

- VI.C.1.a. A volatile organic compound;
- VI.C.1.b. Each hazardous air pollutant;
- VI.C.1.c. Each pollutant regulated under Section 111 of the Federal Act (New Source Performance Standards); and
- VI.C.1.d. Each pollutant for which a National Ambient Air Quality Standard has been promulgated, except for carbon monoxide.
- VI.C.1.e. Each pollutant regulated under Section 25-7-109 of the state Act.
- VI.C.1.f. The term regulated air pollutant does not include fugitive dust as defined in Section I.B.20. of this Part A, or any fraction thereof.
- VI.C.2. Every owner or operator of an air pollution source required to file an Air Pollutant Emission Notice shall pay a nonrefundable annual emissions fee as set forth in Section VI.D.2. of this part.
- VI.C.3. All annual emissions fees assessed must be received within sixty days of the date of issuance of the written request therefore. All fees collected under this regulation shall be made payable to the Colorado Department of Public Health and Environment.
- VI.C.4. In no event shall an owner or operator of a source pay more than a fee based upon total annual emissions of four thousand tons of each regulated air pollutant per source.
- VI.D. Fee Schedule
- VI.D.1. Annual and permit processing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.7. Annual fees for regulated pollutants shall be \$17.97. Annual fees for hazardous air pollutants shall be \$119.96.
- VI.D.2. Air Pollutant Emission Notice filing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.1.

**VII. Confidential Information or Data Contained in Air Pollutant Emission Notices, Permit Applications, or Reports Submitted Pursuant to Part C, Section V.C.6.**

VII.A. Upon written request to the Division, any person filing an Air Pollutant Emission Notice or permit application, or submitting reports pursuant to Regulation Number 3, Part C, Sections V.C.6. or V.C.7., may request that information contained in such an Air Pollutant Emission Notice, permit application, or report relating to secret processes or methods of manufacture or production be kept confidential. The written request must identify the basis for the claim that the information relates to secret processes or methods of manufacture or production. All information claimed as confidential must be segregated from the rest of the Air Pollutant Emission Notice, permit application, or report when submitted, with each page clearly marked as "Confidential," "Trade Secret," or other similar marking.

VII.B. The Division will evaluate confidentiality claims based on the written request. The burden of establishing that the information relates to secret processes or methods of manufacture or production is on the claimant. Emission data, as defined in Colorado Revised Statutes Sec. 25-7-114.1.

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tion 25-7-103(11.5), shall not be entitled to confidential treatment notwithstanding this Section VII., or any other law to the contrary. In no event shall an Operating Permit or the compliance certifications submitted pursuant to Section III.B.8. of Part C of this Regulation Number 3 be entitled to confidential treatment. If the Division determines that information requested to be kept confidential is not entitled to confidential treatment, it shall provide written notice of this determination at least three working days prior to making such information available to the public.

- VII.C. A request for confidential treatment of information or data submitted to the Division shall be deemed a limited waiver by the applicant of the time constraints contained in Section III.B. of Part B, or Section IV. of Part C of this regulation. Therefore, any delay in the processing of a permit application resulting from the Division's being required to give notice under Section VII.B., hereof, shall not be considered in determining whether the time constraints set forth in this regulation have been met.

### **VIII. Technical Modeling and Monitoring Requirements**

#### **VIII.A. Air Quality Models**

VIII.A.1. All estimates of ambient concentrations required under this Regulation Number 3 shall be based on the applicable air quality models, databases, and other requirements generally approved by U.S. EPA and specifically approved by the Division.

If a non-U.S. EPA approved model, such as a wind tunnel study, is proposed, the nature and requirements of such a model should be outlined to the Division at a pre-application meeting. The application will be deemed incomplete until there has been an opportunity for a public hearing on the proposed model and written approval of the U.S. EPA has been received.

#### **VIII.B. Monitoring**

VIII.B.1. All monitoring must be performed in accordance with U.S. EPA accepted procedures as approved by the Division.

VIII.B.2. An owner or operator may submit a monitoring program for a proposed source or modification to the Division for review. Within sixty days after such submittal, the Division shall:

VIII.B.2.a. Approve the monitoring program; or

VIII.B.2.b. Specify the changes necessary for approval; otherwise, the monitoring program shall be deemed approved.

#### **VIII.C. Stack Heights**

This regulation sets limits for the maximum stack height credit to be used in ambient air quality modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. It does not limit the actual physical stack height for any source. The following shall not be considered in determining whether an emission limitation is met:

VIII.C.1. Stack height in excess of good engineering practice; or

VIII.C.2. Any other dispersion technique except that the provisions of this Section VIII.C. shall not apply to stack heights in existence or dispersion techniques implemented before December 31, 1970. Sources that were constructed, reconstructed,