



**Reporting Your Air Emissions and Applying For Air Permits
Step-By-Step
for Colorado Small Businesses**

Not sure whether you need to report your air emissions, obtain an air permit, or even where to start? Then follow this step-by-step guide to air permitting in Colorado. This guide was developed by the Colorado Department of Public Health and Environment (CDPHE) Small Business Assistance Program to help small businesses understand and comply with Colorado's Air Pollution Emission Notice (APEN) and air permitting requirements.

This guide is organized in two parts. *Part I - Getting Started* is designed to help you determine whether you need to submit an Air Pollution Emission Notice (APEN) to the CDPHE Air Pollution Control Division (the Division). *Part II - Obtaining a Permit* will help you determine whether you need to obtain a permit for your business operations and how to begin the permitting process.

**Part I - Getting Started
Do I Need to Submit an Air Pollution Emission Notice (APEN)?**

In Colorado, most businesses that are or will be emitting air pollutants at levels above certain levels are required to submit an APEN to the CDPHE Air Pollution Control Division (the Division). In addition, revised APENs must be submitted when certain business or operational changes occur (e.g., a significant change in actual emissions, a change in ownership, the installation of new or different pollution control equipment, modification of an existing permit, or expiration of the current APEN [APENs are valid for five years]).

Follow the steps listed below to determine whether an APEN or revised APEN is required for your business and what forms you may need to complete. Environmental regulations can be complex and confusing, and we are here to help. If you have any questions regarding Colorado's APEN or air permitting requirements, please call the CDPHE Small Business Assistance Program at 303-692-3150.

STEP 1: EVALUATE YOUR OPERATIONS

First, inventory your operations to identify sources of air emissions at your facility. Air emissions are commonly associated with dry cleaning, print shop, paint booth, plating, and hot mix asphalt operations; fuel dispensing stations; glycol dehydrators; grain elevators and feed mills; land development; mining; oil and natural gas operations; other operations involving condensate tanks, boilers, dryers, heaters, and generators; and the use of solvents, cleaners, paints, or coatings. If you are unsure whether your business operations emit air pollutants, call the Small Business Assistance Program for assistance.

STEP 2: IDENTIFY YOUR REGULATED AIR POLLUTANTS

Determine whether your operations emit pollutants that are regulated as “Criteria” or “Non-Criteria” pollutants by the federal government or by the State of Colorado. It’s important that you understand which pollutants are emitted and how they are categorized. Product and chemical information can be obtained from your supplier and is provided on material safety data sheets (MSDSs).

Criteria Pollutants include: carbon monoxide, nitrogen oxides, sulfur dioxide, PM10, total suspended particulates, ozone, volatile organic compounds, lead, 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.

Non-Criteria Pollutants are listed in Regulation No. 3, Appendix B (attached). Non-criteria pollutants include:

1. Federal, or federal and state hazardous air pollutants (called “HAP” in Appendix B)
2. State-only hazardous air pollutants (called “HAPs” in Appendix B); and
3. Pollutants that are not hazardous air pollutants, but must be reported (with no HAP or HAPs designation in Appendix B)

STEP 3: DETERMINE IF MACT REQUIREMENTS APPLY TO YOU

If your business emits a federally-regulated non-criteria pollutant (i.e., called “HAP” in Regulation No. 3, Appendix B), then the source emitting that pollutant may be subject to EPA’s Maximum Achievable Control Technology (MACT) requirements. Over the past 10 years, EPA has issued 45 MACT standards for specific source categories and pollutants. Copies of the MACT standards in pdf format are available at: <http://www.epa.gov/ttn/atw/mactfnl.html>. The Division provides additional information regarding MACT standards and guidance documents for complying with the standards at: <http://www.cdphe.state.co.us/ap/mact.html>. Sources that are subject to EPA MACT requirements typically must obtain an air permit regardless of the quantity of hazardous air pollutant emitted (some sources may be grandfathered from MACT requirements). Examples of sources in Colorado that may be subject to EPA MACT requirements are:

- Dry Cleaners
- Halogenated Solvent Cleaning Machines (Degreasers)
- Chrome Electroplating and Anodizing Operations
- Wood Furniture Manufacturing
- Printing and Publishing
- Portland Cement Manufacturing
- Secondary Aluminum Production

STEP 4: DETERMINE WHICH SOURCES ARE EXEMPT

Certain categories of sources are exempt from APEN requirements because the emissions from those sources are considered to have a very small impact on air quality. Exempt sources are listed in Regulation 3, Part A, Section II.D (excerpts attached). However, none of the exemptions apply if a source would otherwise be subject to any specific federal or state applicable requirement (such as an

EPA MACT standard). If you are unsure whether a source at your business is exempt, contact the Small Business Assistance Program for assistance.

STEP 5: CALCULATE YOUR UNCONTROLLED ACTUAL EMISSIONS

The next step is to determine uncontrolled actual emissions at your facility. Uncontrolled actual emissions do not take into account any pollution control equipment that may actually exist. Do not include exempt sources of emissions in your calculations unless the Division specifically asks you to include them. Your uncontrolled actual emissions are calculated using these general assumptions:

- Actual hours of operation
- Actual material usage or project operational capacity
- Unit(s) operate without air pollution controls

There are several different methods used to calculate uncontrolled actual emissions. These methods include using emission factors, mass balance analysis, and air emissions performance test data.

- **Emission factors** exist for many types of emission units and processes. These factors are average emission values from industry data. The factors are usually expressed as the weight of pollutant released per volume or weight of the activity or process. US EPA emission factors are provided in the *Compilation of Air Pollutant Emission Factors (AP-42)* and *Factor Information Retrieval System (FIRE)* which are available online at www.epa.gov/ttn/chief.
- **Mass balance analysis** relies on the principle that the material entering a process is equal to that which leaves the process either as a product, a recycled material, an air emission or a waste product. To use a mass balance, you must be certain how the products and processes behave.
- **Performance test data** or data from a continuous emission monitor can be used in place of emission factors. The data must be taken from a performance test that has been conducted in accordance with specified performance test methods.

When calculating uncontrolled actual emissions, you may group multiple emission points together if they meet the following guidelines:

- All of the grouped sources have identical source classification codes and use the same emission factors for criteria pollutants.
- All of the grouped sources share a similar location within the facility.
- Sources regulated by New Source Performance Standards (NSPS) should not be grouped with non-NSPS sources. The Division provides additional information regarding NSPS at: <http://www.cdphe.state.co.us/ap/nsps.html>.
- None of the grouped sources is required to monitor emissions using continuous emission monitors.
- Each of the grouped sources has fuel usage, production, and consumption levels that are indistinguishable from the other grouped points.
- None of the grouped sources has previously been issued its own emissions permit.

The Division can require a separate APEN for any process or activity on a case-by-case basis.

STEP 6: DETERMINE IF YOU NEED TO SUBMIT AN APEN

Once you have identified the non-exempt source(s) of air emissions at your business and know the types and quantities of pollutants emitted, you can determine whether you need to submit an APEN to the Division. APENs must be submitted:

- A. When uncontrolled actual emissions for an emission point or group of emission points exceed defined emission thresholds (see Table 1 below);
- B. Annually whenever a significant change in emissions occurs;
- C. When there is a change in ownership or a change in business/source location;
- D. When new or different control equipment is installed;
- E. When a permit limit is modified; or
- F. Before the current APEN expires.

Each of these scenarios is described in more detail below.

A. Submit an APEN... When uncontrolled actual emissions for an emission point or group of emission points exceed defined emission thresholds.

An APEN is required for each emission point or group of emission points having emissions that exceed the defined emission thresholds shown in Table 1.

TABLE 1 APEN THRESHOLDS		
Pollutant Category	Uncontrolled Actual Emissions	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1 ton per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	De Minimis Level (Determined Using Procedures in Regulation 3, Appendix A)	De Minimis Level (Determined Using Procedures in Regulation 3, Appendix A)

As shown in Table 1, different emission thresholds exist for criteria pollutants, non-criteria pollutants and lead, and for businesses located in attainment or non-attainment areas. Attainment areas are areas that meet the National Ambient Air Quality Standards (NAAQS) for pollutants. The Division can assist you in determining whether your business/source location is in an attainment or non-attainment area. Emission thresholds for non-criteria pollutants also vary depending on the pollutant, release point height, and distance to the property line, and therefore must be determined using the procedures provided in Regulation No. 3, Appendix A (attached). The procedures in Regulation No. 3, Appendix A enable you to select emission thresholds based on the scenario description that best matches the source.

B. Submit an APEN... Annually whenever a significant change in emissions occurs.

Sources must submit a revised APEN to inform the Division of significant changes in actual emissions by April 30th of the following year (e.g., a change in emissions in calendar year 2003 must be reported

by April 30, 2004.) The definition of a “significant change in emissions” varies based on whether the source emits criteria or non-criteria pollutants, as described below.

Criteria Pollutants:

- For sources emitting less than 100 tons per year a change in actual annual emissions of 5 tons per year or more above the level reported on the last APEN submitted to the Division;
- For volatile organic compound (VOC) sources in ozone nonattainment areas emitting less than 100 tons per year of VOC, a change in actual annual emissions of 1 ton or more, or 5 percent, whichever is greater above the level reported on the last APEN submitted to the Department;
- For sources emitting 100 tons per year or more, a change in actual annual emissions of 50 tons or more, or 5 percent, whichever is less above the level reported on the last APEN submitted to the Division;
- A change in actual emissions of 50 pounds per year of lead, above the level reported on the last APEN submitted to the Division.

Non-Criteria Pollutants:

- An increase in actual annual emissions of 50 percent or 5 tons, whichever is less.

C. Submit an APEN... When there is a change in ownership or a change in the business/source location.

An APEN must be submitted to the Division whenever the ownership or location of a business (or source) changes. For a change in ownership, the new owner must also supply a signed agreement containing the specific date for the transfer of the permit, responsibility, coverage and liability between the current and new permittee. After the Division receives the APEN, fee and written agreement, the Division will issue a new permit reflecting the ownership change.

If a company is changing its name only, and all other procedures and information as stated in the last APEN submitted by the business remains unchanged, the company must only submit one APEN indicating the name change and a permit amendment form specifying the name change if a permit exists.

D. Submit an APEN... When new or different air pollution control equipment is installed.

An APEN is required whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment. Revised APENs are not required for routine maintenance or repair of control equipment.

E. Submit an APEN... When a permit limit is modified.

If you have an existing permit that requires modification (e.g., the owner wishes to change the operation equipment or throughput), a revised APEN must be submitted.

F. Submit an APEN... Before the current APEN expires.

An APEN is valid for five years. A new, fully completed APEN form must be submitted at least 30 days before expiration of the five year term of the current APEN. Contact the Division at 303-692-3150 if you are unsure when your APEN expires.

STEP 7: COMPLETE AND SUBMIT APEN FORMS AND FEES

What Forms Do I Need?

If your business meets any of the criteria discussed in Step 6, you will need to submit an APEN to the Division. Other forms in addition to the APEN may be required. APEN and reporting forms are available through the Department and can be downloaded at <http://www.cdphe.state.co.us/ap/downloadforms.html>. Some of the common reporting forms are described below.

- **Application for Construction Permit or Permit Modification (“Permit Application”):** Submit this form together with the General or Specialty APEN form(s) and any appropriate addendum or supplement forms (see below), and filing fees, to obtain a permit for a new source, to modify an existing permit, or for an administrative permit amendment. Administrative permit amendments include transfer of ownership of the source, company name change, or other minor permit corrections such as typographical errors.
- **General APEN:** Complete and submit the General APEN form to report information about the type of emission point (e.g., boiler, crusher), the material processed or burned, and the resulting emissions.

Note: the APEN form requires both “actual” and requested” levels corresponding to the annual fuel consumption and raw material consumption levels of the source.

The “actual” consumption level is the amount of material used annually, and may be determined based on operating performance during a previous year or, for new businesses, based on best professional judgment. The Division will calculate your annual emission fees based on the “actual” consumption level reported on the APEN. If at the end of the calendar year, you find that your the “actual” consumption levels listed on the APEN have been significantly exceeded, then you must inform the Division of the change in actual emissions by submitting a revised APEN by April 30th of the following year (i.e., a change in emissions in calendar year 2000 must be reported by April 30, 2001). The definition of a “significant change in emissions” which requires the submission of a revised APEN was discussed in Step 6.B.

The “requested” consumption level reported on your APEN will be used by the Division to determine your permit limit, if a permit is required. In order to remain in compliance with your permit, this permit level **must not** be exceeded. Because an APEN is valid for five years, you should select a “requested” consumption level that allows for business growth during this period. If you wish to modify your permit limit, you must submit a new APEN to the Department, and a revised permit must be obtained before the change at the source occurs.

Some sources will not require a permit due to low emission rates and will only need to file the APEN. **Do not** use the General APEN form if a more specialized APEN form exists.

- **Specialty APEN:** These forms were developed to make the application process easier for specific types of sources. If a Specialty APEN form exists for your business, use this form in place of the General APEN form:
 - Asphalt Plants
 - Automotive Refinishing Spray Booths
 - Concrete Plants
 - Dry Cleaning Facilities
 - Fugitive Particulate Emission sources (surface mining)
 - Gasoline Service Stations
 - Glycol Dehydration Units
 - Grain Elevators or Feed Mills
 - Land Development
 - Mining Operations (sand and gravel pits or surface coal mines)
 - Paint Spray Operations
 - Print Shops

- **Supplemental forms:** The Division requires that supplemental information forms be submitted along with the APEN for specific types of sources. Examples of sources requiring supplemental forms include:
 - Control Equipment
 - Incinerators
 - Above Ground Storage Tanks
 - Municipal Landfills
 - Glycol Dehydration Units

- **APEN Addendum for Non-Criteria Reportable Pollutants:** An APEN Addendum is required for sources with non-criteria reportable pollutants (listed in Regulation 3, Appendix B) emitted at levels above the defined reporting emission thresholds discussed in Step 6A. For sources with non-criteria reportable pollutants above reporting thresholds, the APEN Addendum form is submitted along with the APEN form.

- **Other Dry Cleaner Reports and Forms:**
 - **Dry Cleaner Initial Notification:** Drycleaners using perchloroethylene must submit this form (along with the Specialty APEN) to provide initial notification of the use of perchloroethylene.

 - **Dry Cleaner Perchloroethylene Compliance Report:** Drycleaners using perchloroethylene must submit this form to show that control equipment, if required, is in compliance with air quality regulations.

➤ **Other MACT and NSPS Forms**

- MACT and NSPS sources may require additional reporting forms. The Division can assist you in determining if a specific MACT or NSPS source requires additional forms.

Where Do I Send My Forms?

Completed forms and applications should be forwarded to:

Colorado Department of Public Health and Environment
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

What Fees Apply?

- **Filing Fee:** A \$152.90 filing fee is required for each APEN submitted, including APENs submitted for administrative changes (e.g., change in ownership, change in location).
- **Annual Fee:** All sources required to file APENs must pay annual fees. The Division bills each source subject to an APEN filing fee of \$22.90 per ton of criteria pollutants emitted and \$152.90 per ton of non-criteria (hazardous air pollutants) emitted. These fees are subject to change by the legislature on an annual basis. The Division mails invoices for these fees in May or June of each year.

Make checks payable to *CDPHE ASD-A/R-B1* at the address provided above.

Part II - Obtaining a Permit

Do I Need a Permit? How Do I Get One?

Some small businesses fulfill their air pollution reporting requirements by simply maintaining an APEN (APENs are valid for five years) and paying annual fees based on the air pollutants emitted. Many new and existing businesses, however, also trigger the need for an air pollution permit (called a “Construction Permit”) due to the level of air pollutants emitted.

Follow the steps listed below to determine whether a Construction Permit is required for your business and what forms you may need to complete. Note that the steps taken to obtain a Construction Permit are in addition to the steps taken to submit an APEN. You cannot obtain an air permit without first submitting an APEN.

STEP 8: DETERMINE IF YOU NEED TO APPLY FOR A CONSTRUCTION PERMIT

In Colorado, a Construction Permit is required before construction of a new source or modification of an existing source commences, provided the emissions resulting from the new source or modification will exceed the levels shown in Table 2. As with submitting APENs, some sources are exempt from obtaining permits. Exempt sources are listed in Regulation 3, Part B, Section III.D (excerpts attached). However, none of the exemptions apply if a source would otherwise be subject to any specific federal or state applicable requirement (e.g., an EPA MACT standard). If you are unsure whether a source is exempt from obtaining a permit, contact the Small Business Assistance Program for assistance.

**TABLE 2
PERMIT THRESHOLDS**

Pollutant Category	Uncontrolled Actual Emissions	
	Attainment Area (tons per year)	Non-attainment Area (tons per year)
Volatile organic compounds	5	2
PM-10, PM-2.5	5	1
Total suspended particulates	10	5
Carbon monoxide	10	5
Sulfur dioxide	10	5
Nitrogen oxides	10	5
Lead	200 pounds per year	200 pounds per year

TABLE 2 (Continued) PERMIT THRESHOLDS		
Other criteria pollutants: fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, municipal waste incinerator emissions.	2	2

As shown in Table 2, different permit emission thresholds exist for criteria pollutants and lead, and for businesses located in attainment or non-attainment areas. Attainment areas are areas that meet the National Ambient Air Quality Standards (NAAQS) for pollutants. The Division can assist you in determining whether your business/source location is in an attainment or non-attainment area.

Notice that non-criteria pollutants (listed in Regulation 3, Appendix B) are not listed in Table 2. Sources of non-criteria pollutants typically do not require an emission permit unless:

1. The source emitting a non-criteria pollutant is also a volatile organic compound or a particulate that exceeds the corresponding threshold listed in Table 2, or
2. The source emits a federally-regulated non-criteria pollutant (i.e., designated as “HAP” in Regulation No. 3, Appendix B) that is subject to an EPA MACT Standard.

As discussed in Step 3, all sources that are subject to EPA MACT requirements typically require an air permit regardless of the quantity of hazardous air pollutant emitted.

STEP 9: COMPLETE AND SUBMIT A CONSTRUCTION PERMIT APPLICATION

If your business requires a Construction Permit, the submission of an APEN will start the permitting process. Your APEN will become part of your permit application package. If this application package is incomplete, the Division will request additional information, which can delay the permitting process and increase the processing time and associated fees. Therefore, you should strive to include all necessary information, complete and sign all forms, and address all potential emission sources at the facility when submitting an APEN to ensure completeness of the package should a permit be required. The Division requires all original-signature forms, and does not accept faxed or emailed forms. The Division recommends a pre-application meeting for complicated sources. This meeting allows the Division and applicant to review the requirements for a complete application. If the applicant does not submit additional information requested by the Division, the Division may deny the permit application.

What Should Be Included in a Permit Application?

The amount and complexity of the information that must accompany an application for a Construction Permit will vary depending on the location (i.e., attainment or nonattainment area) and size of the proposed new source or modification. APEN, permit, and other reporting forms are available through the Department and can be downloaded at <http://www.cdphe.state.co.us/ap/downloadforms.html>. At a minimum, a Construction Permit application typically includes:

- ✓ Completed Permit Application Form,
- ✓ Completed APEN(s), including sufficient supporting documentation for emission calculations (discussed below),
- ✓ An operating and maintenance plan for all pollution control equipment and control practices,

- ✓ A proposed recordkeeping format for demonstrating compliance on an ongoing basis, and
- ✓ The APEN filing fee.

All permit applicants must provide the source of any emissions estimates provided on the APEN. If the application submitted to the Division uses emission estimates based on methods that the Division has not already approved, the applicant must submit supporting information and obtain the Division's agreement on the emission estimation methods. To determine if dispersion modeling or modeling-related data should be submitted with the permit application, refer to the Colorado Modeling Guideline for Air Quality Permits. It and other modeling guidance can be found at the Air Quality Modeling Guidance for Permits web page at <http://apcd.state.co.us/permits/cmng.html>.

You may request that the Division calculate emissions for the source by checking off the appropriate box on the APEN. However, if you elect to do this, you must provide all necessary information so that the Division can make an accurate estimation of emissions. This may include mass balance calculations, quantification of waste shipped off-site, emission data on similar sources, actual test data, and other data requested by the Division.

Where Do I Send My Permit Application?

Completed forms and applications should be forwarded to:
Colorado Department of Public Health and Environment
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

What Fees Apply?

In addition to the \$152.90 APEN filing fee, permit processing fees will be assessed at an hourly rate of \$76.45/hr. If the total processing time is anticipated to be more than 30 hours the division will contact the applicant in writing. The division will provide an estimate of the projected processing time. This notification may delay the permit processing time. The applicant can waive this notice by submitting a letter making this request when the application is submitted.

Once an application is received, all processing time will be charged regardless of whether a permit is issued or not. If a project is cancelled, notify the Division in writing immediately.

Make checks payable to *CDPHE ASD-A/R-B1* at the address provided above.

STEP 10: POTENTIAL PUBLIC NOTICE PERIOD

For some businesses, a 30-day public comment period (e.g., when a public notice is published in a local newspaper and written comments from the public are requested) will be included as part of the permitting process. The following sources are subject to public comment:

- Sources that will generate projected controlled emissions exceeding 25 tons per year in nonattainment areas, 50 tons per year in attainment areas, or 200 pounds per year of lead in any area.

- Sources for which preliminary analysis indicates a possible violation of Commission Regulation No. 2 (odor emissions).
- Hazardous air pollutants if the source is subject to Federal National Emissions Standards for Hazardous Air Pollutants (NESHAP), or Federal MACT.
- Sources wishing to obtain federally enforceable emission limits to avoid major source status (by limiting potential to emit) through a construction permit.

At the conclusion of the public comment period, the Division will review the comments received and, if necessary, revise the draft permit. If a determination to grant Initial Approval permit is made, a copy of the draft permit will be sent to the applicator, if requested. Fees are invoiced for the cost incurred through the Initial Approval process and the finalized Initial Approval permit is sent to the applicant when the fees are received.

STEP 11: SUBMIT A NOTICE OF START UP

Once you have received the Initial approval permit, you may begin construction or modification of the source; however, you must submit a Notice of Start Up form to the Department at least 30 days prior to commencing *operation* of the source. The Notice of Start Up form can be downloaded at <http://www.cdphe.state.co.us/ap/downloadforms.html>.

Once the source begins operation, the Department may inspect the source to ensure compliance with all applicable permit conditions.

STEP 12: SUBMIT A FINAL APPROVAL SELF CERTIFICATION PACKAGE

The final step of the air permitting process is the submission of a Final Approval Self-Certification Package. This step allows you to self-certify compliance with all of the Initial Approval permit terms and conditions or make changes to the permit if necessary, so that a Final Approval permit can be issued. The Final Approval Self-Certification Package must be signed and submitted within 180 days of commencement of operations, or the permit may be revoked.

The Final Approval Self-Certification Package is available through the Department and can be downloaded at <http://www.cdphe.state.co.us/ap/downloadforms.html>. Included in the packet are:

- Instructions for obtaining Final Approval of Initial Approval construction permits,
- Guidance for self-certification,
- Definition of a responsible official,
- Final approval certification form, and
- Guidance on compliance plan requirements

Once you demonstrate compliance with the Initial Approval permit, submit the Final Approval Self-Certification Package, and pay the processing fees, the Department will issue a Final Approval Permit. The permit is issued for the life of the source, unless changes in the source or changes in the operation or throughput of the source require a modification to the permit. A permit processing timetable is provided below:

If public hearing is required	If no public hearing is required
Day 1 Complete application filed*	Day 1 Complete application filed
Day 60 Completeness determination Preliminary analysis completed	Day 60 Completeness determination Preliminary analysis completed
Day 75 Public notice published in newspaper	Day 90 Permit issued/denied
Day 105 Public comments period closed	
Day 135 Permit issued/denied	

- If the application is incomplete and the Division requests additional information, the time schedule starts-over when the requested information is received.

STEP 13: COMPLY WITH YOUR PERMIT

Finally, you must comply with your air permit on an on-going basis. The permit will include detailed information on control equipment, monitoring, and reporting requirements associated with the source. If you wish to change the operation or throughput of a source, such that the permit conditions or emission limit would be exceeded, you must first obtain a modified permit. Proposed changes in equipment or controls may also require a permit modification even if there is no associated change in emissions. A permit modification may result in an Initial Approval permit being issued (even if the source previously had a final approval permit) and associated fees charged. A revised APEN must be filed specifying all changes.

Colorado air regulations are downloadable at www.cdphe.state.co.us/ap/regoverview.html. The Small Business Assistance Program can help you determine whether other air regulations may affect your business.

If you have additional questions regarding APENs, Construction permits or other Colorado air quality regulations, the SBAP is here to assist you. Please contact the Small Business Assistance Program (SBAP) at 303-692-3150.

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Excerpts – Regulation 3, Part A, Section II.D APEN Exemptions

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 No. 6 (New Source Performance Standards) and/or Regulation No. 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 No. 3), Prevention of Significant Deterioration (Section IV.D.3., Part B of this Regulation No. 3), or nonattainment New Source Review (Section IV.D.2.a., Part B of this Regulation No. 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 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. Charbroiled 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 No. 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major stationary source (Regulation No. 3 Part A, section I.B.59); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation No. 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 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. Petroleum industry flares, not associated with refineries, combusting natural gas containing no hydrogen sulfide except in trace (less than five hundred parts per million weight) amounts, approved by the Colorado Oil and Gas Conservation Commission and having uncontrolled emissions of any pollutant of less than five tons per year.

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 No. 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 are ancillary to facility operations, and are 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. Crude oil truck loading equipment at exploration and production sites where the loading rate does not exceed 10,000 gallons of crude oil per day averaged on an annual basis. Condensate truck loading equipment at exploration and production sites that splash fill less than 6750 barrels of condensate per year or that submerge fill less than 16308 barrels of condensate per year.

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 or non-criteria reportable pollutants (See section I.B.39., Part A) (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 No. 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. Oil production wastewater (produced water tanks), containing less than one percent by volume crude oil on an annual average, except for commercial facilities that accept oil production wastewater for processing.

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.

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 No. 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 the Denver-Metropolitan ozone attainment-maintenance area must utilize Stage 1 vapor recovery on all tanks greater than 550 gallons capacity, as required by Regulation No. 7, in order to take this exemption.

II.D.1.ddd. Crude oil storage tanks with a capacity of 40,000 gallons or less.

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) An oil/water mixture 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.lll. Exploration and production sites (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 report of first production is filed with the appropriate state or federal agency but no later than 90 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 the Regulation No. 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.

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.

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.aaa. Chemical Storage Tanks

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

II.D.1.aaa.(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. Nonroad engines as defined in Part A, section I.B.40. of this regulation except certain nonroad engines subject to state-only air pollutant emission notice and permitting requirements pursuant to Part A, section I.B.40.c.

II.D.1.eeee. Any condensate storage tank with a production rate of 730 barrels per year or less or condensate storage tanks that are manifolded together with a production rate of 730 barrels per year or less that are owned and/or operated by the same person, and are located at exploration and production sites.

II.D.1.eeee.(i) If an Air Pollutant Emission Notice has not previously been filed for an existing condensate storage tank or condensate storage tanks that are manifolded together, an Air Pollutant Emission Notice Must be filed on or before March 31, 2003, except as provided below.

II.D.1.eeee.(ii) A single owner or operator of more than 50 existing condensate storage tanks for which Air Pollutant Emission Notices have not previously been filed shall file at least one-third of the required APENs by January 31, 2003, at least two-thirds by February 28, 2003, and the remainder by March 31, 2003.

II.D.1.eeee.(iii) The need to file APENs for condensate storage tanks at operations located downstream of natural gas exploration and production facilities, but not including natural gas processing plants, shall be evaluated in light of a throughput limit to be established by the division based upon data

acceptable to the division that the estimated emissions from such tanks (or manifolded tanks) at the specified throughput is equal to or less than the appropriate APEN de minimis level set forth in Part A, section II.D.1.a. of this regulation No. 3. The throughput level may be established for either a particular company's operations, and, if supported, for natural gas gathering operations generally. In the latter case, the division would establish the accepted APEN throughput level by policy.

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. Reserved.

II.D.5. 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.5.a. Such requests shall be made separately from the permit application review procedure.

II.D.5.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.5.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 No. 3; or

II.D.5.b.(ii) The existing division emission inventory is sufficient to indicate that the source or activity has a negligible impact; or

II.D.5.b.(iii) For permit exemptions, criteria (i) and/or (ii) 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.5.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.5.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 No. 3 and the U.S. EPA has approved the exemption requests.

II.D.5.d. The division will annually submit the list of requested exemptions to the commission for adoption and the U.S. EPA for approval, along with the division's preliminary determination of the appropriateness of each request for exemption.

II.D.5.e. In order to be made a part of the division's annual submission in a particular year, a source must submit its request(s) for exemption along with all the required documentation supporting such request, no later than August 1 of that year.

II.D.6. 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.7. 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 Emission Notice requirements) , such Air Pollutant Emission Notices shall be filed on a per project basis and shall be based on controlled actual emissions.

Excerpts – Regulation 3, Part B, Section III.D Permit Exemptions

III.D. Exemption from Construction Permit Requirements

None of the exemptions listed below in sections III.D.1. - III.D.4., shall apply if a source is subject to Part A of Regulation No. 6 (New Source Performance Standards) and/or Regulation No. 8 (Hazardous Air Pollutants), Parts A,C, D, and E. Permit exemptions taken under this section do not affect the applicability of the regulations to the source.

An applicant may not omit any information regarding APEN or permit exempt emission units in any application if such information is needed to determine the applicability of Title V (Part C of this Regulation No. 3), Prevention of Significant Deterioration (section IV.D.3., Part B of this Regulation No. 3), or Nonattainment New Source Review (section IV.D.2.a., Part B of this Regulation No. 3).

III.D.1. The following sources are exempt because by themselves, or cumulatively as a category, are deemed to have a negligible impact on air quality:

III.D.1.a. Those sources exempted from the filing of Air Pollutant Emission Notices in section II.D., of Part A, of this regulation.

III.D.1.b. Containers, reservoirs, or tanks used exclusively for dipping operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.

III.D.1.c. Stationary Internal Combustion Engines that:

III.D.1.c.(i) Power portable drilling rigs; or

III.D.1.c.(ii) Are emergency power generators that operate no more than two hundred and fifty hours per year; or

III.D.1.c.(iii) Have uncontrolled actual emissions in:

III.D.1.c.(iii)(A) Nonattainment areas of less than five tons per year or manufacturer's site-rated horsepower of less than fifty; or

III.D.1.c.(iii)(B) Attainment areas of less than ten tons per year or manufacturer's site-rated horsepower of less than one hundred.

III.D.1.d. The collection, transmission, liquid treatment, and solids treatment processes at domestic wastewater treatment works, or treatment facilities that treat only domestic type wastewater, except for combustion processes.

III.D.1.e. Each individual piece of fuel burning equipment, other than smokehouse generators, that uses gaseous fuel, and that has a design rate less than or equal to 10 million British thermal unit per hour.

III.D.1.f. Gasoline stations located in ozone attainment areas, except for stations located in the Denver Metropolitan ozone attainment/maintenance area.

III.D.1.g. Surface mining activities that mine seventy thousand tons or fewer of product material per year. A fugitive dust control plan is required for such sources. Crushers, screens and other processing equipment activities are not included in this exemption.

III.D.1.h. Composting piles, however, all odor requirements of Regulation No. 2 must be met.

III.D.1.i. Commercial and product quality control laboratory equipment.

III.D.1.j. Fires and equipment used for noncommercial cooking of food for human consumption and for cooking of food for human consumption at commercial food service establishments.

III.D.2. Facilities located in a nonattainment area for any criteria pollutant for which the area is nonattainment; with total facility uncontrolled actual emissions (potential emissions at actual operating hours) that are less than the following amounts:

III.D.2.a. Two tons per year volatile organic compounds.

III.D.2.b. One ton per year PM₁₀.

III.D.2.c. Five tons per year total suspended particulate.

III.D.2.d. Five tons per year carbon monoxide.

III.D.2.e. Five tons per year sulfur dioxide.

III.D.2.f. Five tons per year nitrogen oxides.

III.D.2.g. Two hundred pounds per year lead.

For purposes of calculating total facility uncontrolled actual emissions, only those individual (or grouped) emission points requiring Air Pollutant Emission Notices are to be considered.

III.D.3. Facilities located in attainment areas for all criteria pollutants with total facility uncontrolled actual emissions less (potential emissions at actual operating hours) than the following amounts:

III.D.3.a. Five tons per year volatile organic compounds.

III.D.3.b. Five tons per year PM₁₀.

III.D.3.c. Ten tons per year total suspended particulate.

III.D.3.d. Ten tons per year carbon monoxide.

III.D.3.e. Ten tons per year sulfur dioxide.

III.D.3.f. Ten tons per year nitrogen oxides.

III.D.3.g. Two hundred pounds per year lead.

For purposes of calculating total facility uncontrolled actual emissions, only those individual (or grouped) emission points requiring Air Pollutant Emission Notices are to be considered.

III.D.4. Facilities that emit any other criteria pollutant that is not listed in sections III.D.2., and III.D.3., above (fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, reduced sulfur compounds, and municipal waste combustor emissions), with total facility uncontrolled actual emissions of such pollutants that are less than two tons per year.

III.D.5. Reserved.

III.D.6. When a facility that was previously exempt from permit requirements exceeds one of the permit de minimis levels stated in sections III.D.2. – III.D.4., above, due to the addition of new emission points, the division will issue either a facility-wide permit for all non-grandfathered emission units above Air Pollutant Emission Notice de minimis levels, or individual emission permits for those emission units.

III.D.7. All incinerators require a permit as stated in Regulation No.1, section III.B.1.

III.D.8. Oil and gas exploration and production operations that are addressed under section II.D.1.III., of this Regulation No. 3, Part A, and that are required to obtain a construction permit, are not required to file an application for a construction permit until they are required to file an Air Pollutant Emission Notice, as set forth in section II.D.1.III. The application shall include a list of all applicable requirements, and how the requirements will be met until a construction permit is issued.

III.D.9. Any person may request the division to add source categories to the permit exemption list, in accordance with the procedures set forth in section II.D.5., of Part A, of this regulation.

III.D.10. Sources with a valid operating permit are not required to obtain a construction permit prior to commencing construction or modification, as set forth in section III.A.6., of this Part B.

LIST OF HAPS
AND METHOD FOR IDENTIFYING HAP REPORTING THRESHOLDS

REGULATION NO. 3
AIR CONTAMINANT EMISSIONS NOTICES
-APPENDIX A-
Method For Determining De Minimis Levels
For Non-Criteria Reportable Pollutants

The following procedures must be followed in order to determine the appropriate de minimis (minimum) reporting level for each pollutant that is emitted from each emission point at a contiguous site. If you do not wish to use the three-scenario approach at your facility, you may elect to use Scenario 1 for all emission points.

Definitions

Release Point - the lowest height above ground level from which the pollutants are emitted to the atmosphere.

Property Boundary - the distance from the base of the release point to the nearest property boundary.

Point - an individual emission point or a group of individual emission points reported on one Air Pollutant Emission Notice as provided for in Part A, section II.B.4.

Methodology

To determine the de minimis level for a single pollutant being emitted from a point (single or grouped).

STEP 1:

Determine which of the three scenarios below applies to the emission point. If different scenarios can be applied to the same emission point, use the highest numbered scenario that applies. In the case of grouped emission points, use the lowest scenario number (for the entire group) that applies to any of the single emission points within the group.

Scenario 1: Release point less than 10 meters or property boundary less than 100 meters;

Scenario 2: Release point equal to or greater than 10 meters, but less than 50 meters, or property boundary equal to or greater than 100 meters, but less than 500 meters; or

Scenario 3: Release point equal to or greater than 50 meters, or property boundary equal to or greater than 500 meters.

STEP 2:

Use Appendix B to identify which of the three bins (Bin A, B, or C) the chemical is listed under.

If the pollutant is not listed, it does not have to be reported unless it is included in a chemical compound group.

STEP 3:

Use the table below to determine the de minimis level.

All values are in pounds per year.

Chemical Bin	Scenario 1 De Minimis	Scenario 2 De Minimis	Scenario 3 De Minimis
Bin A	50	125	250
Bin B	500	1250	2500
Bin C	1000	2500	5000

STEP 4:

Repeat the above steps for each pollutant emitted from each emission point (single or grouped). One Air Pollutant Emission Notice must be filed for each emission point that emits one or more chemicals above the de minimis level.

<u>LIST OF HAPS</u>			
REGULATION NO. 3			
AIR CONTAMINANT EMISSIONS NOTICES			
-APPENDIX B-			
Non-criteria Reportable Pollutants			
(Sorted Alphabetically)			
Note: HAP means federal, or federal and state hazardous air pollutant HAPs means state-only hazardous air pollutant No Designation means not a HAP, but still reportable.			
CAS		Toxics	BIN
HAP	71556	1,1,1-Trichloroethane (Methyl chloroform)	C
HAP	79345	1,1,2,2-Tetrachloroethane	A
HAP	79005	1,1,2-Trichloroethane	A
HAP	75354	1,1-Dichloroethylene (Vinylidene chloride)	A
HAP	57147	1,1-Dimethyl hydrazine	A
HAP	120821	1,2,4-Trichlorobenzene	A
HAP	96128	1,2-Dibromo-3-chloropropane	A
HAP	122667	1,2-Diphenylhydrazine	A
HAP	106887	1,2-Epoxybutane	A
HAP	75558	1,2-Propylenimine (2-Methyl aziridine)	A
HAP	106990	1,3-Butadiene	A
HAP	542756	1,3-Dichloropropene	A
HAP	1120714	1,3-Propane sultone	B

HAPs	55981	1,4-Butanediol dimethanesulphonate	A
HAPs	7644410	1,4-Dichloro-2-butene	A
HAP	106467	1,4-Dichlorobenzene	A
HAP	123911	1,4-Dioxane (1,4-Diethyleneoxide)	A
HAP	540841	2,2,4-Trimethylpentane	C
HAP	1746016	2,3,7,8-TCDD (Dioxin)	A
HAP	95954	2,4,5-Trichlorophenol	C
HAP	88062	2,4,6-Trichlorophenol	A
HAP	94757	2,4-D, salts and esters (2,4-Dichlorophenoxyacetic acid)	A
HAP	51285	2,4-Dinitrophenol	A
HAP	121142	2,4-Dinitrotoluene	A
HAP	95807	2,4-Toluene diamine	B
HAP	584849	2,4-Toluene diisocyanate	A
	91087	2,6-Toluene diisocyanate	A
HAP	53963	2-Acetylaminofluorene	C
HAPs	132274	2-Biphenylol sodium salt	B
HAP	111762	2-Butoxyethanol	C
HAP	532274	2-Chloroacetophenone	A
HAP	79469	2-Nitropropane	A
HAPs	60153493	3-(N-Nitrosomethylamine) (Propionitrile)	B
HAP	91941	3,3-Dichlorobenzidine	A
HAP	119904	3,3-Dimethoxybenzidine	A
HAP	119937	3,3'-Dimethyl benzidine	A
HAP	101144	4,4-Methylene bis (2-chloroaniline)	A
HAP	101779	4,4-Methylenedianiline	A
HAP	534521	4,6-Dinitro o-cresol, and salts	A
HAP	92671	4-Aminobiphenyl	A
HAP	92933	4-Nitrobiphenyl	C
HAP	100027	4-Nitrophenol	C
HAP	75070	Acetaldehyde	A
HAP	60355	Acetamide	B
HAP	75058	Acetonitrile	A
HAP	98862	Acetophenone	C
HAP	107028	Acrolein	A
HAP	79061	Acrylamide	A
HAP	79107	Acrylic acid	A
HAP	107131	Acrylonitrile	A
	814686	Acrylyl chloride	C
HAPs	1402682	Aflatoxins	A
	116063	Aldicarb (Temik)	A
HAPs	309002	Aldrin	A

	107186	Allyl alcohol	A
HAP	107051	Allyl chloride	A
	20859738	Aluminum phosphide	A
	54626	Aminopterin	C
	78535	Amiton	C
	3734972	Amiton oxalate	C
	7664417	Ammonia	B
HAP	62533	Aniline	A
	88051	Aniline,2,4,6-Trimethyl	C
HAP	0	Antimony compounds	A
	1397940	Antimycin A	C
	86884	ANTU (alpha-naphthylthiourea)	A
HAP	0	Arsenic compounds	A
HAP	1332214	Asbestos	A
HAP	71432	Benzene	A
HAP	92875	Benzidine (p-Diamino diphenyl)	A
HAP	98077	Benzotrichloride	A
HAP	100447	Benzyl chloride, (Chloromethyl)benzene	A
HAP	0	Beryllium compounds	A
HAP	92524	Biphenyl	C
HAP	117817	Bis(2-ethylhexyl) phthalate (DEHP) (Dioctyl phthalate)	A
	534076	Bis(chloromethyl)ketone	C
HAP	542881	Bischloromethyl ether	A
	10294345	Boron trichloride	C
	7726956	Bromine	A
	28772567	Bromodiolone	C
HAP	75252	Bromoform	A
HAP	0	Cadmium compounds	A
HAP	156627	Calcium cyanamide	A
HAP	133062	Captan	A
HAP	63252	Carbaryl	C
	1563662	Carbofuran	A
HAP	75150	Carbon disulfide	A
HAP	56235	Carbon tetrachloride	A
HAP	463581	Carbonyl sulfide	C
	786196	Carbophenothion	C
HAP	120809	Catechol	A
HAP	133904	Chloramben (3-amino-2,5-dichloro benzoic acid)	A
HAP	57749	Chlordane	A
HAPs	115286	Chlorendic acid	B
	470906	Chlorfenvinfos	C
HAPs	108171262	Chlorinated paraffins (C12, 60% chlorine)	B

HAP	7782505	Chlorine	A
	24934916	Chlormephos	C
HAP	79118	Chloroacetic acid	A
HAP	108907	Chlorobenzene	A
HAP	510156	Chlorobenzilate (ethyl-4,4'-dichlorobenzilate)	B
	107073	Chloroethanol	A
HAP	67663	Chloroform (Trichloromethane)	A
HAP	107302	Chloromethyl methyl ether	A
	3691358	Chlorophacinone	C
HAP	126998	Chloroprene (2-Chloro-1,3-butadiene)	A
	1982474	Chloroxuron	C
	21923239	Chlorthiophos	C
HAP	0	Chromium compounds (incl. 6+ compounds, etc.)	A
HAPs	117102	Chrysazin (Dorbane)	B
HAPs	2646175	CI Solvent Orange 2	B
HAP	0	Cobalt compounds (as cobalt metal dust and fumes)	A
HAP	0	Coke Oven Emissions	A
	56724	Coumaphos	C
	5836293	Coumatetralyl	C
HAP	1319773	Cresylic acid/Cresols	A
	535897	Crimidine	C
	4170303	Crotonaldehyde	A
	123739	Crotonaldehyde (E)	A
HAP	98828	Cumene	A
HAP	0	Cyanide compounds	A
	675149	Cyanuric fluoride	C
	66819	Cyclohexamide	C
	108918	Cyclohexylamine	C
HAP	3547044	DDE (Dichlorodiphenyldichloroethylene)	A
	8065483	Demeton	A
	919868	Demeton-s-methyl	C
	10311849	Dialifor	C
HAP	334883	Diazomethane	A
HAP	132649	Dibenzofurans	C
	19287457	Diborane	A
HAP	84742	Dibutyl phthalate	C
HAP	111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	A
	149746	Dichloromethylphenylsilane	C
HAP	62737	Dichlorvos	A
	141662	Dicrotophos	A
HAPs	60571	Dieldrin	A

	1464535	Diepoxybutane	B
HAP	111422	Diethanolamine	A
HAP	64675	Diethyl sulfate	B
	1642542	Diethylchlorophosphate	B
	115264	Dimefox	A
	60515	Dimethoate	A
HAP	60117	Dimethyl aminoazobenzene	B
HAP	79447	Dimethyl carbamoyl chloride	B
HAP	131113	Dimethyl phthalate	C
HAP	77781	Dimethyl sulfate	A
	75183	Dimethyl sulfide (Methyl sulfide)	C
HAP	68122	Dimethylformamide	A
	2524030	Dimethylphosphorochloridothioate	C
	99989	Dimethyl-p-phenylenediamine	C
	644644	Dimetilan	C
	1420071	Dinoterb	C
	78342	Dioxathion	A
	82666	Diphacinone	C
	152169	Diphosphoramidate, octamethyl	A
HAPs	2475458	Disperse Blue 1	B
	298044	Disulfoton	A
	541537	Dithiobiuret	C
	115297	Endosulfan	A
	2778043	Endothion	C
	72208	Endrin	A
HAP	106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	A
	563122	Ethion	A
	13194484	Ethoprophos (Ethoprop)	C
HAP	140885	Ethyl acrylate	A
	2642719	Ethyl azinphos	C
HAP	100414	Ethyl benzene (Phenylethane)	C
	538078	Ethyl bis (2-chloroethyl)amine	C
HAP	51796	Ethyl carbamate (Urethane)	B
HAP	75003	Ethyl chloride (Chloroethane)	C
	107153	Ethylene diamine	C
HAP	106934	Ethylene dibromide (1,2-Dibromoethane)	A
HAP	107062	Ethylene dichloride (1,2-Dichloroethane)	A
	371620	Ethylene fluorohydrin	C
HAP	107211	Ethylene glycol	C
HAP	151564	Ethylene imine (Aziridine)	A
HAP	75218	Ethylene oxide	A

HAP	96457	Ethylene thiourea	A
HAP	75343	Ethylidene dichloride (1,1-Dichloroethane)	B
	542905	Ethylthiocyanate	C
	22224926	Fenamiphos (Fenamiphos)	A
	122145	Fenitrothion	C
	115902	Fensulfothion	A
HAP	0	Fine mineral fibers	A
	4301502	Fluometil	C
	144490	Fluoroacetic acid	B
	7782414	Fluorine	C
	640197	Fluoroacetamide	C
	359068	Fluoroacetyl chloride	C
	944229	Fonofos	A
HAP	50000	Formaldehyde	A
	23422539	Formotamate hydrochloride	C
	2540821	Formothion	C
	17702577	Formparanate	C
	21548323	Fosthietan	C
	3878191	Fuberidazole	C
	110009	Furan	A
HAP	0	Glycol ethers	A
HAP	76448	Heptachlor	A
HAP	118741	Hexachlorobenzene	A
HAP	87683	Hexachlorobutadiene	A
HAP	77474	Hexachlorocyclopentadiene	A
HAP	67721	Hexachloroethane	A
HAP	822060	Hexamethylene-1,6-diisocyanate	A
	4835114	Hexamethylenediamine, N,N-dibutyl	C
HAP	680319	Hexamethylphosphoramide	B
HAP	110543	Hexane	C
HAP	302012	Hydrazine	A
HAP	7647010	Hydrochloric acid (Hydrogen chloride)	A
HAP	7664393	Hydrogen fluoride (Hydrofluoric acid)	A
	7783064	Hydrogen sulfide	A
HAP	123319	Hydroquinone	C
	297789	Isobenzan	C
	465736	Isodrin	A
	55914	Isofluorphate	B
HAP	78591	Isophorone	A
	4098719	Isophorone diisocyanate	A
	108236	Isopropyl chlorformate	C

	625558	Isopropyl formate	C
	119380	Isopropylmethylpyrazolyl dimethylcarbamate (Isolan)	C
HAPs	64091914	Ketone, 3-pyridyl-3-(N-methyl-N-nitrosoamino) propyl	B
HAP	0	Lead compounds (except elemental lead)	A
	21609905	Leptophos	C
HAP	-	Lindane (all isomers of hexachlorocyclohexane)	A
HAP	108316	Maleic anhydride	C
HAP	0	Manganese compounds	A
HAP	108394	m-Cresol	B
	950107	Mephosfolan	A
HAP	0	Mercury compounds	A
	126987	Methacrylonitrile	A
	10265926	Methamidophos	A
HAP	67561	Methanol (Methyl alcohol)	C
	950378	Methidathion	A
	2032657	Methiocarb	C
	16752775	Methomyl	B
HAP	72435	Methoxychlor	A
	86500	Methyl azinphos	A
HAP	74839	Methyl bromide (Bromomethane)	A
HAP	74873	Methyl chloride (Chloromethane)	A
	79221	Methyl chloroformate	B
	624920	Methyl disulfide	C
HAP	78933	Methyl ethyl ketone (MEK) (2-Butanone)	C
HAP	60344	Methyl hydrazine	A
HAP	74884	Methyl iodide (Iodomethane)	A
HAP	108101	Methyl isobutyl ketone (MIBK) (Hexone)	B
HAP	624839	Methyl isocyanate	A
	556616	Methyl isothiocyanate	C
	74931	Methyl mercaptan (Methanethiol)	A
HAP	80626	Methyl methacrylate	C
	3735237	Methyl phenkapton	C
	78944	Methyl vinyl ketone (3-butene-2-one)	C
HAP	75092	Methylene chloride (Dichloromethane)	A
HAP	101688	Methylene diphenyl diisocyanate (MDI)	A
HAPs	78988	Methylglyoxal	B
	7786347	Mevinphos	A
	315184	Mexacarbate	C
HAP	1634044	MTBE (Methyl tertiary butyl ether)	C
	505602	Mustard gas (Dichlorodiethyl sulfide)	A
HAP	108383	m-Xylene	C

HAP	121697	N,N-Diethyl aniline (N,N-Dimethylaniline)	A
HAP	91203	Naphthalene	B
HAP	0	Nickel compounds (incl. nickel subsulfide)	A
	54115	Nicotine	A
	7697372	Nitric acid	A
HAPs	-	Nitrilotriacetic acid, Ca-, Na-, K salts	B
HAP	98953	Nitrobenzene	A
	1122607	Nitrocyclohexane	C
HAPs	55185	N-Nitrosodiethylamine	A
HAP	62759	N-Nitrosodimethylamine	A
HAPs	924163	N-Nitroso-di-n-butylamine	A
HAP	59892	N-Nitrosomorpholine	B
HAP	684935	N-nitroso-N-methylurea	B
HAPs	615532	N-nitroso-N-methylurethane	C
	991424	Norbormide	C
HAP	90040	o-Anisidine	A
HAP	95487	o-Cresol	B
HAP	95534	o-Toluidine	A
	23135220	Oxamyl	B
	2497076	Oxydisulfoton	C
HAP	95476	o-Xylene	C
	-	Ozone depleting compounds (CFC, etc.)	C
	1910425	Paraquat	A
	2074502	Paraquat methosulfate	A
HAP	56382	Parathion	A
	298000	Parathion-methyl	A
HAP	106445	p-Cresol	A
HAP	82688	Pentachloronitrobenzene (Quintobenzene)	A
HAP	87865	Pentachlorophenol	A
	79210	Peracetic acid	C
HAP	127184	Perchloroethylene (Tetrachloroethylene)	A
HAP	108952	Phenol	C
	64006	Phenol,3-(1-methylethyl)-methylcarbamate	C
HAPs	122601	Phenyl glyceryl ether (3 phenoxy 1,2 propanediol)	A
	298022	Phorate	A
	947024	Phosfolan	C
HAP	75445	Phosgene	A
	732116	Phosmet	B
	13171216	Phosphamidon	C
HAP	7803512	Phosphine	A
HAP	7723140	Phosphorous	A

HAP	85449	Phthalic anhydride	B
	110894	Piperidine	C
	23505411	Pirimifos-ethyl	C
HAP	1336363	Polychlorinated biphenyls (PCBs) (Aroclors)	A
HAP	0	POLYCYCLIC ORGANIC MATTER	A
HAP	106503	p-Phenylenediamine	C
	2631370	Promecarb	C
	106967	Propargyl bromide	C
HAP	57578	Propiolactone, beta	A
HAP	123386	Propionaldehyde	C
HAP	114261	Propoxur (Baygon)	A
HAP	78875	Propylene dichloride (1,2-Dichloropropane)	A
HAP	75569	Propylene oxide	A
HAP	106423	p-Xylene	C
	140761	Pyridine, 2-methyl-5-vinyl	C
	53558251	Pyriminil	C
HAP	91225	Quinoline	A
HAP	106514	Quinone	A
HAP	0	Radionuclides (including radon)	A
	107448	Sarin	B
HAP	0	Selenium compounds	A
	62748	Sodium fluoroacetate	A
	131522	Sodium pentachlorophenate	A
	57249	Strychnine	A
	60413	Strychnine sulfate	C
HAP	100425	Styrene	C
HAP	96093	Styrene oxide	C
	3689245	Sulfotep	A
	7446119	Sulfur trioxide	C
	7664939	Sulfuric acid	B
	77816	Tabun	B
	13494809	Tellurium	A
	107493	TEPP (Tetraethyldithiopyrophosphate)	A
	13071799	Terbufos	A
	509148	Tetranitromethane	A
	-	Thallium compounds	A
	297972	Thionazin (o,o diethyl-0-2-pyridinylphosphorothioate)	C
	108985	Thiophenol (Phenyl mercaptan)	A
	79196	Thiosemicarbizide	C
HAP	7550450	Titanium tetrachloride	C
HAP	108883	Toluene	C

HAP	8001352	Toxaphene (Camphechlor)	A
	110576	Trans 1,4-dichlorobutene	B
HAP	79016	Trichloroethylene (TCE)	C
HAP	121448	Triethylamine	A
HAP	1582098	Trifluralin	A
	555771	Tris(2-chloroethyl)amine	C
	2001958	Valinomycin	C
HAP	108054	Vinyl acetate	C
HAP	593602	Vinyl bromide	A
HAP	75014	Vinyl chloride	A
	81812	Warfarin	A
	129066	Warfarin sodium	A
HAP	1330207	Xylene (and mixed isomers)	C
	28347139	Xylylene dichloride	C
	1314847	Zinc phosphide	A

◆ RESOURCES

- ❖ **Air Pollution Control Division (APCD) at the Colorado Department of Public Health and Environment at (303) 692-3100.**

Websites: Home page: www.cdphe.state.co.us/ap/index.html
 Air quality regulations: www.cdphe.state.co.us/ap/regoverview.html

- ❖ **Small Business Assistance Program (SBAP) at the Colorado Department of Public Health and Environment. The SBAP offers free and confidential assistance to small businesses with environmental questions.**

**Small Business Assistance Program: (303) 692-3175
 (303) 692-3148**
Small Business Ombudsman: (303) 692-2135
Website: www.cdphe.state.co.us/ap/sbap/index.html

