



Dedicated to protecting and improving the health and environment of the people of Colorado

**ACTION: APEN REQUIRED  
PERMIT EXEMPTED**

Dear Applicant:

The Air Pollution Control Division (the Division) received your Air Pollutant Emission Notice (APEN) for your emission unit or activity that is exempt from permit requirements for one of the following reasons per Regulation No. 3, Part B, Section II.D.1.:

- A heater or boiler with a design capacity less than or equal to 10 MMBtu/hour that is fueled solely by natural gas or liquid petroleum gas (LPG); or
- Is a gasoline station located in an ozone attainment area (Any county EXCEPT the following: Douglas, Jefferson, Broomfield, Boulder, Larimer, Weld, Adams, Arapahoe, and Denver)

Actual emissions calculated and reported will be billed for this source in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes section 25-7-114.1.

This exemption from permit requirements is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon construction, installation and operation in accordance with this information and with representations made by the applicant or applicant's agents.

Please note, although exempt sources do not need air emission permits, they are still required to meet all applicable standards and regulations of the Air Quality Control Commission (AQCC) and other applicable federal standards (e.g. NSPS and MACT requirements). For potential applicable federal standards, refer to the table at the end of this letter. AQCC regulations include, but are not limited to: visible emissions shall not exceed 20% opacity.

While this source is permit exempt, filing an Air Pollutant Emissions Notice(s) (APEN) is still required to report emissions. A revised APEN shall be filed: (Reference: Regulation No. 3, Part A, Section II.C.)

- a. Annually whenever a significant increase in emissions occurs as follows:

**For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in actual emissions of five tons per year or more, above the level reported on the last APEN submitted; or

**For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires. The APEN associated with this exemption shall expire five years from submittal date. Please refer to the most recent annual fee invoice to determine the APEN expiration date for the emissions point associated with this exemption. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

Any changes with respect to the original submittal that would result in the emission source no longer qualifying for the referenced exemption automatically nullifies this exemption.



An applicant may not omit any information regarding APEN or permit exempt emission units in any permit application if such information is needed to determine the applicability of Title V, Prevention of Significant Deterioration, or nonattainment New Source Review.

**For facilities subject to a Title V Operating Permit:**

Any emission unit subject to a federal rule (e.g. NSPS, MACT) or state rule (e.g. Regulation No. 7 requirement) must be included in your Operating Permit along with the applicable requirements. The Division requires written notice of these emission units within thirty days of commencing construction. Please see Permitting Guidance Memo 09-01 (scenario #7) for more detailed information on this requirement. All Permitting Guidance Memos can be found on the Division’s website (<https://www.colorado.gov/pacific/cdphe/permitting-guidance-memos>).

Approved by the Stationary Sources Program  
Air Pollution Control Division

PERMIT EXEMPTED

Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed: <http://ecfr.gpoaccess.gov/>

Source Category	Potential Applicable Requirement		
Fuel Burning Equipment that uses gaseous fuel (e.g. boiler)	Maximum Achievable Control Technology (MACT)	40 CFR Part 63	JJJJJJ
Gasoline Station	Generally Available Control Technology (GACT)	40 CFR Part 63	CCCCCC