

written comments and recommendations, the Commission shall publish a list of any inconsistency between such redesignation and such comments and recommendations and an explanation of such inconsistency (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager).

IX.F. All redesignations, except any established by an Indian governing body, shall be specifically approved; (1) by the governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, and (2) by resolutions or ordinances enacted by the general purpose units of local government representing a majority of the residents of the area to be redesignated.

IX.G. No area may be redesignated if such redesignation would cause or contribute to concentrations of any air pollutant in any other area that exceed any maximum allowable increase or maximum allowable concentration permitted under the classification of such area.

IX.H. Lands within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body.

IX.I. Any redesignation shall constitute a revision to the Colorado State Implementation Plan and shall be submitted for approval to the Administrator of the U.S. EPA.

IX.J. Any redesignation or denial of a proper request for redesignation made pursuant to this Section IX. shall be subject to judicial review in accord with Colorado Revised Statute Section 25-7-120.

IX.K. Any area other than an area to which Sections VIII.A. or VIII.C. refer to may be redesignated as Class III if any major stationary source or major modification could receive a permit only if the area in question were redesignated as Class III, and any material submitted as part of that application were available, insofar as was practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.

X. Air Quality Limitations

X.A. Ambient Air Increments

X.A.1. The maximum allowable increases over the baseline concentration for sulfur dioxide, PM10, PM2.5 or nitrogen dioxide except as provided in Section VIII.B. of this part, are:

X.A.1.a. For any Class I area:

PM2.5 (µg/m³)	
Annual arithmetic mean	1
Twenty-four hour maximum	2
PM10 (µg/m³)	
Annual arithmetic mean	4
Twenty-four hour maximum	8
Sulfur dioxide (µg/m³)	
Annual arithmetic mean	2
Twenty-four hour maximum	5
Three hour maximum	25
Nitrogen dioxide (µg/m³)	
Annual arithmetic mean	2.5

X.A.1.b. For any Class II area:

PM2.5 ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	4
Twenty-four hour maximum	9
PM10 ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	17
Twenty-four hour maximum	30
Sulfur dioxide ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	20
Twenty-four hour maximum	91
Three hour maximum	512
Nitrogen dioxide ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	25

X.A.1.c. For any Class III area:

PM2.5 ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	8
Twenty-four hour maximum	18
PM10 ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	34
Twenty-four hour maximum	60
Sulfur dioxide ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	40
Twenty-four hour maximum	182
Three hour maximum	700
Nitrogen dioxide ($\mu\text{g}/\text{m}^3$)	
Annual arithmetic mean	50

X.A.2. The maximum allowable increases over the baseline concentration for any other air pollutant shall be the same as those increases established pursuant to Section 165(a) of the Federal Act.

X.A.3. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

X.A.4. Periodic Review

X.A.4.a. The Division shall, on a periodic basis, review the adequacy of this Regulation Number 3 for preventing significant deterioration of air quality. Within thirty days after any information becomes available and there is cause to believe that an applicable increment is being violated, the Division shall present the cause for such belief to the Commission.

X.A.4.b. If the Commission concurs that there is cause to believe that an increment is being violated, it shall hold a hearing to determine whether an increment violation exists. The hearing shall be held pursuant to the procedures of Colorado Revised Statute Section 25-7-119. Notice should be given by first class mail to permitted sources that can be reasonably identified as emitting the pollutant in violation and affecting the area of violation.

X.A.4.c. Should the Commission determine that an increment violation exists, the Division shall review all sources affecting the area of increment violation and

ensure that all such sources comply with all applicable permit conditions, and state and local regulations. Within thirty days after completing such a review, the Division shall recommend revisions, if necessary, to the Commission to correct the violation. Upon receipt of recommended revisions from the Division, the Commission shall as soon as practicable act to revise this regulation as it deems necessary.

X.A.5. Increment Consumption Restriction

X.A.5.a. No new major stationary source or major modification shall individually consume more than seventy-five percent of an applicable increment.

X.A.5.a.(i) Applicants may request a hearing before the Commission to request a waiver of this restriction. The hearing shall be heard in accordance with the provisions of Colorado Revised Statute Sections 25-7-114 (4)(h), 25-7-119 (Colorado Air Pollution Prevention and Control Act), and Colorado Revised Statute 24-4-105 (State Administrative Procedure Act).

X.A.5.a.(i)(A) The Commission shall not set a hearing date for a waiver request until submittal of comments, or evidence of an opportunity for submittal of comments by all appropriate regional planning agencies and councils of government organizations, affected municipalities and other affected political subdivisions has occurred.

X.A.5.a.(i)(B) Ambient Air Limits. No concentrations of a pollutant shall exceed a national ambient air quality standard or a state ambient air standard where no national ambient air quality standard has been established.

XI. Exclusions From Increment Consumption

XI.A. The following concentrations are excluded in determining compliance with a maximum allowable increase:

XI.A.1. Concentrations attributable to the increase in emissions from stationary sources that have converted from the use of petroleum products, natural gas, or both by an order in effect under Sections 2(a) and (b) of the federal "Energy Supply and Environmental Coordination Act of 1974" (or any superseding legislation) over the emissions from such sources before the effective date of such an order, but not more than five years after the effective date of such an order.

XI.A.2. Concentrations attributable to the increase in emissions from sources that have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal "Power Act" over the emissions from such sources before the effective date of such plan, but not more than five years after the effective date of the plan.

XI.A.3. Concentrations of particulate matter attributable to an increase in emissions from construction or other temporary emission-related activities of new or modified sources.