

I. **Applicability**

I.A.

I.A.1. The provisions of this regulation shall apply as follows:

I.A.1.a. All provisions of this regulation apply to the Denver 1-hour ozone attainment/maintenance area, and to any nonattainment area for the 1-hour ozone standard.

~~I.A.1.b. (State Only) All provisions of this regulation apply to any ozone nonattainment area, which includes areas designated nonattainment for either the 1-hour or 8-hour ozone standard, unless otherwise specified in Sections I.A.1.c. and d., below. Colorado's ozone nonattainment or attainment maintenance area maps and chronologies of attainment status are identified in Appendix A of this regulation.~~

I.A.1.c. The provisions of Section V, VI.B.1 and 2, VII.C., and XVII apply statewide. The Provisions of Section XVII, XVIII and any other section marked by (State Only) are not federally enforceable.

I.A.1.d. The provisions of Sections XII, and XVI apply in the 8-hour Ozone Control Area.

I.A.2. REPEALED

I.A.3. REPEALED

I.B. Sources

I.B.1. New Sources

I.B.1.a. New sources, defined as any sources which either (1) submit a complete permit application on or after October 30, 1989, or (2) if no permit is required, commence operation on or after October 30, 1989, must comply with the provisions of this regulation upon commencement of operation.

~~I.B.1.b. (State Only) New sources are any sources which commenced construction on or after the date on which the area is first designated as being in nonattainment for ozone and are located in that area, or, if located in the 1-hour ozone nonattainment or attainment maintenance area, by October 30, 1989. New sources shall comply with the requirements of this regulation by whichever date comes later:~~

I.B.1.b.(i) (State Only) October 30, 1989, if they are located in what was previously designated as a 1-hour ozone nonattainment or attainment maintenance area;

I.B.1.b.(ii) (State Only) February 1, 2009, if they are located in an 8-Hour Ozone Control Area and outside of the 1-hour ozone nonattainment or attainment maintenance area; or

I.B.1.b.(iii) (State Only) Upon commencement of operation, if located within an ozone nonattainment or attainment maintenance area.

I.B.1.c. This Section I.B.1 does not apply to oil and gas operations subject to Section XII, stationary and portable engines subject to Section XVI, or natural gas actuated pneumatic controllers subject to Section XVIII.

I.B.2. Existing Sources

I.B.2.a. Existing sources are (1) those sources for which a complete permit application was submitted prior to October 30, 1989, or (2) those sources, which commenced operation prior to October 30, 1989.

~~I.B.2.b. (State Only) Existing sources are those sources which commenced construction prior to the date on which the area is first designated as being in nonattainment for ozone and are located in that area, or, if located in the 1-hour ozone nonattainment or attainment maintenance area, by October 30, 1989.~~

I.B.2.c. Existing sources shall not be required to comply with requirements of this regulation until on and after October 30, 1991. All existing sources shall comply with the requirements set forth in exhibit A, attached to this regulation, until October 30, 1991.

~~I.B.2.d. (State Only) Existing sources shall be required to comply with requirements of this regulation by whichever date comes later:~~

~~I.B.2.d.(i) (State Only) October 30, 1989, if they are located in what was previously designated as a 1-hour ozone nonattainment or attainment maintenance area;~~

~~I.B.2.d.(ii) (State Only) February 1, 2009, if they are located in an 8-hour Ozone Control Area and outside of the Denver 1-hour ozone nonattainment or attainment maintenance area; or~~

~~I.B.2.d.(iii) (State Only) the date on which the area is first designated as being in nonattainment for ozone, if located within that ozone nonattainment or attainment maintenance area.~~

I.B.2.e. On and after October 30, 1991, all existing sources shall comply with the requirements of this regulation, and exhibit A shall no longer be applicable.

I.B.2.f. On or before October 30, 1990, all existing sources located in what was previously designated as the 1-hour ozone nonattainment or attainment maintenance area shall submit to the Division a report containing the following:

I.B.2.f.(i) A list of sources of volatile organic compound emissions located at the stationary source. The list shall include a description, potential emissions, and actual emissions of each source.

I.B.2.f.(ii) Identification of each source subject to a Division Reasonably Available Control Technology (RACT) determination, and when a request for that determination will be made.

I.B.2.f.(iii) The owner or operator's expected RACT for each source and a description of how compliance will be achieved. If a source is subject to RACT requirements as stated in previous versions of this regulation, the report need only specify how compliance will be achieved for any revised provisions of the regulation.

- I.B.2.g. On or before October 30, 1991, all existing sources shall update and submit the report required under Subparagraph b. above. The updated report shall describe in detail all actions taken to comply with the RACT requirements, and when those actions were taken.
- I.B.2.h This Section I.B.2 does not apply to oil and gas operations subject to Section XII, or stationary and portable engines subject to Section XVI.
- I.C. Once a source subject to this regulation exceeds an applicable threshold limit, the requirements of this regulation are irrevocably effective unless the source obtains a federally enforceable permit limiting emissions to levels below the threshold limit by restricting production capacity or hours of operation.
- I.D. The owner or operator of a source not required to obtain a permit by provisions of law other than this section may apply for and shall be required to accept a permit as a condition of avoiding RACT requirements. Such permits shall contain only those conditions necessary to ensure the enforcement of the production capacity or hours of operation.
- I.E. Materials incorporated by reference in this regulation are available for public inspection during regular business hours at the Commission's Office at 4300 Cherry Creek Drive South, Denver, Colorado. The regulation incorporates the materials as they exist at the date of the promulgation of this regulation and does not include later amendments to or editions of the incorporated materials.
- II. General Provisions**
- II.A. Definitions
- II.A.1. "8-Hour Ozone Control Area" means the Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:
- II.A.1.a. For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.
- II.A.1.b. For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.
- II.A.2. "Denver 1-Hour Ozone Attainment/Maintenance Area" means the Counties of Jefferson and Douglas, the Cities and Counties of Denver and Broomfield, Boulder County