

~~Municipal Solid Waste Landfill Gases (measured as non-methane organic compounds): 45 megagrams per year (50 tons per year)~~

~~II.A.42.b. Significant means, in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant that this definition does not list, any emissions rate, except that this definition shall not apply to hazardous air pollutants listed in or pursuant to Section 112 of the Federal Act.~~

~~II.A.42.c. Notwithstanding the significant emission rates above, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification, that would construct within ten kilometers of a Class I area, and have an impact on such area equal to or greater than one microgram/cubic meter ((g/m³) (twenty-four hour average).~~

~~II.A.43. *Significant Emissions Increase*~~

~~For a regulated NSR pollutant, an increase in emissions that is significant (as defined in Section II.A.42. of this Part D) for that pollutant.~~

~~II.A.44. *Significant Emissions Unit*~~

~~An emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in Section II.A.42. of this Part D or in the Federal Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit (as defined in Section II.A.21. of this part).~~

~~II.A.45. *Small Emissions Unit*~~

~~An emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant (as defined in Section II.A.32. of this Part D or in the Federal Act, whichever is lower).~~

~~II.A.46. *Temporary Clean Coal Technology Demonstration Project*~~

~~A clean coal technology demonstration project that is operated for a period of five years or less, and that complies with the state implementation plan and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.~~

III. Permit Review Procedures

~~III.A. Major stationary sources subject to the requirements of this Part D must apply for and obtain a Construction Permit in accordance with the procedures and requirements in Part B or an Operating permit in accordance with the procedures and requirements in Part C.~~

~~III.B. The Division shall complete the processing of applications (including any requested public hearing) for sources subject Section VI. of this Part D within twelve months of receipt of a complete application.~~

IV. Public Comment Requirements

~~IV.A. When public comment is required, or when the Division determines that an application warrants public comment in accordance with Section III.C.3. of Part B of this regulation, the Division shall, within fifteen calendar days after the preparation of the preliminary analysis, cause public notice of the application to be published in a newspaper of general distribution in the~~

area in which the proposed project or activity is or will be located, and by such other means as necessary to assure notice to the affected public, which may include posting of such notice on the publicly accessible portion of the Division's web site, and cause a copy of the application, the preliminary analysis and the draft permit to be filed with the county clerk for each county in which the source is, or will be, located. The Division shall send written or electronic notice to persons requesting a notice of permit applications for the type of source or geographic area.

- IV.A.1. For sources subject to the provisions of Sections V. and VI. of this part, a copy of all the materials the applicant submitted, and a copy or summary of other materials, if any, considered in making the preliminary analysis shall be filed with the county clerk for each county in which the source is or will be located. In addition, for sources subject to the provisions of Sections V. and VI., a copy of the written or electronic notice of public comment shall be sent to the applicant, the U.S. EPA Administrator, and to officials and agencies having cognizance over the location where the proposed construction would occur, including any other state or local air pollution control agencies and any state, Indian governing body or Federal Land Manager whose lands may be affected by emissions from the source or modification.
- IV.A.2. Additionally, for permit applications subject to the requirements of this Part D, the notice shall contain the following information:
- IV.A.2.a. That comments are solicited on an innovative technological system for pollution control if proposed by the applicant and that a hearing by the Commission will be held on such system if requested by any interested person;
- IV.A.2.b. That comments are solicited on the air quality impacts of the source or modification;
- IV.A.2.c. That comments are solicited on alternatives to the source or modification;
- IV.A.2.d. That any interested person may submit a written request for a public comment hearing to be held pursuant to Section 1.7.0. of the Commission's procedural rules to receive comments regarding the foregoing concerns, the sufficiency of the preliminary analysis, and whether the Division should approve or deny the permit application; and
- IV.A.2.e. The degree of increment consumption that is expected from the source or modification.
- IV.A.3. Within fifteen calendar days after the preparation of the preliminary analysis for those applications subject to the requirements of this Part D, the Division shall forward to the applicant written notice of the applicant's right to a public comment hearing with respect to the application pursuant to Section 1.7.0. of the Commission's procedural rules.
- IV.A.4. A hearing request pursuant to Section IV.A.2.a. of this Part D, regarding innovative control, must be transmitted by the Division to the Commission within twenty days after its receipt.
- IV.A.5. A hearing request pursuant to Section IV.A.2.d. of this Part D must be transmitted by the Division to the Commission, along with the complete permit application, the preliminary analysis, the draft permit, and any written comments received by the Division within five days after the end of the thirty-day comment period. At least thirty days prior to the date set for the public comment hearing, the notice of public comment

hearing, the preliminary analysis and the draft permit shall be posted on the Division's web site. No substantive revisions shall be made to the draft permit during the thirty days prior to the public comment hearing.

IV.A.6. The Commission shall hold a public comment hearing within sixty days of its receipt of the request for such hearing pursuant to Section IV.A.2. of this Part D (unless such greater time is agreed to by the applicant and the Division), but at least sixty days after receipt by any Federal Land Manager of notice and the permit application required pursuant to Section XIII.A. of this Part D. The Division shall appear at the public comment hearing in order to present the permit application. At least thirty days prior to such hearing, notice thereof shall be mailed by the Commission to the applicant, to any interested person who submitted a request for a public hearing and to any Federal Land Manager given notice pursuant to Section XIII.A., printed in a newspaper of general distribution in the area of the proposed source or modification, and submitted for public review with the county clerk for each county in which the source or modification is or will be located. Except as provided herein and in the notice, such hearings will be conducted pursuant to the Act, the Procedural Rules of the Air Quality Control Commission and the State Administrative Procedure Act, Colorado Revised Statutes, Section 24-4-101 et seq.

IV.A.7. Within fifteen days after the Division makes a final decision on an application subject to the requirements of this Part D, the Division shall make available for public inspection the decision and all public comments with the county clerk for each county where the pre-construction information was made available.

V. Requirements Applicable to Nonattainment Areas

V.A. Major Stationary Sources.

For any new major stationary source or major modification, the Division shall grant a permit if it determines that the following conditions in Sections V.A.1. through V.A.6., as well as those in Section III D.1. of Part B of this regulation, will be met:

V.A.1. The proposed source will achieve the lowest achievable emission rate for the specific source category.

V.A.2. The applicant has certified that all other existing major stationary sources owned, operated, or controlled by the applicant (or any entity controlling, controlled by, or under the common control with the applicant) in Colorado are in compliance with the requirements of the State implementation plan and the federally approved state implementation plan, or are subject to and in compliance with an enforceable compliance schedule, or a federally enforceable compliance schedule.

V.A.3. Prior to the date of commencement of operations, emission reductions (offsets) greater than one for one must be obtained from existing sources within the nonattainment area for each pollutant, or its precursors, for which the area is nonattainment.

Offsets must represent reasonable further progress towards attainment of the National Ambient Air Quality Standards when considered in connection with other new and existing sources of emissions. In addition, offsets for PM10, sulfur oxides, and carbon monoxide must show, through atmospheric modeling, a positive net air quality benefit in the area affected by the emissions. Provided, however, that offsets meeting the requirements of this Section V.A.3. may also be obtained from existing sources outside the nonattainment area if the applicant demonstrates: