PS Memo #: PS Memo 95-08 Revision 1

TO: Stationary Sources Program Staff and Local Agencies

FROM: Jim Geier, P.E., Dennis M. Myers, P.E., revision 1: R K Hancock III, P.E.

DATE: September 21, 1995, revision 1: July 2, 2013

RE: **House Bill 1326 Implementation**

During the 1995 legislative session House Bill 1326 added a new subsection 25-7-114.4 to the Colorado Revised Statutes. This section reads as follows:

"Permit applications and contents. (4) For any permitted sand and gravel operation or crushed stone quarry or oil and gas well operation, if a breakdown of equipment or changes in market conditions require any additional crusher or screen or skid-mounted compressor or glycol dehydrator to be brought onto a site, the air pollutant emission notice filed under section 25-7-114.1 shall also serve as an application for a permit under the provisions of this section to continue operations at such a site with alternative or additional equipment until such permit is issued stating emission limitations."

The Division interprets this change to mean the following:

1. For **permitted** sand and gravel pits or crushed stone quarries, the owner or operator may bring a new crusher or screen on site and start operation with this equipment simply by filing an Air Pollution Emission Notice (APEN) with the Colorado Air Pollution Control Division (the Division) for that equipment. The filing of the APEN will allow the source to operate the equipment until such time as the Division is able to process and issue a Construction permit for the equipment. The source needs to inform the Division when filing the APEN that they are applying under the provisions of this section. Once the APEN is received a formal application form will be requested, however completeness processing will commence with the APEN log-in date.

   Electric generation engines associated with such crusher or screen that are required in order to power the crusher or screen may also be brought on site with the filing of an APEN provided:

   1. Requested emissions of nitrogen oxides (NOx) are less than 40 tons per year.

   2. The engine is compliant with the federal New Source Performance Standards (NSPS) Subpart IIII requirements that were applicable at the time the engine moved to Colorado per PS memo 10-03. Documentation of the date of entry into Colorado and NSPS IIII conformity shall be maintained. If no date of entry documentation is

available then the engine must meet the NSPS requirements that apply as of the date that the engine relocated to site for which the applicant is filing the APEN. Conformity documentation is not required if there is documentation to indicate the engine was in Colorado prior to the date of NSPS IIII applicability. All documentation shall be provided to the Division upon request.

Permitted refers to permits issued by the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

Permitted shall also be interpreted to include gravel pits for which an APEN has been submitted but a permit is not required (i.e. - production rate ≤70,000 tons per year).

2. For **permitted** oil and gas well operations, the owner or operator may bring on site and operate a skid mounted compressor or glycol dehydrator simply by filing of an APEN. Again the filing of the APEN will allow the source to operate the equipment until the Division can process and issue a Construction permit for the equipment. The source needs to indicate to the Division that they are applying under the provisions of this section. The Division will apply this section to oil and gas well sites only, and not to any gas processing operations.

   This flexibility is allowed provided requested emissions of NOx are less than 40 tons per year.

   Permitted once again refers to permits issued by the Air Pollution Control Division of the Colorado Department of Public Health and Environment

Relocation prior to permit issuance will not be allowed if the equipment addition would constitute a major modification or the change by itself would be major for Prevention of Significant Deterioration (PSD) or Non-Attainment Area New Source Review (NANSR).

If the equipment addition makes the facility major under the Title V Operating Permit program then the application for a Title V permit is due one year from startup at the new location. Please reference PS memo 09-01 to determine Title V application requirements for other scenarios (e.g. if you are an existing Title V facility).