

- ~~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.~~
- ~~XI.A.4. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, or particulate matter, or nitrogen oxides from stationary sources that are affected by revisions of the Colorado State Implementation Plan that are approved by the Administrator of the U.S. EPA and that provide:~~
- ~~XI.A.4.a. The time period of such temporary increase in emissions is not renewable and may not exceed two years in duration, unless a longer time is approved by the Division and the U.S. EPA;~~
- ~~XI.A.4.b. Such temporary increase in emissions shall not impact a Class I area or an area where an applicable increment is known to be violated or cause or contribute to the violation of a national ambient air quality standard; and~~
- ~~XI.A.4.c. Emission limitations shall be in effect at the end of the time period specified in the plan revision that will ensure that the emissions levels from stationary sources affected by the plan revision will not exceed those levels occurring from such sources before the plan revision was approved by the U.S. EPA.~~

XII. Innovative Control Technology

- XII.A. An owner or operator of a proposed major stationary source or major modification otherwise subject to the requirements of Section VI. of this Part D may request the Division to grant a waiver from the Best Available Control Technology requirements and to approve a system of innovative control technology, in order to encourage the use of such technology.
- XII.B. The Division or the Commission may, with the consent of the governor(s) of other affected states, grant a waiver from the Best Available Control Technology requirements of Section VI.A.1. of this part necessary for the employment of innovative control technology and determine that the source or modification may employ such system if:
- XII.B.1. The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
- XII.B.2. The owner or operator agrees to achieve a level of continuous emissions reduction greater than or equivalent to that, which would have been required under Section VI.A.1. by a date specified by the Division. Such date shall not be later than four years from the time of startup or seven years from permit issuance;
- XII.B.3. The source or modification would meet the requirements of Sections VI.A.1. and VI.A.2. based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Division;
- XII.B.4. The source or modification would not, before the date specified by the Division under Section XII.B.2., above;
- XII.B.4.a. Cause or contribute to any violation of an applicable national ambient air quality standard; or
- XII.B.4.a.(i) Impact any area where an applicable increment is known to be violated;
or

- XII.B.5. All other applicable requirements including those for public participation have been met.
- XII.B.6. The provisions of Section VIII. of this part (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.
- XII.C. The Division shall withdraw any approval to employ a system of innovative control technology made under this section, if:
- XII.C.1. The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or
- XII.C.2. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
- XII.C.3. The Division decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.
- XII.D. If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with Section XII.C., above, the Division may allow the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

XIII. Federal Class I Areas

XIII.A. Within twenty days of receipt of a permit application for a new major stationary source or major modification that may affect visibility or air quality related values in any Federal Class I area, the Division shall transmit a copy of the application to all affected Federal Land Managers and consult with them as to its completeness in its analysis and monitoring (if required) of air quality related values. If the Division receives advance notification of a permit application of a source that may affect visibility or air quality related values, it will notify all affected Federal Land Managers within thirty days of such notification. The Division will consider any analysis performed by a Federal Land Manager that indicates there will be an adverse impact on visibility or air quality related values if such analysis is received within thirty days after the Federal Land Manager receives a copy of the complete application. If the Division disagrees with the Federal Land Manager, any notices for public comment or of a public hearing on the application will explain the disagreement or state where the explanation can be obtained.

XIII.B. In addition to the general impact analysis required by Section VI.A.6. of this part, any source that will have or is likely to have an impact on any designated Class I area may be required to conduct monitoring to establish the condition of and impact on air quality related values in such Class I area(s) both prior to completing an application for a permit to construct and during the construction and operation of such source.

XIII.B.1. If monitoring is required, the source shall conduct a private monitoring program. However, if monitoring is being conducted by any other existing source or government agency, the new source may enter into a joint monitoring program with that source or agency. All monitoring programs must be approved in advance by the Division.

XIII.B.2. Pre-application monitoring may include the monitoring of not more than three air quality related values or sensitive receptors of air quality related values specified by the Division after consultation with the Federal Land Manager. The air quality related values or sensitive receptor(s) selected must be important to the affected Class I