

**Regulation Number 3**

**Style Guide**

Many provisions of this Regulation Number 3 have been approved by the U.S. EPA for incorporation into Colorado's State Implementation Plan (SIP). Some provisions are currently under review by the U.S. EPA. The following guide to the font styles used in this Regulation Number 3 can be used to identify those provisions that have been adopted by the Air Quality Control Commission and are currently under review by the U.S. EPA.

\* *Italicized text* will become effective when the U.S. EPA approves that language for incorporation into the state implementation plan

\* Underlined text will be effective until the U.S. EPA approves the italicized text for incorporation into the state implementation plan

**PART A CONCERNING GENERAL PROVISIONS APPLICABLE TO REPORTING AND PERMITTING**

**I. Applicability**

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

*The portions of Regulation Number 3 printed in italics are not effective until the date on which the U.S. EPA promulgates a final rule adopting the revisions to Regulation Number 3 as a permanent part of the state implementation plan.*

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 Number 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. Administrative Permit Amendment.**

I.B.1.a. A permit revision that:

I.B.1.a.(i) Corrects typographical errors;

I.B.1.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;

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I.B.1.a.(iii) Requires more frequent monitoring or reporting by the permittee;

I.B.1.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;

I.B.1.b. 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.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 there under, in the Code of Federal Regulations Title 40, Part 72.

I.B.6. Air Pollutant

Means carbon monoxide, nitrogen oxides, sulfur dioxide, PM10, PM2.5, total suspended particulates, ozone, volatile organic compounds, lead, all pollutants regulated under Section 111 of the Federal Act (Regulation Number 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. Allowable Emissions

The emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to *federally enforceable, or enforceable as a practical matter*, permit conditions that restrict the operating rate or hours of operation, or both) and the most stringent of the following:

I.B.7.a. The applicable standards promulgated pursuant to the Federal Act for new source performance or hazardous air pollutants;

I.B.7.b. The applicable Colorado Emission Control Regulation; or

I.B.7.c. The emissions rate specified as a *federally enforceable*, or *enforceable as a practical matter*, permit condition, *including those with a future compliance date*.

I.B.8. Annual Actual Emissions

The actual rate of emissions of a pollutant, excluding excess emissions from a malfunction, or startups and shutdowns associated with a malfunction. Annual actual emissions shall be calculated using the source's actual operating rates, and types of materials processed, stored, or combusted during the calendar year.

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 Number 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 Number 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 Number 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 Ad-

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ministrator has determined such requirement need not be contained in an operating permit (Regulation Number 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 Number 3.

I.B.10. Commence, also Commence 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.11. 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.12. 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.13. *Continuous Emissions Monitoring System (CEMS)*

*All of the equipment that is required to meet the data acquisition and availability requirements of Part D of this Regulation or of a permit issued in accordance with Parts B or C of this regulation, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.*

I.B.14. *Continuous Emissions Rate Monitoring Systems (CERMS)*

*The total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).*

I.B.15. *Continuous Parameter Monitoring System (CPMS)*

*All of the equipment necessary to meet the data acquisition and availability requirements of Part D of this Regulation, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and to record average operational parameter value(s) on a continuous basis.*

I.B.16. Criteria pollutants

Those pollutants for which the U.S. EPA has established national ambient air quality standards, including: carbon monoxide, nitrogen dioxide (direct emissions and as a precursor to ozone), sulfur dioxide, PM10, PM2.5, total suspended particulate matter, ozone, volatile organic compounds (as a precursor to ozone), and lead.

For the purposes of Air Pollutant Emission Notice reporting, criteria pollutants shall also include nitrogen oxides, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste combustor organics, municipal waste combustor metals, and municipal waste combustor acid gases.

I.B.17. 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.18. 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.19. 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.

I.B.20. Fugitive Dust

For purposes of this Regulation Number 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.21. General Permit

Means a single permit issued to cover numerous similar sources.

I.B.22. 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.

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**I.B.23. Major Source**

Any stationary source or group of stationary sources belonging to the same industrial grouping (see Section I.B.41. of this Part A), that 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.23.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.23.b. Directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant. Fugitive emissions shall not be considered in determining whether a source is a major stationary source for purposes of this Section I.B.23.b., unless the source belongs to one of the following categories of stationary sources:

- I.B.23.b.(i) Coal cleaning plants (with thermal dryers);
- I.B.23.b.(ii) Kraft pulp mills;
- I.B.23.b.(iii) Portland cement plants;
- I.B.23.b.(iv) Primary zinc smelters;
- I.B.23.b.(v) Iron and steel mills;
- I.B.23.b.(vi) Primary aluminum ore reduction plants;
- I.B.23.b.(vii) Primary copper smelters;
- I.B.23.b.(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- I.B.23.b.(ix) Hydrofluoric, sulfuric, or nitric acid plants;
- I.B.23.b.(x) Petroleum refineries;
- I.B.23.b.(xi) Lime plants;
- I.B.23.b.(xii) Phosphate rock processing plants;
- I.B.23.b.(xiii) Coke oven batteries;

- I.B.23.b.(xiv) Sulfur recovery plants;
  - I.B.23.b.(xv) Carbon black plants (furnace process);
  - I.B.23.b.(xvi) Primary lead smelters;
  - I.B.23.b.(xvii) Fuel conversion plants;
  - I.B.23.b.(xviii) Sintering plants;
  - I.B.23.b.(xix) Secondary metal production plants;
  - I.B.23.b.(xx) Chemical process plants;
  - I.B.23.b.(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
  - I.B.23.b.(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - I.B.23.b.(xxiii) Taconite ore processing plants;
  - I.B.23.b.(xxiv) Glass fiber processing plants;
  - I.B.23.b.(xxv) Charcoal production plants;
  - I.B.23.b.(xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
  - I.B.23.b.(xxvii) Any 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.23.c. Meets any of the definitions of major stationary source set forth in Section II.A.25. of Part D of this Regulation Number 3.

I.B.24. Minor Source

Any stationary source that does not qualify as a major source (as defined in Section I.B.23. above).

I.B.25. 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.

I.B.26. Modification

Any physical change in, or change in the method of operation of, a stationary source that does not meet the definition of major modification (as defined in Section II.A.23. of Part D of this regulation), and that increases the emission rate of any pollutant for which a federal or

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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.26.a. Routine maintenance, repair, and replacement shall not be considered a physical change;
- I.B.26.b. 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.26.b.(i) 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.26.b.(ii) An increase in the hours of operation that does not lead to emissions in excess of the emission standards.
  - I.B.26.b.(iii) 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.26.b.(iv) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Act; or
  - I.B.26.b.(v) Change in ownership of the source.
- I.B.26.c. 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.26.d. This definition shall not be used as a definition of major modification or minor permit modification (as defined in Section I.A.2. of Part C of this regulation)-- these are distinct and separate definitions.
- I.B.26.e. 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 Number 3, that does not constitute a major modification (as defined in Part D, Section II.A.23. of this Regulation Number 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 B, Section III.D.1.a. through III.D.1.g., and Part C, Sections X.A., and Part C Sections XII.A. or XII.B., as appropriate.

for Administrative Permit Amendment see Section I.B.1. of Part A  
for Minor Permit Modification, see Section I.A.2. of Part C  
for Major Modification, see Section II.A.23. of Part D  
for Permit Modification, see Section I.A.3. of Part C

for Permit Revision, see Section I.B.32. of Part A  
for Significant Permit Modification, see Section I.A.7. of Part C

I.B.27. 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.

I.B.28. 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.29. Non-Road Engine

I.B.29.a. Except as discussed in Section I.B.29.b. of this definition, a non-road engine is an internal combustion engine:

I.B.29.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.29.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.29.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.29.b. An internal combustion engine is not a non-road engine if:

I.B.29.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.29.b.(ii) The engine is regulated by a federal New Source Performance Standard promulgated under Section 111 of the Federal Act; or

I.B.29.b.(iii) The engine otherwise included in Section I.B.29.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

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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.29.c. Non-road engines not co-located at an existing major source

An operator of a non-road engine as defined in Section I.B.29.a.(iii), above, with a manufacturer's site-rated horsepower of 1,200 or greater, or an aggregation of such non-road 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.29.c.(i) Submit an air pollutant emission notice and pay the appropriate fees pursuant to Section VI. of Part A of this regulation;

I.B.29.c.(ii) Submit an application for a site-specific, temporary, non-road engine permit on forms supplied by the Division if the estimated annual actual emissions reported on the Air Pollutant Emission Notice, as required by Section I.B.29.c.(i), are equal to or exceed one hundred tons per year or more of nitrogen oxides, 100 tons per year or more of carbon monoxide, or forty tons per year or more of sulfur dioxide. After receipt and review of a complete application, the Division shall issue a state-only non-road engine permit containing such terms and conditions as are necessary to protect the ambient air quality standards.

I.B.29.c.(iii) The operator of a non-road engine that is exempt based on 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.29.d. Non-road engines co-located at an existing major source of nitrogen oxides and sulfur dioxide

An operator of a non-road engine or aggregation of engines each with a manufacturer's site-rated horsepower of 1,200 or greater, and are non-road engines under Section I.B.29.a.(iii) of this definition, are subject to the following state-only requirements:

I.B.29.d.(i) Submit an air pollutant emission notice and pay the fees required by Section VI. of this Part;

I.B.29.d.(ii) Submit an application for a site-specific, temporary, state-only non-road engine permit on forms supplied by the Division if the estimated annual actual emissions reported on the air pollutant emission notice, as required by Section I.B.29.d.(i), are equal to or exceed forty tons per year or more of nitrogen oxides, one hundred tons per year or more of carbon monoxide, or forty tons per year or more of sulfur dioxide. After receipt and review of a complete application, the Division shall issue a temporary state-only non-road engine permit containing such terms and conditions as are necessary to protect the ambient air quality standards.

I.B.29.d.(iii) The operator of a non-road 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.30. Operating Permit

Unless the context suggests otherwise, any permit or group of permits covering an operating permit source that is issued, renewed, amended or revised pursuant to Part C of this Regulation Number 3.

I.B.31. Operating Permit Source

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

I.B.32. Permit Revision

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.33. Pollution Prevention

Any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal. This definition does not include recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

I.B.34. Portable Source

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

I.B.35. 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.36. *Predictive Emissions Monitoring System (PEMS)*

*All of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.*

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**I.B.37. Regulated Air Pollutant**

Nitrogen oxides or any volatile organic compounds, except as listed in the definition of negligibly reactive volatile organic compounds in the Common Provisions regulation; 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 Number 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 air pollutants must be addressed in the permit application and in the permit.

**I.B.38. Responsible Official**

One of the following:

- I.B.38.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.38.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.38.a.(ii) The delegation of authority to such representative is approved in advance by the Division;
- I.B.38.b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- I.B.38.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.38.d. For affected sources:
  - I.B.38.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 there under are concerned; and

I.B.38.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.39. Schedule of compliance

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.40. State-only Condition

Means any standard, term or condition that is not required by Part C of this regulation (Title V Operating Permits), Part D of this regulation (major New Source Review), 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 (as defined in Section I.A. of this Part), or is otherwise more stringent than a requirement under the Federal Act.

I.B.41. Stationary Source

Any building, structure, facility, 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 non-road engine as defined in Section I.B.29. of this Part 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 Number 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.

for Affected Source see Section I.A.1. of Part C  
for Existing Source, see Section I.B.19. of Part A  
for Indirect Source, see Section I.B.22. of Part A  
for Major Source, see Section I.B.23. of Part A  
for Major Stationary Source, see Section II.A.25. of Part D  
for Minor Source, see Section I.B.24. of Part A  
for Mobile Source, see Section I.B.25. of Part A  
for New Source, see Section I.B.27. of Part A  
for Portable Source, see Section I.B.34. of Part A  
for Temporary Source, see Section I.B.42. of Part A

I.B.42. Temporary Source

A source in operation for not more than two years in duration unless the Division determines that a longer time period is appropriate.

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**I.B.43. Uncontrolled Actual Emissions**

The annual emission rate corresponding to the annual process rate listed on the Air Pollutant Emission Notice form, without consideration of any emission control equipment or procedures.

The Division may allow a source to forego calculating or estimating its uncontrolled actual emissions of hazardous air pollutants upon a showing by the source and a determination by the Division that the creation of such data is unreasonably costly, technically impractical or not reasonably related to information necessary for making regulatory decisions with respect to that source. The Division's final determination may be appealed to the Commission by the source.

**I.B.44. 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.

**II. Air Pollutant Emission Notice (APEN) Requirements****II.A. Air Pollutant Emission Notices for New, Modified, and Existing Sources**

Except as specifically exempted in Section II.D., no person shall allow emission of air pollutants from, or construction, modification or alteration of, any facility, process, or activity which constitutes a stationary source, except residential structures, from which air pollutants are, or are to be, emitted unless and until an Air Pollutant Emission Notice and the associated Air Pollutant Emission Notice fee has been filed with the Division with respect to such emission. Each such notice shall specify the location at which the proposed emission will occur, the name and address of the persons operating and owning such facility, the nature of such facility, process or activity, an estimate of the quantity and composition of the expected emission and other information as required in the current Air Pollutant Emission Notice form.

**II.B. General****II.B.1. Emission Estimate**

The Air Pollutant Emission Notice shall include an estimate of the annual actual emissions, including emission controls. The emissions estimate shall be based upon actual test data or, in the absence of such data, upon estimations acceptable to the Division. The following alternative estimate methods, in order of descending acceptability, are acceptable to the Division:

II.B.1.a. Mass balance calculations or a published, verifiable emission factor, whichever is best applied to the source; or

II.B.1.b. Other engineering calculations.

Stack testing or emission monitoring will not be required solely to meet the Air Pollutant Emission Notice reporting requirements.

An owner or operator shall provide a justification to the Division for not using any methods that are higher on the list than the method the owner or operator proposes