, the owner or operator shall submit written notice to the Division indicating that the well was plugged, or that emissions are otherwise not reportable. If production will result in reportable emissions, the owner or operator shall file an Air Pollutant Emission Notice with the Division within thirty days after the report of first production is filed with the appropriate state or federal agency but no later than ninety days following the first day of production.

II.D.1.mmm. Handling equipment and associated activities for glass that is destined for recycling.

II.D.1.nnn. Fugitive emissions of hazardous air pollutants that are natural constituents of native soils and rock (not added or concentrated by chemical or mechanical processes) from underground mines or surface mines unless such source is a major source of hazardous air pollutants under Part C of the Regulation No. 3.

II.D.1.ooo. The use of pesticides, fumigants, and herbicides when used in accordance with requirements established under the federal Insecticide, Fungicide and Rodenticide Act as established by the U.S. EPA (United States Code Title 7, Section 136 et seq.).

II.D.1.ppp. Ventilation of emissions from mobile sources operating within a tunnel, garage, or building that are not operating for transportation purposes and are subject to stationary source requirements.

II.D.1.qqq. Non-asbestos demolition.

II.D.1.rrr. Sandblast equipment when the blast media is recycled and the blasted material is collected, including small sandblast glove booths.

II.D.1.sss. Exemption Repealed

II.D.1.ttt. Exemption Repealed

II.D.1.uuu. Surface water storage impoundment of non-potable water and storm water evaporation ponds, with the exceptions of oil and gas production wastewater impoundments (including produced water tanks) containing equal to or more than one percent by volume crude oil on an annual average and commercial facilities that accept oil and gas production wastewater for processing.

II.D.1.vvv. Non-potable water pipeline vents.

II.D.1.www. Steam vents and safety release valves.

II.D.1.xxx. Exemption Repealed

II.D.1.yyy. Seal and lubricating oil systems for steam turbine electric generators.

II.D.1.zzz. Venting of natural gas lines for safety purposes.

II.D.1.aaaa. Chemical Storage Tanks

II.D.1.aaaa.(i) Sulfuric acid storage tanks not to exceed ten thousand five hundred gallons capacity.

II.D.1.aaaa.(ii) Sodium hydroxide storage tanks.

II.D.1.bbbb. Containers, reservoirs, or tanks used exclusively for dipping operations that contain no organic solvents for coating objects with oils, waxes, greases, or natural or synthetic resins.

II.D.1.cccc. Wet screening operations notwithstanding the applicability of the New Source Performance Standards included in the Code of Federal Regulations, Title 40, Part 60, Subpart 000.

II.D.1.dddd. Nonroad engines as defined in Part A, section I.B.40. of this regulation except certain nonroad engines subject to state-only air pollutant emission notice and permitting requirements pursuant to Part A, section I.B.40.c.

II.D.1.eeee. Exemption Repealed

II.D.1.ffff. Exemption Repealed

II.D.2. An Air Pollutant Emission Notice must be filed for all incinerators.

II.D.3. Air Pollutant Emission Notices are required for emergency and backup generators that are ancillary to the main units at electric utility facilities however, these units may be included on the same Air Pollutant Emission Notice as the main unit.

II.D.4. Any person may request the division to examine a particular source category or activity for exemption from Air Pollutant Emission Notice or permit requirements.

II.D.4.a. Such requests shall be made separately from the permit application review procedure.

II.D.4.b. Such requests shall include documentation indicating that emissions from the source category or activity have a negligible impact on air quality and public health in Colorado, based on, but not limited to, the following criteria.

II.D.4.b.(i) Emissions from the source or activity are below the Air Pollutant Emission Notice or permit emission de minimis levels set forth in this Regulation No. 3; or

II.D.4.b.(ii) The existing division emission inventory is sufficient to indicate that the source or activity has a negligible impact; or

II.D.4.b.(iii) For permit exemptions, criteria (i) and/or (ii) are met, and the source or activity has no applicable requirement that applies to it, and the division finds that monitoring or record keeping are not necessary.

II.D.4.b.(iv) Exemptions shall not be granted for any source or activity that is subject to any federal applicable requirement. The division shall determine on a case-by-case basis if sources or activities subject to state only regulations may be granted an exemption.

II.D.4.c. None of the activities submitted as exemption requests to the division may be taken by a source until the Commission has duly adopted the exemptions as revisions to this Regulation No. 3 and the U.S. EPA has approved the exemption requests.

II.D.5. Commercial (for-hire) laboratories whose primary responsibilities are to perform qualitative or quantitative analysis on environmental, clinical, geological, forensic, or process samples may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon a mass balance calculation utilizing inventory and purchase records of solvents and reagents. Such laboratories may, at their discretion, group emission points if such grouping meets the grouping criteria outlined in this regulation. All inert samples are exempt from Air Pollutant Emission Notice reporting. Emissions from samples subjected to analysis provided to such laboratories for analysis and testing, and by-products that result from sample testing, are exempt from Air Pollutant Emission Notice reporting, provided such samples subjected to analysis are less than five gallons for liquids, or five pounds for solids.

II.D.6. Research and development activities that do not fall within the small scale exemption in section II.D.1.i., may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon either a mass balance calculation utilizing inventory and purchase records, or best engineering judgment. Such facilities may file an Air Pollutant Emission Notice or revised Air Pollutant Emission Notice on an annual basis by April 30 of the year following the project's conclusion for each project that is not exempt under section II.D.1.i., irrespective of section II.C., herein (revised Air Pollutant Emission Notice requirements) , such Air Pollutant Emission Notices shall be filed on a per project basis and shall be based on controlled actual emissions.

Excerpts - Regulation 3, Part B, Section II.D Permit Exemptions

II.D. Exemption from Construction Permit Requirements

Permit exemptions taken under this section do not affect the applicability of any State or Federal regulations that are otherwise applicable 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 No. 3), Prevention of Significant Deterioration (section IV.D.3., Part B of this Regulation No. 3), or Nonattainment New Source Review (section IV.D.2.a., Part B of this Regulation No. 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:

II.D.1.a. Those sources exempted from the filing of Air Pollutant Emission Notices in section II.D., of Part A, of this regulation.

II.D.1.b. Containers, reservoirs, or tanks used exclusively for dipping operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.

II.D.1.c. Stationary Internal Combustion Engines that:

II.D.1.c.(i) Power portable drilling rigs; or

II.D.1.c.(ii) Are emergency power generators that operate no more than two hundred and fifty hours per year; or

II.D.1.c.(iii) Have uncontrolled actual emissions less than five tons per year or manufacturer's site-rated horsepower of less than fifty.

II.D.1.d. The collection, transmission, liquid treatment, and solids treatment processes at domestic wastewater treatment works, or treatment facilities that treat only domestic type wastewater, except for combustion processes.

II.D.1.e. Each individual piece of fuel burning equipment, other than smokehouse generators, that uses gaseous fuel, and that has a design rate less than or equal to ten million British thermal unit per hour.

II.D.1.f. Gasoline stations located in ozone attainment areas, except for stations located in the Denver Metropolitan ozone attainment/maintenance area.

II.D.1.g. Surface mining activities that mine seventy thousand tons or fewer of product material per year. A fugitive dust control plan is required for such sources. Crushers, screens and other processing equipment activities are not included in this exemption.

II.D.1.h. Composting piles, however, all odor requirements of Regulation No. 2 must be met.

II.D.1.i. Commercial and product quality control laboratory equipment.

II.D.1.j. Fires and equipment used for noncommercial cooking of food for human consumption and for cooking of food for human consumption at commercial food service establishments.

II.D.1.k. Petroleum industry flares, not associated with refineries, combusting natural gas containing no hydrogen sulfide except in trace (less than five hundred parts per million weight) amounts, approved by the Colorado Oil and Gas Conservation commission and having uncontrolled emissions of any pollutant of less than five tons per year.

II.D.1.l. Crude oil truck loading equipment at exploration and production sites where the loading rate does not exceed 10,000 gallons of crude oil per day averaged on an annual basis. Condensate truck loading equipment at exploration and production sites that splash fill less than 6750 barrels of condensate per year or that submerge fill less than 16308 barrels of condensate per year.

II.D.1.m. Oil and gas production wastewater impoundments (including produced water tanks) containing less than one percent by volume crude oil on an annual average, with the exception of commercial facilities that accept oil and gas production wastewater for processing.

II.D.1.n. Exemption Repealed

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

II.D.2.a. Two tons per year volatile organic compounds.

II.D.2.b. 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. 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 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. 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 tons per year.

II.D.5. When a facility that was previously exempt from permit requirements exceeds one of the permit de minimis levels stated in sections II.D.2. - II.D.4., above, due to the addition of new emission points, the division will issue either a facility-wide permit for all non-grandfathered emission units above Air Pollutant Emission Notice de minimis levels, or individual emission permits for those emission units.

II.D.6. All incinerators require a permit as stated in Regulation No.1, section III.B.1.

II.D.7. Oil and gas exploration and production operations that are addressed under section II.D.1.iii., of this Regulation No. 3, Part A, and that are required to obtain a construction permit, are not required to file an application for a construction permit until they are required to file an Air Pollutant Emission Notice, as set forth in section II.D.1.iii. The application shall include a list of all applicable requirements, and how the requirements will be met until a construction permit is issued.

III.D.8. Any person may request the division to add source categories to the permit exemption list, in accordance with the procedures set forth in section II.D.5., of Part A, of this regulation.

III.D.9. Sources with a valid operating permit are not required to obtain a construction permit prior to commencing construction or modification, as set forth in section II.A.6., of this Part B.

RESOURCES

- ❖ **Air Pollution Control Division (APCD): (303) 692-3100**
- ❖ **Small Business Assistance Program: (303) 692-3175 or 3148**
- ❖ **Small Business Ombudsman: (303) 692-2135**