

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

to use. If none of the above methods are available or applicable to the source, an appropriate method will be determined on a case-by-case basis by the Division, taking into account the provisions of Section II.C.2. of this Part A.

The Division shall make available to all air pollution control authority offices appropriate forms on which the information required by this section shall be submitted.

II.B.2. Air Pollutant Emission Notice Term

An Air Pollutant Emission Notice is valid for a period of five years. The five-year period recommences when a revised Air Pollutant Emission Notice is received by the Division.

II.B.3. APEN Applicability

For the purposes of Air Pollutant Emission Notice applicability, a source will be considered to be an individual emission point, or group of points pursuant to Section II.B.4. of this Part A.

II.B.3.a. Criteria Pollutants

For criteria pollutants, Air Pollutant Emission Notices are required for: each individual emission point in a nonattainment area with uncontrolled actual emissions of one ton per year or more of any individual criteria pollutant (pollutants are not summed) for which the area is nonattainment; each individual emission point in an attainment or attainment/maintenance area with uncontrolled actual emissions of two tons per year or more of any individual criteria pollutant (pollutants are not summed); each individual emission point with uncontrolled actual emissions of lead greater than one hundred pounds per year, regardless of where the source is located.

II.B.3.b. Non-criteria Reportable Pollutants

For non criteria reportable pollutants, Air Pollutant Emission Notices are required for each individual emission point with uncontrolled actual emissions that exceed the de minimis levels as determined following the procedures set forth in Appendix A.

II.B.4. Source Grouping

Grouping of multiple emission points on a single Air Pollutant Emission Notice shall be allowed as often as possible, provided the overall goals of receiving accurate and verifiable emissions information are not compromised. The following guidelines shall be used to delineate occasions when grouping can be allowed. These are intended to be used as guidelines only, and specific questions regarding grouping should be directed to the Division.

Multiple pieces of equipment or processes from a single facility may be grouped or associated together and reported on one single Air Pollutant Emission Notice provided the individual sources of emissions meet the following guidelines:

II.B.4.a. All of the aggregated sources have identical source classification codes and emission factors for criteria pollutants;

II.B.4.b. Each of the aggregated sources share a similar location within the facility;

II.B.4.c. Similar sources regulated under the New Source Performance Standards (Regulation Number 6) and non-New Source Performance Standard sources should not be grouped;

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- II.B.4.d. None of the individual sources is required to monitor emissions through the use of continuous emission monitors;
- II.B.4.e. Each of the individual emission points has fuel usage, production, and a consumption level, which are indistinguishable from the other points, which have been grouped on the Air Pollutant Emission Notice;
- II.B.4.f. None of the individual sources grouped on the Air Pollutant Emission Notice has previously been issued its own separate emissions permit.

The Division maintains its authority to require individual separate Air Pollutant Emission Notices for any process or activity.

The Division may allow a source to deviate from this emission point grouping criteria upon a showing that an alternative is reasonable and will not compromise the overall goals of receiving accurate and verifiable emissions information.

- II.B.5. Air Pollutant Emission Notices and revised Air Pollutant Emission Notices shall be based on calendar years (January through December).
- II.B.6. The emissions noted on the current Air Pollutant Emission Notice on file with the Division shall be used for emission fee calculations as described in Section VI. of this Part A.

II.C. Revised Air Pollutant Emission Notices

- II.C.1. A revised Air Pollutant Emission Notice shall be filed:
 - II.C.1.a. Annually whenever a significant change (as defined in Section II.C.2.) in annual actual emissions occurs; or
 - II.C.1.b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
 - II.C.1.c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment (revised Air Pollutant Emission Notices are not required for routine maintenance, repair, or replacement of control equipment; or
 - II.C.1.d. Whenever a permit limitation must be modified; or
 - II.C.1.e. Before the Air Pollutant Emission Notice expires.
 - II.C.1.f. A revised Air Pollutant Emission Notice is not required whenever the location of a portable facility, process, or activity is changed, however, the owner or operator of such source must file a relocation notice. Such notice shall be received by the Division at least ten days prior to the change in location. Alternatively, the owner or operator of a portable source may request written approval from the Division to report multiple relocations. Relocation forms are available at the Division offices.
 - II.C.1.g. A revised Air Pollutant Emission Notice is not required for emergency or backup generators that are ancillary to the main units at electric utility facili-

ties, and that have a permit under Parts C or D of Title I, or Title V of the Federal Act.

II.C.1.h. A revised Air Pollutant Emission Notice is not required for emergency or backup generators for electric power generating facilities that are not ancillary to a main unit at an electric utility facility, and that have a permit containing limits on the physical or operational capacity of the source to emit a pollutant such that the source is not considered to be a major stationary source as defined in Section II.A.25. of Part D of this Regulation Number 3. If an owner or operator of such a source chooses to file a revised Air Pollutant Emission Notice, the Air Pollutant Emission Notice shall list the average of the annual actual emissions for the preceding three years.

II.C.2. Significant change, for the purposes of this section means:

II.C.2.a. For any non-criteria reportable pollutant if the emissions increase by fifty percent or five tons per year, whichever is less, above the level reported on the last Air Pollutant Emission Notice submitted to the Division.

II.C.2.b. For criteria pollutants:

II.C.2.b.(i) For sources emitting less than one hundred tons per year, a change in annual actual emissions of five tons per year or more, above the level reported on the last Air Pollutant Emission Notice submitted to the Division, of any such air pollutant; or

II.C.2.b.(ii) For volatile organic compound and nitrogen oxides sources in ozone nonattainment areas emitting less than one hundred tons of volatile organic compound per year, a change in annual actual emissions of one ton per year or more or five percent, whichever is greater, above the level reported on the last Air Pollutant Emission Notice submitted to the Division; or

II.C.2.b.(iii) For sources emitting one hundred tons per year or more, a change in annual actual emissions of five percent or fifty tons per year or more, whichever is less, above the level reported on the last Air Pollutant Emission Notice submitted to the Division, of any such air pollutant; or

II.C.2.b.(iv) A change in annual actual emissions, above the level reported on the last Air Pollutant Emission Notice submitted to the Division, of fifty pounds of lead.

II.C.3. Timeframe for Revised Air Pollutant Emission Notice submittals

II.C.3.a. Revised Air Pollutant Emission Notices shall be submitted no later than within thirty days before the five-year term expires.

II.C.3.b. Owners or operators of sources that are required to obtain a permit revision must file a revised Air Pollutant Emission Notice along with a request for permit revision. A revised permit must be obtained before the change at the source occurs.

II.C.3.c. Sources submitting revised Air Pollutant Emission Notices to inform the Division of a change in annual actual emission rates must do so by April 30 of

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the following year (e.g., a change in emissions in calendar year 1993 must be reported by April 30, 1994).

II.C.3.d. Air Pollutant Emission Notices for changes in control equipment must be submitted before the change occurs); except for control equipment at condensate storage tanks located at oil and gas exploration and production facilities subject to the requirements in Regulation Number 7, Section XII. For this control equipment, a revised APEN shall be filed once per year, as specified in Section II.C.3.c. of Part A, if any control equipment is added or if control equipment is relocated or removed.

II.D. Exemptions from Air Pollutant Emission Notice Requirements

II.D.1. Notwithstanding the exemptions contained in Section II.D.1., Air Pollutant Emission Notices must be filed for all emission units specifically identified in the applicability section of any subpart of Part A of Regulation Number 6 (New Source Performance Standards) and/or Regulation Number 8 (Hazardous Air Pollutants), Parts A,C,D, and E. However, Air Pollutant Emission Notices need not be filed for wet screening operations subject to Subpart OOO of the New Source Performance Standards if the exemption in Section II.D.1.cccc. is applicable.

Stationary sources having emission units that are exempt from the requirement to file an Air Pollutant Emission Notice must nevertheless comply with all requirements that are otherwise applicable specifically to the exempted emission units, including, but not limited to: Title V, Prevention of Significant Deterioration, nonattainment New Source Review, opacity limitations, odor limitations, particulate matter limitations and volatile organic compounds controls.

An applicant may not omit any information regarding APEN exempt emission units in any permit application if such information is needed to determine the applicability of Title V (Part C of this Regulation Number 3), Prevention of Significant Deterioration (Section VI., Part D of this Regulation Number 3), or nonattainment New Source Review (Section V., Part D of this Regulation Number 3).

The following sources are exempt from the requirement to file Air Pollutant Emission Notices because by themselves, or cumulatively as a category, they are deemed to have a negligible impact on air quality.

II.D.1.a. Individual emission points in nonattainment areas having uncontrolled actual emissions of any criteria pollutant of less than one ton per year, and individual emission points in attainment or attainment/maintenance areas having uncontrolled actual emissions of any criteria pollutant of less than two tons per year, and each individual emission point with uncontrolled actual emissions of lead less than one hundred pounds per year, regardless of where the source is located.

II.D.1.b. Individual emission points of non criteria reportable pollutants having uncontrolled actual emissions less than the de minimis levels as determined following the procedures set forth in Appendix A.

II.D.1.c. Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from other processes or equipment.

II.D.1.d. Fireplaces used for recreational purposes, inside or outside.

- II.D.1.e. Fires and equipment used for noncommercial cooking of food for human consumption, or cooking of food for human consumption at commercial food service establishments, except for char broilers and wood fired equipment (but not including campfires) in PM10 nonattainment areas. Charbroiler shall mean a cooking device in a commercial food service establishment, either gas fired or using charcoal or other fuel, upon which grease drips down upon an open flame, charcoal or embers.
- II.D.1.f. Safety flares used to indicate danger to the public.
- II.D.1.g. Agricultural operations such as farming, cultivating, harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation Number 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major source (as defined in Section I.B.23. of this art); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation Number 6, Part A); or (3) participates in the early reduction program of the Federal Act, Section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulation promulgated by the Commission.
- II.D.1.h. Emissions from, or construction, or alteration of residential structures, including all buildings or other structures used primarily as a place of residence, and including home heating devices.
- II.D.1.i. Laboratories and research & development facilities:
- II.D.1.i.(i) Noncommercial (in house) experimental and analytical laboratory equipment that is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.
 - II.D.1.i.(ii) Research and development activities that are of a small pilot scale and that process less than ten thousand pounds of test material per year;
 - II.D.1.i.(iii) Small pilot scale research and development projects less than six months in duration with controlled actual emissions less than five hundred pounds of any criteria pollutant or ten pounds of any non criteria reportable pollutant.
- II.D.1.j. Disturbance of surface areas for purposes of land development, that do not exceed twenty-five contiguous acres and that do not exceed six months in duration. (This does not include mining operations or disturbance of contaminated soil).
- II.D.1.k. Each individual piece of fuel burning equipment, other than smokehouse generators and internal combustion engines, that uses gaseous fuel, and that has a design rate less than or equal to five million British thermal units per

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hour. (See definition of fuel burning equipment, Common Provisions Regulation).

- II.D.1.l. Internal combustion engines powering portable drilling rigs.
- II.D.1.m. Exemption Repealed
- II.D.1.n. Chemical storage tanks or containers that hold less than five hundred gallons, and that have an annual average daily throughput of less than twenty-five gallons.
- II.D.1.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.
- II.D.1.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.
- II.D.1.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation Number 9).
- II.D.1.r. Brazing, soldering, or welding operations, except those that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.
- II.D.1.s. Street and parking lot striping.
- II.D.1.t. Battery recharging areas.
- II.D.1.u. Aerosol can usage.
- II.D.1.v. Sawing operations, that is ancillary to facility operations, and is not part of the production process.
- II.D.1.w. The process of demolition and re bricking of furnaces and kilns. This does not include subsequent operation of such furnaces or kilns.
- II.D.1.x. Road and lot paving operations at commercial and industrial facilities, except that asphalt and cement batch plants require Air Pollutant Emission Notices and permits, unless exempt under some other section.
- II.D.1.y. Adhesive use that is not related to production.
- II.D.1.z. Fire training activities.
- II.D.1.aa. Caulking operations that are not part of a production process.
- II.D.1.bb. Landscaping and site housekeeping devices equal to or less than ten horsepower in size (lawnmowers, trimmers, snow blowers, etc.).
- II.D.1.cc. Fugitive emissions from landscaping activities (e.g., weeding, sweeping).
- II.D.1.dd. Landscaping use of pesticides, fumigants, and herbicides.
- II.D.1.ee. Exemption Repealed

- II.D.1.ff. Emergency events such as accidental fires.
- II.D.1.gg. Smoking rooms and areas.
- II.D.1.hh. Plastic pipe welding.
- II.D.1.ii. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
- II.D.1.jj. Beauty salons.
- II.D.1.kk. Operations involving acetylene, butane, propane and other flame cutting torches.
- II.D.1.ll. Pharmacies.
- II.D.1.mm. Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed five thousand gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.
- II.D.1.nn. Architectural painting, roof coating material and associated surface preparation (except for sandblasting and except for volatile organic compound emissions, associated with surface preparation, above Air Pollutant Emission Notice de minimis levels) for maintenance purposes at industrial or commercial facilities.
- II.D.1.oo. Emissions that are not criteria (as defined in Section I.B.16. of this part) or non-criteria reportable pollutants (as defined in Section I.B.28. of this part) (These emissions include methane, ethane, and carbon dioxide).
- II.D.1.pp. Janitorial activities and products.
- II.D.1.qq. Grounds keeping activities and products.
- II.D.1.rr. Sources of odorous emissions that do not utilize emission control equipment for control of odorous emissions. This exemption applies to the odor emissions only. All other emissions are subject to other exemptions set forth in this regulation. This exemption does not exempt any source from the requirements of Regulation Number 2.
- II.D.1.ss. Truck and car wash units.
- II.D.1.tt. Office emissions, including cleaning, copying, and restrooms.
- II.D.1.uu. Exemption Repealed
- II.D.1.vv. Electrically operated curing ovens, drying ovens and similar activities, articles, equipment, or appurtenances. This exemption applies to the ovens only, and not to the items being dried in the ovens.
- II.D.1.ww. Equipment used exclusively for portable steam cleaning.

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- II.D.1.xx. Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
- II.D.1.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.
- II.D.1.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation Number 7, Section IV. are met, where applicable.
- II.D.1.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or used lubricating oils.
- II.D.1.bbb. Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of one gallon or less.
- II.D.1.ccc. Fuel storage and dispensing equipment in ozone attainment areas operated solely for company owned vehicles where the daily fuel throughput is no more than four hundred gallons per day that is calculated as an annual average. Sources in an ozone attainment/maintenance area must utilize Stage 1 vapor recovery on all tanks greater than 550 gallons capacity, as required by Regulation Number 7, in order to take this exemption.
- II.D.1.ddd. Exemption Repealed
- II.D.1.eee. Indirect sources are exempt until a permit regulation specific to indirect sources is promulgated by the Commission.
- II.D.1.fff. Storage tanks meeting all of the following criteria:
- II.D.1.fff.(i) Annual throughput is less than four hundred thousand gallons; and
- II.D.1.fff.(ii) The liquid stored is one of the following:
- II.D.1.fff.(ii)(A) Diesel fuels 1 D, 2 D, or 4 6;
- II.D.1.fff.(ii)(B) Fuel oils #1 through #6;
- II.D.1.fff.(ii)(C) Gas turbine fuels 1 GT through 4 GT;
- II.D.1.fff.(ii)(D) oil/water mixtures with a vapor pressure equal to or lower than that of diesel fuel (Reid Vapor Pressure of 0.025 pounds per square inch absolute).
- II.D.1.ggg. Each individual piece of fuel burning equipment that uses gaseous fuel, and that has a design rate less than or equal to ten million British thermal units per hour, and that is used solely for heating buildings for personal comfort.
- II.D.1.hhh. Natural gas vehicle fleet fueling facilities.
- II.D.1.iii. Electric motors driving equipment at non-commercial machining shops.

II.D.1.jjj. Recreational swimming pools.

II.D.1.kkk. Forklifts.

II.D.1.iii. Oil and gas exploration and production operations (well site and associated equipment) shall provide written notice to the Colorado Oil and Gas Conservation Commission of proposed drilling locations prior to commencement of such operations. Air Pollutant Emission Notices are not required until after exploration and/or production drilling, workovers, completions, and testing are finished.

If production will result in reportable emissions, the owner or operator shall file an Air Pollutant Emission Notice with the Division within thirty days after the well completion or recompletion report and log is filed with the appropriate state or federal agency. If production will not occur, or production will not result in reportable emissions, the owner or operator shall submit written notice to the Division indicating that the well was plugged, or that emissions are otherwise not reportable. If production will result in reportable emissions, the owner or operator shall file an Air Pollutant Emission Notice with the Division within thirty days after the report of first production is filed with the appropriate state or federal agency but no later than ninety days following the first day of production.

II.D.1.mmm. Handling equipment and associated activities for glass that is destined for recycling.

II.D.1.nnn. Fugitive emissions of hazardous air pollutants that are natural constituents of native soils and rock (not added or concentrated by chemical or mechanical processes) from under ground mines or surface mines unless such source is a major source of hazardous air pollutants under Part C of Regulation Number 3.

II.D.1.ooo. The use of pesticides, fumigants, and herbicides when used in accordance with requirements established under the federal Insecticide, Fungicide and Rodenticide Act as established by the U.S. EPA (United States Code Title 7, Section 136 et seq.).

II.D.1.ppp. Ventilation of emissions from mobile sources operating within a tunnel, garage, or building.

II.D.1.qqq. Non-asbestos demolition.

II.D.1.rrr. Sandblast equipment when the blast media is recycled and the blasted material is collected, including small sandblast glove booths.

~~II.D.1.sss. Stationary Internal Combustion Engines that meet the following specifications:~~

~~II.D.1.sss.(i) Less than or equal to 175 horsepower that operate less than 1,450 hours per year; or~~

~~II.D.1.sss.(ii) Greater than 175 horsepower and less than or equal to 300 horsepower that operate less than 850 hours per year; or~~

~~II.D.1.sss.(iii) Greater than 300 horsepower and less than or equal to 750 horsepower that operate less than 340 hours per year.~~

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~~II.D.1.ttt. Emergency power generators that:~~

- ~~II.D.1.ttt.(i) Have a rated horsepower of less than 260; or~~
- ~~II.D.1.ttt.(ii) Operate no more than 250 hours per year and have a rated horsepower of less than 737; or~~
- ~~II.D.1.ttt.(iii) Operate no more than 100 hours per year and have a rated horsepower of less than 1,840.~~

II.D.1.uuu. Surface water storage impoundment of not potable water and storm water evaporation ponds, except oil production wastewater (produced water tanks) containing equal to or more than one percent by volume crude oil on an annual average, and commercial facilities that accept oil production wastewater for processing.

II.D.1.vvv. Non-potable water pipeline vents.

II.D.1.www. Steam vents and safety release valves.

~~II.D.1.xxx. Deaerator/vacuum pump exhausts.~~

II.D.1.yyy. Seal and lubricating oil systems for steam turbine electric generators.

II.D.1.zzz. Venting of natural gas lines for safety purposes.

II.D.1.aaaa. Chemical Storage Tanks

II.D.1.aaaa.(i) Sulfuric acid storage tanks not to exceed ten thousand five hundred gallons capacity.

II.D.1.aaaa.(ii) Sodium hydroxide storage tanks.

II.D.1.bbbb. Containers, reservoirs, or tanks used exclusively for dipping operations that contain no organic solvents for coating objects with oils, waxes, greases, or natural or synthetic resins.

II.D.1.cccc. Wet screening operations notwithstanding the applicability of the New Source Performance Standards included in the Code of Federal Regulations, Title 40, Part 60, Subpart 000.

II.D.1.dddd. Non-road engines as defined in Section I.B.29. of this Part A, except certain non-road engines subject to state-only air pollutant emission notice and permitting requirements pursuant to Section I.B.29.c. of this part.

II.D.1.eeee. Exemption Repealed

~~II.D.1.fff. Air Curtain Destructors burning only yard waste, wood waste, and clean lumber, or any mixture thereof generated as a result of projects to reduce the risk of wildfire and are not located at a commercial or industrial facility. Air curtain incinerators that are considered incinerators as defined by the Common Provisions do not meet this exemption.~~

II.D.2. An Air Pollutant Emission Notice must be filed for all incinerators.

- II.D.3. Air Pollutant Emission Notices are required for emergency and backup generators that are ancillary to the main units at electric utility facilities however, these units may be included on the same Air Pollutant Emission Notice as the main unit.
- II.D.4. Any person may request the Division to examine a particular source category or activity for exemption from Air Pollutant Emission Notice or permit requirements.
- II.D.4.a. Such requests shall be made separately from the permit application review procedure.
- II.D.4.b. Such requests shall include documentation indicating that emissions from the source category or activity have a negligible impact on air quality and public health in Colorado, based on, but not limited to, the following criteria.
- II.D.4.b.(i) Emissions from the source or activity are below the Air Pollutant Emission Notice or permit emission de minimis levels set forth in this Regulation Number 3; or
- II.D.4.b.(ii) The existing Division emission inventory is sufficient to indicate that the source or activity has a negligible impact; or
- II.D.4.b.(iii) For permit exemptions, criteria in Sections II.D.4.b.(i) and/or II.D.4.b.(ii), above, are met, and the source or activity has no applicable requirement that applies to it, and the Division finds that monitoring or record keeping are not necessary.
- II.D.4.b.(iv) Exemptions shall not be granted for any source or activity that is subject to any federal applicable requirement. The Division shall determine on a case-by-case basis if sources or activities subject to state only regulations may be granted an exemption.
- II.D.4.c. None of the activities submitted as exemption requests to the Division may be taken by a source until the Commission has duly adopted the exemptions as revisions to this Regulation Number 3 and the U.S. EPA has approved the exemption requests.
- II.D.5. Commercial (for hire) laboratories whose primary responsibilities are to perform qualitative or quantitative analysis on environmental, clinical, geological, forensic, or process samples may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon a mass balance calculation utilizing inventory and purchase records of solvents and reagents. Such laboratories may, at their discretion, group emission points if such grouping meets the grouping criteria outlined in this regulation. All inert samples are exempt from Air Pollutant Emission Notice reporting. Emissions from samples subjected to analysis provided to such laboratories for analysis and testing, and by-products that result from sample testing, are exempt from Air Pollutant Emission Notice reporting, provided such samples subjected to analysis are less than five gallons for liquids, or five pounds for solids.
- II.D.6. Research and development activities that do not fall within the small scale exemption in Section II.D.1.i. may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon either a mass balance calculation utilizing inventory and purchase records, or best engineering judgment. Such facilities may file an Air Pollutant Emission Notice or revised Air Pollutant Emission Notice on an annual basis by April 30 of the year following the project's conclusion for each project that is not exempt under Section II.D.1.i., irrespective of Section II.C., herein (revised Air Pollutant

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Emission Notice requirements), such Air Pollutant Emission Notices shall be filed on a per project basis and shall be based on controlled actual emissions.

III. Administrative Permit Amendment Procedures

III.A. An application for an administrative permit amendment shall be prepared on forms supplied by the Division.

III.B. Within sixty calendar days after receipt of a complete application for an administrative permit amendment the Division shall issue its final determination on such application in accordance with the following:

III.B.1. Deny the application for an administrative permit amendment; or

III.B.2. Grant the application and incorporate any such changes into the permit providing such permit revisions are made pursuant to this Part A, Section III.

III.C. A source may implement the changes addressed in the application for an administrative amendment immediately upon submittal of request, subject to the final determination of the Division.