PART A
CONCERNING GENERAL PROVISIONS APPLICABLE TO CONSTRUCTION PERMITS AND OPERATING PERMITS

I. APPLICABILITY

I.A. The provisions of this Part A shall apply statewide to all sources of air pollutants except as otherwise provided herein.

All sources of air pollutants that have previously obtained an emissions permit (prior to July 1, 1992) or a construction permit, and are subject only to the Part B Construction Permit Program, may choose to reapply for a new construction permit pursuant to Part B of this Regulation No. 3 in order to obtain the operational flexibility provided in section IV., of this Part A, or to obtain federally enforceable limitations to limit the source's potential to emit ("synthetic minor"). Sources of air pollutants that are subject only to the Part B Construction Permit Program may voluntarily apply for an Operating Permit pursuant to Part C.

Pursuant to Colorado Revised Statutes section 24-4-103 (12.5), materials incorporated by reference are available for public inspection during normal business hours, or copies may be obtained at a reasonable cost from the Technical Secretary of the Air Quality Control Commission (the commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, or may be examined at any State Publications Depository Library. Materials incorporated by reference are those editions in existence as of the date this regulation is promulgated or revised by the commission and references do not include later amendments to or editions of the incorporated materials.

I.B. Definitions

I.B.1. Actual Emissions

The actual rate of emission of a pollutant from an emissions unit, determined as follows:

I.B.1.a. Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit emitted the pollutant during a two-year period that precedes the particular date and is representative of normal unit operation. A different period may be used if it is more representative of normal unit operation. Actual emissions shall be calculated using actual operating hours, production rates, and types of material stored or combusted or actual emission data during the selected time period;

I.B.1.b. The division may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit only if actual emissions cannot be determined pursuant to section I.B.1.a. , above;

I.B.1.c. For any emissions unit (other than an electric utility steam generating unit specified in section I.B.69.c. that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

I.B.1.d. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the division on an annual basis, for a period of five years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten years, may be required by the division if it determines such a period to be more representative of normal source post-change operations.

I.B.2. Administrator

The administrator of the U.S. Environmental Protection Agency (U.S. EPA).

I.B.3. Adverse Environmental Effect

As a term used in the context of regulating hazardous air pollutants any significant and widespread adverse effect, that may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

I.B.4. Affected States

All states whose air quality may be affected by issuance of an operating permit, operating permit modification, or operating permit renewal and that are contiguous to Colorado; and/or all states that are within fifty miles of a permitted source.

I.B.5. Affected Unit

A unit that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation pursuant to Title IV of the Federal Act or regulations promulgated thereunder, in the Code of Federal Regulations Title 40, Part 72.

I.B.6. Air Pollutant

Means carbon monoxide, nitrogen oxides, sulfur dioxide, PM_{10}, total suspended particulates, ozone, volatile organic compounds, lead, all pollutants regulated under section 111 of the Federal Act (Regulation No. 6), all hazardous air pollutants, and all class I and class II ozone depleting compounds as defined and referenced in section 602 of the Federal Act.

I.B.7. Air Quality Related Value (for purposes of Part B - Construction Permit Program)

Any value of an area that may be affected by a change in air quality. Examples include flora, fauna, soil, water, visibility, cultural, and odor.

I.B.8. Allowable Emissions

The emissions rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions that limit the operating rate or hours of operation, or both) and the most stringent of the following:

I.B.8.a. The applicable standards promulgated pursuant to the Federal Act for new source performance or hazardous air pollutants;

I.B.8.b. The applicable Colorado Emission Control Regulation; or

I.B.8.c. The emissions rate specified as an enforceable permit condition.

I.B.9. Applicable Requirement

Means all of the following as they apply to emissions units in a source subject to operating permit requirements of this regulation (including requirements that have been promulgated or approved by the U.S. EPA through rulemaking at the time of permit issuance but have future effective compliance dates);

I.B.9.a. Any term or condition of any construction permit issued pursuant to Part B of this Regulation No. 3, or any such term or condition as modified by procedures authorized by the operating permit program pursuant to Parts B and C of this Regulation, or any permit issued under Part C or Part D of the Federal Act, except that state-only permit terms or conditions shall remain enforceable solely pursuant to state law;

I.B.9.b. Any standard or other requirement provided for in the state implementation plan;

I.B.9.c. Any standard or other requirement under section 111 of the Federal Act (New Source Performance Standards), including section 111(d) of the Federal Act (Standards of Performance for existing sources) (Regulation No. 6);

I.B.9.d. Any standard or other requirement under section 112 of the Federal Act (hazardous air pollutants, including any requirement concerning accident prevention under section 112(r)(7) of the Federal Act (Regulation No. 8)) but not including the contents of any risk management plan required under section 112(r) of the Federal Act;

I.B.9.e. Any requirements for monitoring and compliance assurance monitoring methods and procedures to ensure compliance with permit requirements, including periodic monitoring and testing, and compliance certifications, established pursuant to sections 504(b) or 114(a)(3) of the Federal Act;

I.B.9.f. Any standards or other requirement under the Code of Federal Regulations Title 40, Part 72 (acid deposition control);

I.B.9.g. Any standard or other requirement governing solid waste incineration;

I.B.9.h. Any standard or other requirement for consumer and commercial products;

I.B.9.i. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Federal Act, except where the Administrator has determined such requirement need not be contained in an operating permit (Regulation No. 15);

I.B.9.j. Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Federal Act, but only as it would apply to temporary sources permitted pursuant to Part C of this Regulation No. 3.

I.B.10. Baseline Area (for purposes of Part B - Construction Permits Only)

I.B.10.a. Any intrastate area (and every part thereof) designated as attainment or unclassifiable under sections 107(d)(1)(D) or (E) of the Federal Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one microgram/cubic meter ($\mu g/m^3$) (annual average) of the pollutant for which the minor source baseline date is established.

I.B.10.b. Any baseline area established originally for the total suspended particulate increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if the permit authority rescinds the corresponding minor source baseline date in accordance with section I.B.35.c.

I.B.11. Baseline Concentration

The ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

I.B.11.a. The actual emissions representative of sources in existence on the applicable minor source baseline date, except as otherwise provided in this definition; and

I.B.11.b. The allowable emissions from major stationary sources and major modifications that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date (for purposes of Part B - Construction Permit Program).

I.B.11.c. The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

I.B.11.c.(i) Actual emissions from any major stationary source or major modification on which construction commenced on or after the major source baseline date; and

I.B.11.c.(ii) Actual emission increases and decreases at any stationary source occurring after the minor source baseline date.

I.B.12. Best Available Control Technology

An emission limitation (including a visible emissions standard) based on the maximum degree of reduction of each air pollutant subject to regulation under the Federal Act that would be emitted from any proposed major stationary source or major modification that the division or commission, on a case-by-case basis, taking into account the duration of the source or modification and energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available control technology result in emissions of any air pollutants that would exceed emissions allowed by the applicable standards in the Code of Federal Regulations, Title 40, Parts 60 and 61 (Regulations Nos. 6 and 8) as in effect on the effective date of this clause, but not including later amendments, unless such amendments are specifically incorporated by reference in accordance with the provisions of Colorado Revised Statutes section 24-4-103 (12.5).

Information as to the availability of such standards may be obtained from the Director, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. If the division or commission determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, it may instead prescribe a design, equipment, work practices, operational standard or combination thereof, to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means that achieve equivalent results.

I.B.13. Commenced Construction

When the owner or operator has obtained all necessary pre-construction approvals or permits required by federal, state, or local air pollution and air quality laws and regulations and has either; (a) begun, or caused to begin, a continuous program of physical onsite construction of the source, or (b) entered into binding agreements or contractual obligation that cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time. The following activities do not require the owner or operator to obtain a permit: 1) planning; 2) site clearing and grading; 3) ordering of equipment and materials; 4) storing of equipment; 5) setting up temporary trailers to house construction management staff and contractor personnel; 6) engineering and design; and 7) geotechnical investigation. In the event that the source does not qualify for issuance of a permit, the owner or operator accepts the financial risk of commencing these activities.

I.B.14. Commencement of Operation

A new source commences operation when it first conducts the activity that it was designed and permitted for (i.e., producing cement or generating electricity).

I.B.15. Complete (For purposes of the Prevention of Significant Deterioration program)

In reference to an application for a permit, an application that contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the division from requesting or accepting any additional information.

I.B.15.a. At a minimum, a complete application for a permit to construct a major source or major modification subject to the requirements of Regulation No. 3, section IV.D.3., Part B, shall include:

I.B.15.a.(i) All monitoring data required pursuant to this regulation and an analysis of ambient air quality in accordance with section IV.D.3.a.(iii), Part B;

I.B.15.a.(ii) The impact analysis required by section IV.D.3.a.(ii), Part B, a written summary of the data inputs to the model and a topographic presentation of the resultant concentrations of each pollutant modeled for each applicable ambient standard or Prevention of Significant Deterioration increment within the impact area of the source;

I.B.15.a.(iii) A report of the regulatory status of the model pursuant to section VIII.A.1., Part A;

I.B.15.a.(iv) A demonstration that the proposed technological system of continuous emission reduction that is to be used will enable such source to comply consistently with the standards of performance that are to apply to such source and that the emission inputs to the model for the impact analysis are equivalent to the emissions allowed by such standards of performance;

I.B.15.a.(v) A description of the devices or systems that will be installed to monitor the emissions of each pollutant that will be emitted in significant amounts, maintaining such devices or systems, and the schedule and format for reporting the results of such emission monitoring to the division;

I.B.15.a.(vi) The additional impact analysis required by section IV.D.3.a.(vi), Part B; any demonstration of facts needed to establish a claim by the applicant to qualify for any exemption or exclusion under section IV.D.3.b., Part B;

I.B.15.a.(vii) A schedule of construction in accordance with section IV.G.4., Part B;

I.B.15.a.(viii) An additional copy of the application for the federal land manager of each affected Class 1 area, for the U.S. EPA, for the county commissioner, and for public notice (county clerk). Two additional copies shall be submitted for interested public groups.

I.B.16. Reserved

I.B.17. Construction Permit

Means the same as an emission permit as required under Part B of this regulation as it existed prior to July 1, 1992 and is the permit required under Colorado Revised Statutes section 25-7-114.2, after July 1, 1992.

I.B.18. Designated Representative

Means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of Code of Federal Regulations, Title 40, Part 72, to represent and legally bind each owner and operator, as a matter of law, in matters pertaining to the acid rain program. Whenever the term responsible official is used, it shall be deemed to refer to the designated representative with regard to all matters under the acid rain program.

I.B.19. Draft Permit

Means a proposed form of a permit that is released to the public for an opportunity for public comment and hearing, and for affected state review prior to the division's final decision on a permit application.

I.B.20. Emissions Allowable Under the Permit

Means: (a) a federally-enforceable term or condition that is determined at the time of permit issuance to be required by an applicable requirement that establishes an emission limit (including a work practice standard); or (b) a federally enforceable emissions cap that the source has assumed in order to avoid an otherwise applicable requirement.

I.B.21. Reserved

I.B.22. Federal Land Manager (FLM)

With respect to any lands of the United States, the secretary of the department with authority over such lands.

I.B.23. Reserved

I.B.24. Fugitive Dust

For purposes of Regulation No. 3 fugitive dust means soil or other airborne particulate matter (excluding particulates produced directly during combustion) resulting from natural forces or from surface use or disturbance, including, but not limited to, all dust from agriculture, construction, forestry, unpaved roads, mining, exploration, or similar activities in which earth is either moved, stored, transported, or redistributed; except that fugitive dust shall not include any fraction of such soil or other airborne particulate matter that is of a size or substance to adversely affect public health or welfare.

I.B.25. Reserved

I.B.26. General Permit

Means a single permit issued to cover numerous similar sources.

I.B.27. Reserved

I.B.28. Reserved

I.B.29. Reserved

I.B.30. Reserved

I.B.31. Reserved

I.B.32. Innovative Control Technology

Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

I.B.33. Lowest Achievable Emissions Rate (LAER)

For any source, the more stringent rate of emissions based on the following:

I.B.33.a. The most stringent emission limit contained in any state implementation plan for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limits are not achievable; or

I.B.33.b. The most stringent emission limitation that is achieved in practice or can reasonably be expected to occur in practice by such class or category of source, taking into consideration the pollutant that must be controlled. In no event shall a source emit any pollutant in excess of the amount allowable under an applicable new source performance standard (Regulation No. 6).

I.B.34. Major Source Baseline Date

I.B.34.a. In the case of particulate matter and sulfur dioxide, January 6, 1975; and

I.B.34.b. In the case of nitrogen dioxide, February 8, 1988.

I.B.35. Minor Source Baseline Date

I.B.35.a. The earliest date after the trigger date that a major stationary source or a major modification subject to the requirements of Regulation No. 3, Part B, section

IV.D.3. or Code of Federal Regulations, Title 40, Part 52.21, submits a complete application under the relevant regulations. The trigger date is:

I.B.35.a.(i) In the case of particulate matter and sulfur dioxide, August 7, 1977; and

I.B.35.a.(ii) In the case of nitrogen dioxide, February 8, 1988.

I.B.35.b. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

I.B.35.b.(i) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under sections 107(d)(1)(D) or (E) of the Federal Act for the pollutant on the date of its complete application under Regulation No. 3, Part B, section IV.D.3.; and

I.B.35.b.(ii) In the case of a major stationary source the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

I.B.35.c. Any minor source baseline date established originally for the Total Suspended Particulates increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the division may rescind any such minor source baseline date where it can be shown, to the satisfaction of the division, that the emissions increase from the major stationary source, or the net emissions increase from the major modification responsible for triggering that date, did not result in a significant amount of PM_{10} emissions.

I.B.36. Modification Definitions

I.B.36.a. Administrative Permit Amendment.

A permit revision that:

I.B.36.a.(i) Corrects typographical errors;

I.B.36.a.(ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

I.B.36.a.(iii) Requires more frequent monitoring or reporting by the permittee;

I.B.36.a.(iv) Allows for a change in ownership or operational control of a source where the division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the division;

An administrative permit amendment for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under Title IV of the Federal Act, found at Code of Federal Regulations Title 40, Part 72.

I.B.36.b. Major Modification (applicable to Prevention of Significant Deterioration and Nonattainment New Source Review program)

Means any physical change or change in the method of operation of, or addition to a major stationary source that would result in a significant net emissions increase of any air pollutant subject to regulation under the Federal Act or the State Act (taking into account all emissions decreases and increases at the source that would accompany the modification).

I.B.36.b.(i) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

In the Denver Metropolitan PM_{10} nonattainment area, any net emission increase that is significant for sulfur dioxide or nitrogen oxides shall be considered significant for PM_{10}.

I.B.36.b.(ii) A physical change or change in the method of operation shall not include routine maintenance, repair, and replacement.

I.B.36.b.(iii) A physical change or change in the method of operation, unless previously limited by any enforceable or federally enforceable permit condition that was established after January 6, 1975, for sources in attainment or unclassifiable areas and December 21, 1976, for sources in nonattainment areas, shall not include:

I.B.36.b.(iii)(A) Use of an alternative fuel or raw material by reason of 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), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

I.B.36.b.(iii)(B) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Act;

I.B.36.b.(iii)(C) Use of an alternative fuel or raw material that, prior to January 6, 1975 for a source in an attainment or unclassifiable area, and prior to December 21, 1976 for a source in a nonattainment area, the stationary source was capable of accommodating, or that the source is approved to use under any permit issued under Code of Federal Regulations Title 40, Subparts 1, or 52.21, or under Regulation No. 3.

I.B.36.b.(iii)(D) An increase in the production rate, unless such change would be prohibited under a federally enforceable permit condition;

I.B.36.b.(iii)(E) An increase in the hours of operation, unless such increase would be prohibited under a federally enforceable permit condition; or

I.B.36.b.(iii)(F) Any change in ownership of a stationary source.

~~I.B.36.b.(iii)(G) The addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the division determines that such addition, replacement, or use renders the unit less environmentally beneficial, except:~~

~~I.B.36.b.(iii)(G)(1) When the division has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Act, if any, and~~

~~I.B.36.b.(iii)(G)(2) The division determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or Prevention of Significant Deterioration increment, or visibility limitation.~~

I.B.36.b.(iii)(H) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

I.B.36.b.(iii)(H)(1) The Colorado State Implementation Plan, and

I.B.36.b.(iii)(H)(2) Other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

I.B.36.b.(iii)(I) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

I.B.36.b.(iii)(J) The reactivation of a very clean coal-fired electric utility steam generating unit.

I.B.36.b.(iv) Emissions caused by indirect sources of pollution, emissions from internal combustion engines on any vehicle, and emissions resulting from temporary construction or exploration activities shall be excluded in determining whether a major modification will occur.

Emissions from on-going construction are not considered to be temporary emissions, and are included in determining whether a major modification will occur.

I.B.36.b.(v) Fugitive emissions from the listed sources in Code of Federal Regulations Title 40, Part 70, Section 70.2 (Definition of "major source"), including sources regulated under section 111 or 112 of the Federal Act (Regulations No. 6 and 8), shall, to the extent quantifiable, be considered in calculating the potential to emit of the modification for sources subject to an operating permit. For purposes of Prevention of Significant Deterioration and Nonattainment New Source Review, fugitive emissions from the listed sources in section I.B.59.e.(i) and any other stationary source category that, as of August 7, 1980 was regulated under 111 or 112 of the Federal Act (Regulations Nos. 6 and 8) shall, to the extent quantifiable, be considered in calculating the potential to emit of the modification.

I.B.36.c. Minor Permit Modification

Any revision to an operating permit issued by the division that meets the criteria of sections X., or XI., of Part C.

I.B.36.d. Modification (for purposes of Part B only)

Any physical change in, or change in the method of operation of, a stationary source that does not meet the definition of major modification, and that increases the emission rate of any pollutant for which a federal or state emission standard has been promulgated or that results in the emission of any such pollutant previously not emitted. The following exceptions apply:

I.B.36.d.(i) Routine maintenance, repair, and replacement shall not be considered a physical change;

I.B.36.d.(ii) Unless previously limited by enforceable permit terms and conditions, the following shall not be considered to be a change in the method of operation:

I.B.36.d.(ii)(A) An increase in the production rate if such increase does not exceed the design capacity of the source and does not lead to emissions in excess of the emission standards;

I.B.36.d.(ii)(B) An increase in the hours of operation that does not lead to emissions in excess of the emission standards.

I.B.36.d.(ii)(C) Use of an alternative fuel or raw material by reason of 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), a prohibition under the Federal Power Plan and Industrial Fuel Act of 1978 (or any superseding legislation) or by

reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

I.B.36.d.(ii)(D) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Act; or

I.B.36.d.(ii)(E) Change in ownership of the source.

I.B.36.d.(iii) Emissions resulting from construction and exploration shall be excluded in determining whether a modification will occur. Emissions from on-going construction, and emissions from natural gas flaring are not considered to be temporary emissions, and are included in determining whether a modification will occur.

I.B.36.d.(iv) This definition shall not be used as a definition of major modification or minor permit modification-- these are distinct and separate definitions.

I.B.36.d.(v) Any physical change or change in the method of operation at a source with an operating permit issued pursuant to Part C of this Regulation No. 3, that does not constitute a major modification as defined in Part A, section I.B.36.b., of Regulation No. 3 and that does not trigger new source performance standards or hazardous air pollutant requirements under the Federal Act is not considered to be a modification; except that any such change shall trigger the provisions of Part C, section X.A., and Part B, section IV.D.1.a.-h., Part C, sections XII.A., or XII.B., as appropriate.

I.B.36.e. Permit Modification (operating permits only): means any revision to an operating permit issued by the division that cannot be accomplished under the administrative permit amendment procedures set forth in section III., of this Part A, or the minor permit modification procedures set forth in sections X., or XI., of Part C. A permit modification for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under Title IV of the Federal Act, found at Code of Federal Regulations, Title 40, Part 72.

I.B.36.f. Permit Revision: means any permit modification, minor permit modification, or administrative permit amendment. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program provided that such increases do not require a permit revision under any other applicable requirement.

I.B.36.g. Reconstruction: will be presumed to have taken place where the fixed capital cost of the new components exceed fifty percent of the fixed capital cost of an entirely new stationary source. Any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions in Regulation No. 6. In determining lowest achievable emission rate for a reconstructed stationary source, the provisions of Regulation No. 6 shall be taken into account in assessing whether a new source performance standard is applicable to such stationary source.

I.B.36.h. Significant Permit Modification: means all operating permit modifications that do not qualify as minor permit modifications or as administrative permit amendments. At a minimum, a significant permit modification shall include:

I.B.36.h.(i) Any change that causes a significant increase in the rate of emissions as described by any permit term or condition;

I.B.36.h.(ii) Any change that is considered a modification under Title I of the Federal Act;

I.B.36.h.(iii) Any change that requires or changes a case-by-case determination of an emission limitation or other standard;

I.B.36.h.(iv) Any change that requires or changes a source-specific determination for temporary sources of ambient impacts;

I.B.36.h.(v) Any change that requires or changes a visibility or increment analysis;

I.B.36.h.(vi) Every significant change in existing monitoring permit terms or conditions; and

I.B.36.h.(vii) Every relaxation of reporting or record keeping permit terms or conditions.

I.B.36.h.(viii) Every change that seeks to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

I.B.36.h.(viii)(A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Federal Act; and

I.B.36.h.(viii)(B) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Federal Act

All significant permit modifications shall be processed using the procedures set forth in Part C of Regulation No. 3 for combined Construction\Operating Permit issuance. Such source may choose to obtain a construction permit pursuant to Part B and shall subsequently meet the operating permit requirements of Part C.

I.B.37. Net Emissions Increase (This definition applies where specifically referenced in other provision of Regulation No. 3, and may also be used for purposes of section V. of Part A - "Certification and Trading of Emission Reduction Credits").

I.B.37.a. The amount by which the sum of the following exceeds zero:

I.B.37.a.(i) Any increase in the actual emissions from a particular physical change or change in the method of operation at a stationary source; and

I.B.37.a.(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

I.B.37.b. Contemporaneous - an increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

I.B.37.b.(i) The date five years before construction on the particular change commences; and

I.B.37.b.(ii) The date that the increase from the particular change occurs.

I.B.37.c. An increase or decrease in actual emissions is creditable only if:

I.B.37.c.(i) The division has not relied on it in issuing a permit for the source under Regulation No. 3, or the U.S. EPA has not relied on it in issuing a permit under Part C of the Federal Act, that permit is in effect when the increase in actual emissions from the particular change occurs; and

I.B.37.c.(ii) In order to establish a baseline emissions rate, the owner or operator submits an Air Pollutant Emission Notice to the division prior to the increase or decrease indicating actual emissions according to the definition in Regulation No. 3, Part A, section I.B.1., and the owner or operator submits a revised Air Pollutant Emission Notice to the division within one year after making the increase or decrease, or

I.B.37.c.(iii) The owner or operator provides credible, demonstrable evidence to the division of what actual emissions were before making the increase or decrease and what they were after making the increase or decrease.

I.B.37.d. An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM_{10} emissions can be used to evaluate the net emissions increase for PM_{10}.

I.B.37.e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

I.B.37.f. A decrease in actual emissions is creditable only to the extent that the division has not relied on it in issuing any permit under regulations approved pursuant to Title 40 of the Code of Federal Regulations, Part 51, Subpart I or has not relied on it in demonstrating attainment or reasonable further progress:

I.B.37.f.(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

I.B.37.f.(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and

I.B.37.f.(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

I.B.37.g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty days.

I.B.37.h. The organic compounds referenced in the common provisions definition of negligibly reactive volatile organic compounds are neither counted as reactive volatile organic compounds in determining significant ozone increases nor creditable against an increase in emissions of any volatile organic compound.

I.B.37.i. Creditable Decreases for Fuel Switching. Generally, for credit to be given for the emissions reduction in potential to emit or actual emissions resulting from a physical change or change in method of operation of a major stationary source occurring on or after the effective date of this rule, an Air Pollutant Emission Notice reporting such reduction must be filed within one year after the reduction occurs unless an extension is requested due to uncertainty as to the permanence of such reduction. At the time credit for any reduction is requested, such reduction must be enforceable. Such reductions must be enforceable through permit conditions or source specific state implementation plan revisions.

I.B.38. Reserved

I.B.39. Non-criteria Reportable Pollutants

The list of pollutants set forth in Appendix B and those ozone depleting compounds listed in section 602 of the Federal Act.

I.B.40. Nonroad Engine

I.B.40.a. Except as discussed in section I.B.40.b., of this definition, a nonroad engine is an internal combustion engine:

I.B.40.a.(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

I.B.40.a.(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

I.B.40.a.(iii) That, by itself or in or on a piece of equipment is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to wheels, skids, carrying handles, dolly, trailer or platform.

I.B.40.b. An internal combustion engine is not a nonroad engine if:

I.B.40.b.(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Act; or

I.B.40.b.(ii) The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Federal Act; or

I.B.40.b.(iii) The engine otherwise included in section I.B.40.a.(iii) of this definition remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located as a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at a single location approximately three months (or more) each year. This section does not apply to an engine after the engine is removed from the location.

I.B.40.c. Nonroad engines not co-located at an existing major source

An operator of a nonroad engine as defined in section I.B.40.a.(iii), above, with a manufacturer's site-rated horsepower of 1,200 or greater, or an aggregation of such nonroad engines each with a manufacturer's site-rated horsepower of 1,200 or greater, that operate more than 4,380 hours per year at the same location are subject to the following state-only requirements:

I.B.40.c.(i) Submit an air pollutant emission notice and pay the appropriate fees pursuant to section VI., Part A of this regulation;

~~I.B.40.c.(ii) Submit an application for a site-specific, temporary, nonroad engine permit on forms supplied by the division if the estimated actual emissions reported on the Air Pollutant Emission Notice, as required by section I.B.40.c.(i), are equal to or exceed 100 tons per year or more of nitrogen oxides, 100 tons per year or more of carbon monoxide, or 40 tons per year or more of sulfur dioxide. After receipt and review of a complete application, the division shall issue a state-only nonroad engine permit containing such terms and conditions as are necessary to protect the ambient air quality standards.~~

I.B.40.c.(iii) The operator of a nonroad engine that is exempt on the basis of hours of operation or the annual emissions thresholds described above, must maintain sufficient records to verify that the engine or engines are exempt from the state-only reporting and permit requirements. Such records shall be made available for division review upon request.

I.B.40.d. Nonroad engines co-located at an existing major source of nitrogen oxides and sulfur dioxide

An operator of a nonroad engine or aggregation of engines each with a manufacturer's site-rated horsepower of 1,200 or greater, and are nonroad engines under section I.B.40.a.(iii) of this definition, are subject to the following state-only requirements:

I.B.40.d.(i) Submit an air pollutant emission notice and pay the fees required by Part A, section VI., of this regulation;

I.B.40.d.(ii) Submit an application for a site-specific, temporary, state-only nonroad engine permit on forms supplied by the division if the estimated actual emissions reported on the air pollutant emission notice, as required by section I.B.40.d.(i), are equal to or exceed 40 tons per year or more of nitrogen oxides, 100 tons per year or more of carbon monoxide, or 40 tons per year or more of sulfur dioxide. After receipt and review of a complete application the division shall issue a temporary state-only nonroad engine permit containing such terms and conditions as are necessary to protect the ambient air quality standards.

I.B.40.d.(iii) The operator of a nonroad engine that is 1,200 horsepower or greater, but is exempt on the basis of the annual emissions thresholds described above, must maintain sufficient records to verify that the engine or engines are exempt from the state-only reporting and permit requirements. Such records shall be made available for division review upon request.

I.B.41. Operating Permit

Unless the context suggests otherwise, means any permit or group of permits covering an operating permit source that is issued, renewed, amended or revised pursuant to Regulation No. 3.

I.B.42. Operating Permit Source

Means any source subject to the permitting requirements of Part C of this regulation.

I.B.43. Reserved

I.B.44. Permit Shield (Part C - Operating Permits Only)

Means that where a source operates in compliance with all operating permit terms and conditions, the source shall be deemed in compliance with the state and Federal Acts

where the permit includes all applicable requirements of such acts, specifically states that other identified provisions are not applicable, and states that the permit shield applies. The permit shield does not apply to terms and conditions that become applicable to the source subsequent to permit issuance. The permit shield shall not alter or affect the provisions of Colorado Revised Statutes sections 25-7-112 or 25-7-113, section 303 of the Federal Act, the applicable requirements of the acid rain program, consistent with section 408(a) of the Federal Act, or the ability of the Administrator to obtain information from a source pursuant to section 114 of the Federal Act; nor shall the permit shield affect the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

I.B.45. Potential to Emit

The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state enforceable and federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

I.B.46. Reserved

I.B.47. Reserved

I.B.48. Proposed Operating Permit

Means the version of an operating permit that the division proposes to issue and forwards to the Administrator for review in compliance with the Code of Federal Regulations Title 40, Part 70, Section 70.8.

I.B.49. Reserved

I.B.50. Reserved

I.B.51. Regulated Air Pollutant

Means nitrogen oxides or any volatile organic compounds, except as listed in section I.B.37.h.; any pollutant for which a national or state ambient air quality standard has been promulgated; any pollutant that is subject to any standard promulgated under section 111 of the Federal Act (Regulation No. 6); any class I or II substance subject to a standard promulgated under or established by Title VI of the Federal Act; any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Federal Act, including sections 112(g), (j), and (r) of the Federal Act; and any pollutant subject to a standard promulgated pursuant to Colorado Revised Statutes section 25-7-109.3(5)(a), (state-only hazardous air pollutants listed in section 25-7-109.3(5)(a) are subject to state enforcement only and

do not trigger enforcement by the Administrator or by citizens under section 304 of the Federal Act.)

Once a source becomes subject to the operating permit requirements, regulated pollutants must be addressed in the permit application and in the permit.

I.B.52. Renewal of an Operating Permit

Means the process by which a permit is reissued at the end of its term.

I.B.53. Reserved

I.B.54. Responsible Official

Means one of the following:

I.B.54.a. For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

I.B.54.a.(i) The facilities employ more than two hundred and fifty persons or have gross annual sales or expenditures exceeding twenty-five million dollars (in second quarter 1980 dollars); or

I.B.54.a.(ii) The delegation of authority to such representative is approved in advance by the division;

I.B.54.b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

I.B.54.c. For a municipality, state, federal, or other public agency; either a principal executive officer, or ranking elected official. For the purposes of this section, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

I.B.54.d. For affected sources:

I.B.54.d.(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Federal Act or the regulations, found at Code of Federal Regulations Title 40, Part 72, promulgated thereunder are concerned; and

I.B.54.d.(ii) The designated representative under Title IV of the Federal Act or the Code of Federal Regulations Title 40, Part 72 for any other purposes under the Code of Federal Regulations Title 40, Part 70.

I.B.55. Schedule of compliance

Means a schedule of required measures, including an enforceable sequence of actions or operations, leading to compliance with an applicable state implementation plan, emission standard, emission limitation, emission prohibition, or emission control regulation.

I.B.56. Secondary Emissions

Emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same geographic areas as the stationary source or modification that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility that would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

I.B.57. Section 502(b)(10) Changes

Means changes that contravene an express permit term. Such changes do not violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

I.B.58. Significant

I.B.58.a. Unless the context otherwise requires, for purposes of the Colorado Prevention of Significant Deterioration program and for purposes of section IV.D.3., of Part B (nonattainment requirements) of Regulation No. 3, a significant rate of emissions in tons per year is defined as a value that would equal or exceed any of the following:

Carbon monoxide: 100 tons per year

Nitrogen Oxides: 40 (nitric oxide + nitrogen dioxide) tons per year

Sulfur dioxide: 40 tons per year

Particulate matter: 25 tons per year particulate matter emissions or, 15 tons per year of PM_{10} emissions

PM_{10} - Precursors in the Denver Metropolitan PM_{10} nonattainment area: 40 tons per year for each individual precursor (nitrogen oxides or sulfur oxides)

Ozone: 40 tons per year of volatile organic compounds

Lead: 0.6 tons per year

Fluorides: 3 tons per year

Sulfuric acid mist: 7 tons per year

Hydrogen sulfide: 10 tons per year

Total reduced sulfur (including hydrogen sulfide: 10 tons per year)

Reduced sulfur compounds (including hydrogen sulfide: 10 tons per year)

Municipal Waste Combustor Organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tons per year)

Municipal Waste Combustor Metals (measured as particulate matter): 14 megagrams per year (15 tons per year)

Municipal Waste Combustor Acid Gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year)

Municipal Solid Waste Landfill Gases (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

I.B.58.b. Significant means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the state Act or the Federal Act 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.

I.B.58.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 ($\mu g/m^3$) (twenty-four hour average).

I.B.59. Source Definitions

Affected Source: (acid deposition program) means a source of air pollutants that includes one or more fossil fuel fired combustion devices subject to emission reduction requirements or limitations under Title IV of the Federal Act, Code of Federal Regulations Title 40, Part 72, or under the state Act.

Existing Source: An air pollutant source that has been constructed, is in operation, or has received an initial approval of a construction permit prior to the effective date of applicable requirements.

Indirect Source: A facility, building, structure, or installation, or any combination thereof, excluding dwellings, which can reasonably be expected to cause or induce substantial mobile source activity that results in emissions of air pollutants that might

reasonably be expected to interfere with the attainment and maintenance of National Ambient Air Quality Standards.

Major Source: (for purposes of Part C - operating permits) means any stationary source or group of stationary sources that have the same two digit standard industrial code, are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) that:

I.B.59.a. Directly emits, or has the potential to emit considering enforceable controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants, or such lesser quantity of hazardous air pollutants as may be established pursuant to the Federal Act. Emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources, and in the case of any oil or gas exploration or production well (with its associated equipment), such emissions shall not be aggregated for any purpose under this provision. Fugitive emissions shall be considered in determining whether a stationary source of hazardous air pollutants is a major source.

I.B.59.b. Directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant. Fugitive emissions shall be considered in determining whether a source is a major stationary source for purposes of this section I.B.59.b., with regard to those source categories that are listed in section I.B.59.e.(i) of that definition, Part A, Regulation No. 3, and with regard to all other stationary source categories regulated by a standard promulgated as of August 7, 1980 under section 111 or 112 of the Federal Act, but only with respect to those air pollutants that have been regulated for that category.

I.B.59.c. Meets any of the definitions of major stationary source set forth in section I.B.59., of this Regulation No. 3.

Major Stationary Source: (for purposes of Part B, Construction Permits)

I.B.59.d. For the purpose of determining whether a source in a nonattainment area is subject to the requirements of Regulation 3, Part B, section IV.D.2., and whether a source in an attainment area affecting a nonattainment area is subject to the requirements of Part B, section IV.D.3.d., major stationary source means any stationary source of air pollutants which emits, or has the potential to emit , one hundred tons per year or more of any pollutant regulated under the Federal Act for which the area is nonattainment. In the Denver Metropolitan PM_{10} nonattainment area, sulfur dioxide and nitrogen oxides shall be treated as PM_{10} precursors, and any source that is major for these precursors is subject to the nonattainment new source review provisions. Additionally, a source causing or contributing to a violation of a national ambient air quality standard for any pollutant regulated under section 110 of

the Federal Act shall be considered major when it has the potential to emit one hundred tons per year or more of that pollutant. The source will be considered to cause or contribute to a violation when the source exceeds the significance levels in the table under section IV.D.3.d.(ii), Part B. Such source is subject to the requirements of section IV.D.3.

I.B.59.e. For the purpose of determining whether a source in an attainment or unclassifiable area is subject to the requirements of Regulation No. 3, Part B, section IV.D.3., (except section IV.D.3.d.) and sections VIII., IX., and X., major stationary source means:

I.B.59.e.(i) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Federal Act: fossil fuel-fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a total storage capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants, and charcoal production plants.

I.B.59.e.(ii) Any other stationary source which emits, or has the potential to emit two hundred and fifty tons per year or more of any air pollutant regulated under the Federal Act.

I.B.59.f. Major stationary source includes any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source under this definition if the change would constitute a major stationary source by itself.

I.B.59.g. A major source that is major for volatile organic compounds shall be considered major for ozone, except that none of the emissions of the volatile organic compounds listed in section I.B.37.h., shall be included in the determination of major for ozone.

I.B.59.h. Emissions caused by indirect air pollution sources, emissions from internal combustion engines on any vehicle, and emissions resulting from temporary activities, such as construction or exploration, shall be excluded in determining whether a source is a major stationary source. Emissions from

on-going construction are not considered to be temporary emissions and are included in determining whether a major modification will occur.

I.B.59.i. Fugitive emissions from any source category listed in section I.B.59.e.(i) of this definition, and any other stationary source category, which as of August 7, 1980 was regulated under section 111 or, 112 of the Federal Act (Regulations Nos. 6 and 8), shall be included in determining whether a source is a major stationary source.

I.B.59.j. A major source in the Denver Metropolitan PM_{10} nonattainment area that is major for sulfur dioxide or nitrogen oxides shall be considered major for PM_{10}.

Mobile Source: Motor vehicles and other sources of air pollution that emit pollutants while moving and that commonly do not remain at one site (one or more contiguous or adjacent properties owned or operated by the same person or by persons under common control), but does not include portable sources.

New Source: A stationary air pollution source, other than an existing source; or any source that resumes operation after being inactive for more than one year after having been shut down for the purpose of eliminating emissions that violated any applicable emission control regulation or regulation for the control of hazardous air pollutants.

Portable Source: A source such as, but not limited to, asphalt batch plants and aggregate crushers that commonly and by usual practice are moved from one site to another. A source will not be considered portable if it remains on one site for more than two years.

Stationary Source: Any building, structure, facility, equipment, or installation, or any combination thereof belonging to the same industrial grouping, that emits or may emit any air pollutant subject to regulation under the Federal Act, that is located on one or more contiguous or adjacent properties and that is owned or operated by the same person or by persons under common control. Those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine as defined in section I.B.40., of this regulation shall not be considered a stationary source. Building, structures, facilities, equipment, and installations shall be considered to belong to the same industrial grouping if they belong to the same major groups (i.e., have the same two-digit codes) as described in the Standard Industrial Classification Manual, 1987, but not later amendments. See National Technical Information Service, Order No. PB 87-100012. The manual is available for examination at the office of the Director of the Air Pollution Control Division, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

Temporary Source: Not more than two years in duration unless the division determines that a longer time period is appropriate.

I.B.60. Reserved

I.B.61. Reserved

I.B.62. Reserved

I.B.63. State-only Condition

Means any standard, term or condition that is not required by Part C (Prevention of Significant Deterioration), Part D (nonattainment), Title V (operating permit program), Title III (hazardous air pollutants) or section 111 (New Source Performance Standards) of the Federal Act, is not required to be federally enforceable to participate in the early reductions program, is not required to create a federally enforceable emissions limitation in order to create a synthetic minor source, or is otherwise more stringent than a requirement under the Federal Act.

I.B.64. Reserved

I.B.65. Reserved

I.B.66. Reserved

I.B.67. Volatile Organic Compound (see Common Provisions Regulation)

I.B.68. Reserved

I.B.69. WEPCO (Wisconsin Electric Power Company) Definitions

I.B.69.a. Clean Coal Technology

Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

I.B.69.b. Clean Coal Technology Demonstration Project

A project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of $2.5 billion for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA. The federal contribution for a qualifying project shall be at least twenty percent of the total cost of the demonstration project.

I.B.69.c. Electric Utility Steam Generating Unit

Any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electrical output capacity and more than twenty-five megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would

produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

I.B.69.d. Pollution Control Project

Any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

I.B.69.d.(i) The installation of conventional or innovative pollution control technology, including, but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

I.B.69.d.(ii) An activity or project to accommodate switching to a fuel which is less polluting that the fuel in use prior to the activity or project, including, but not limited to natural gas or coal re-burning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;

I.B.69.d.(iii) A permanent clean coal technology demonstration project conducted under Title II, section 101(d) of the Further Continuing Appropriations Act of 1985 (Section 5903(d) of Title 42 of the United States Code, or subsequent appropriations, up to a total amount of $2.5 billion for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the U.S. EPA; or

I.B.69.d.(iv) A permanent clean coal technology demonstration project that constitutes a repowering project.

I.B.69.e. Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit

Any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

I.B.69.e.(i) Has not been in operation for the two year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of the enactment;

I.B.69.e.(ii) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five percent and a removal efficiency for particulates of no less than ninety-eight percent;

I.B.69.e.(iii) Is equipped with low-nitrogen oxide burners prior to the time of commencement of operations following reactivation; and

I.B.69.e.(iv) Is otherwise in compliance with the requirements of the Federal Act.

I.B.69.f. Repowering

I.B.69.f.(i) Replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magneto hydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

I.B.69.f.(ii) Repowering shall also include any oil and/or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

I.B.69.g. Representative Actual Annual Emissions

The average rate, in tons per year, at which the source is projected to emit a pollutant for the two year period after a physical change or change in the method of operation of a unit, (or a different consecutive two year period within ten years after that change, where the division determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions, the division shall:

I.B.69.g.(i) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the state or federal regulatory authorities, and compliance plans under Title IV of the Federal Act; and

I.B.69.g.(ii) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

I.B.69.h. Temporary Clean Coal Technology Demonstration Project

I.B.69.h.(i) A clean coal technology demonstration project that is operated for a period of five years or less, and which 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.

I.B.70. Wet Screening Operations

A screening operation at a nonmetallic mineral processing plant that removes unwanted material or that separates marketable fines from the product by a washing process that is designed and operated at all times such that water is an integral part of the process and the product is saturated with water. Screens that use spray bars for the purposes of dust control are not included in this definition.