

**INTER-OFFICE COMMUNICATION**

TO: Stationary Sources Program Staff and Local Agencies

FROM: Roland C. Hea, P.E.

DATE: September 12, 2008

RE: **PS Memo # 94-05 – Construction Permits for Portable Sources, Revision 2**

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The permitting approaches and procedures described in this Permitting Section (PS) Memo become effective for all permit applications received by the Air Pollution Control Division (the Division) on or after October 1, 2008.

**Introduction**

This memo was originally issued on February 15, 1994, and revised on February 7, 1995. This revision addresses issues that have arisen in permitting portable sources due to changes in federal/state regulations and increases in the number of emission sources in Colorado. It also seeks to clarify requirements that apply strictly to portable sources and ensure consistency in how these sources are permitted. This revision supersedes all previous versions of this memo.

Colorado Air Quality Control Commission (AQCC) Regulation No. 3, Part A, Section I.B.34 defines a portable source as “A source such as, but not limited to, asphalt batch plants and aggregate crushers that commonly and by usual practice is moved from one site to another. A source will not be considered portable if it remains on one site for more than two years.” The Division has traditionally allowed source owners/operators to permit certain types of sources as portable to allow flexibility in moving the sources to meet temporary operational needs.

Since the issuance of the last version of this portable source permitting guidance in 1995, the Division has adopted new regulations pertaining to permitted sources and identified a need to track emissions from portable sources with greater accuracy. Applicability of requirements under the Title V Operating Permit and National Emissions Standards for Hazardous Air Pollutants (NESHAP) programs is determined on a facility-wide basis by totaling emissions from all units at the facility (with some limited exceptions under the NESHAP program). It is possible for a facility that is originally exempt from such requirements to become subject after relocating a pre-permitted portable unit onsite.

In this situation, the facility would not undergo a typical permitting review under the 1995 version of this memo, and therefore the newly applicable requirements would not be incorporated into the facility’s permit(s). These can include, but are not limited to, emission standard, control device, work practice, impact analysis, recordkeeping, reporting, testing, and monitoring requirements. When such requirements are not established in any permits for a

facility, it becomes increasingly difficult to determine and track compliance for both the source and the Division.

In recent years, the number of permitted portable sources in Colorado has increased significantly. Keeping track of where portable sources are currently located has become a much more difficult task for the Division. Public comment and modeling requirements are also more challenging to assess with portable sources and the failure of some companies to properly notify the Division of relocations has created further difficulties. While some sources move every two years or less, others undergo the portable source permitting process but then essentially operate as fixed stationary sources.

The Division is updating portable source permitting procedures in order to address the issues detailed above. The remainder of this memo will: (1) provide a list of specific categories/types of sources that the Division has determined satisfy the existing definition of "portable source," (2) describe specific situations that affect the designation of a source as portable, (3) identify requirements for submitting portable source permit applications, and (4) specify requirements for relocation of portable sources.

This memo does not specifically address permitting requirements for portable sources located or relocated to a major stationary source, or who are themselves a major stationary source as defined under the Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NA NSR) programs. Please contact your supervisor to discuss the specific permitting requirements that would apply in such a situation (e.g., would the relocation of a portable source to an existing major stationary source constitute a major modification?).

### **Portable Source Types and Categories**

Portable source permits will generally be limited to the following source categories:

- Individual generators with a site-rated horsepower of less than 500
- Asphalt plants
- Crushers
- Screens
- Concrete batch plants
- Phosphate fertilizer batch plants
- Certain incinerators (please consult with your supervisor regarding what types)
- Wood tub grinders
- Contaminated soil remediation units
- Abrasive blasting systems
- Air curtain destructors

In limited instances, the Division may issue permits for other portable source categories on a case-by-case basis provided the owner/operator makes an adequate demonstration on why such a permit is appropriate for the type of source.

## Designation of Portable Sources

1. Existing portable source permits for sources not included in the above listed categories will be modified to stationary source permits when the permit is revised as part of a modification request pursuant to the Division's authority under AQCC Regulation No. 3, Part B (this does not include permits that undergo administrative permit amendments).
2. Any source permitted as portable may not remain at a single site for a period of more than two years. Sources that are not relocated within two years must be re-permitted as fixed, non-portable stationary sources. A condition requiring tracking of time spent at each site will be included as an enforceable permit condition in all portable source permits. Sources wishing/required to change to fixed, non-portable sources are responsible for submitting an application to request a permit modification. Portable sources failing to relocate within two years that do not submit the appropriate permit modification request may be subject to enforcement action.

An emission unit is not considered portable if the emission unit and its replacement (if applicable) remain at the same site for more than two years. Any emission unit, such as a backup or stand-by unit or a replacement authorized under an Alternative Operating Scenario (AOS), that replaces an emission unit at a site and is intended to perform the same function as the unit being replaced, will be included in calculating the consecutive time period. In this case, the cumulative time of both emissions units, including the time between the removal of the original unit and installation of the replacement unit, will be counted toward the consecutive time period.

A source may regain portable status after operating at a given site for more than two years by being re-permitted as a portable source *and* moving to a new site.

## Portable Source Permit Applications

3. For unpermitted sources, if the addition of a portable unit increases the facility's uncontrolled actual emissions above any of the applicable permitting thresholds contained in Regulation No. 3, then either a facility-wide permit or individual construction permits will be required for all the facility's non-grandfathered emission units that are required to submit an Air Pollutant Emission Notice (APEN) and are not otherwise categorically exempt from construction permitting requirements.
4. The public notice requirements contained in Regulation No. 3, Part B, Section III.C and further explained in PS Memo 99-06 apply to portable sources. If a true minor portable source is willing to accept a permit condition that prohibits operation in non-attainment areas, public comment is generally not required unless permitted emissions of any criteria pollutant exceed 50 tons per year (200 pounds per year for lead). If the source is not willing to accept such a restriction, and there is an existing non-attainment area in the State of Colorado, then public comment is required if permitted emissions exceed 25 tons per year for the non-attainment pollutants or their precursors. Public comment is also required as part of the permitting process for portable sources that are by themselves synthetic minor sources or that based on their initial location will create a new synthetic minor source.

5. Refer to the “Colorado Modeling Guideline for Air Quality Permits” to determine what type of impact analysis is warranted.

### **Relocation of Portable Sources**

6. The owner/operator of a portable source is responsible for determining any additional permitting and/or regulatory requirements that will result on a *facility-wide* basis once the portable source is installed at its initial location. All portable source permit applications must include an inventory of permitted/allowable emissions for all emission points at the initial location. This same information must be provided with the relocation notice when the emission unit is relocated. Potential regulatory issues that should be considered include, but are not limited to: conversion of an existing true or synthetic minor source to a major source for Title V Operating Permit and/or PSD purposes, NESHAP/Maximum Achievable Control Technology (MACT)/Generally Available Control Technology (GACT) standard applicability, and causing a previously exempt source to become subject to permit requirements under Regulation No. 3, Part B, Section II.D.5.

If the owner/operator does not know where it will initially be locating the source when applying for the permit, it may identify a storage yard or central office location. Site-specific analyses such as the emissions inventory and impact analysis for the first place of operation shall be submitted with the relocation and startup notices.

7. If the portable unit is to be relocated to an existing facility and this addition causes the facility-wide potential to emit to exceed the Title V Operating Permit thresholds (100 tons per year of criteria pollutants, 10 tons per year of a single hazardous air pollutant [HAP], or 25 tons per year of total HAPs), an Operating Permit application for the entire facility must be submitted within twelve months of the relocation of the portable unit.

If the portable unit is moved from the facility within twelve months of the initial relocation, no Title V Operating Permit application is required. However, if another portable unit is relocated to the same facility and that addition causes the potential to emit to exceed a Title V threshold, a Title V permit application shall be submitted one year from the original portable units’ initial relocation date or at the time of relocation of the second portable unit, whichever is later.

In addition, a portable unit relocated to an existing major source for Title V Operating Permit purposes would be required to submit an application to modify their Title V permit within twelve months of the relocation to incorporate the portable unit into the existing Title V Operating Permit. If the portable unit is moved from the facility within twelve months of the initial relocation, no Title V permit application is required. However, if another portable unit is relocated to the facility, an application to modify the existing Title V permit shall be submitted one year from the original portable units’ initial relocation date or at the time of relocation of the second portable unit, whichever is later

8. Relocation notices must be received by the Division at least 10 days prior to the move and must include an inventory of the existing emissions at the new site and state if any

additional regulatory requirements will be triggered. A copy of all relocation notices filed shall be kept by the owner/operator. Permit conditions will be added to portable source permits requiring the owner/operator to: (1) keep accurate emissions inventories of each facility the unit is relocating to, including the emissions of all other portable sources on site and make this information available for inspection upon request; and (2) provide an impact analysis or the information necessary to perform such an analysis consistent with the "Colorado Modeling Guideline for Air Quality Permits" if requested by the Division.