

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
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<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

SUBJECT: Final Approval Self-Certification Packet for the enclosed
 Initial Approval Construction Permit(s)

Dear Permittee:

Under Colorado law, a source subject to Colorado's air quality regulations is required to demonstrate compliance with the terms and conditions of an Initial Approval permit ("IA permit") within 180 days after commencement of operations by submitting certain information to the Air Pollution Control Division ("Division") of the Colorado Department of Public Health and Environment. While the Division maintains discretion to inspect a source prior to issuing a Final Approval Permit, the Division will **not** as a matter of course conduct any Final Approval inspections. It is your responsibility to maintain and demonstrate compliance with your IA permit. Records demonstrating compliance must be readily available for inspection upon request by the Division or other representative of the Division.

Enclosed, please find the following information provided to assist you in finalizing your permit(s):

- A copy of the Initial Approval permit(s) due to be finalized;
- Guidance on how to self-certify compliance;
- Final Approval Self-Certification Form, to be submitted with any additionally required materials; and
- Regulatory definition of "Responsible Official," the person required to sign the Final Approval Self-Certification Form for finalization of the IA permit(s).

If you cannot demonstrate compliance with all of the provisions of your permit, you should contact the Division immediately at the number listed below.

Please use the enclosed guidance to verify that the source is in compliance with all of the conditions of the IA permit. To self-certify, submit a Final Approval Self-Certification Form signed by a designated Responsible Official for the facility *for each individual* IA Permit to be finalized, including "dash-numbered" permits (e.g. 96WE199-2). Please submit the information to the address below.

Certification of an IA permit does not in any way preclude the Division from pursuing formal enforcement for violations of permit terms and conditions.

The Division is available to provide assistance with self-certification, including a site visit at the express request of a source. While the Division may charge all businesses at the rate of \$76.45 per hour for compliance assistance, small businesses may also obtain free assistance through the Division's Small Business Assistance Program.

To request assistance with self-certification or to obtain additional information regarding the Final Approval process, please contact Doug Ryder, the Final Approval Coordinator, at (303) 692-3189. The Small Business Assistance Program may be reached at (303) 692-3175 or 3148. Thank you for your cooperation.

Sincerely,

Stationary Sources Program
Air Pollution Control Division

Attachments

Mailing Address: Colorado Department of Public Health and Environment
APCD-SS-B1
Attn: Doug Ryder
Final Approval Coordinator
4300 Cherry Creek Drive South
Denver, CO 80246-1530

GUIDANCE DOCUMENT:

HOW DO I SELF-CERTIFY COMPLIANCE WITH MY INITIAL APPROVAL (IA) PERMIT?

Completion of the Final Approval Self-Certification Form in most cases shall be considered sufficient to certify that the conditions set forth in the IA permit are being met. It is important for you to review each and every condition and verify that you are in compliance with that condition. This guidance is organized to explain what is needed to satisfy the compliance requirements for each condition in the IA permit in order to self-certify for Final Approval of the IA permit.

Below the Division will outline the major sections and subsections of the permit. To begin, the IA permit has three major sections that you should be aware: the IA Permit Conditions, the Notes to Permit Holder, and the “General Conditions”.

A. IA PERMIT CONDITIONS

All IA permit conditions are enforceable and it is important to understand your compliance responsibility. IA permit conditions may be generally classified into six different categories of requirements, described more fully below:

- A.1 general identifying information;
- A.2 production and emission limitations (including reporting and record keeping requirements used to demonstrate compliance with the prescribed limits);
- A.3 specific state or federal standard(s) applicable to the operation;
- A.4 operations and maintenance plans (O & M Plans),
- A.5 testing requirements; and
- A.6 other specific conditions not related to the other categories.

A.1 GENERAL IDENTIFYING INFORMATION

A.1.1 Review the company name, location and equipment information on the permit. If any information is incorrect or missing, please submit any changes to the Division along with the signed Final Approval Self-Certification Form.

A.1.2 Does the permit require that the equipment be marked with the permit number?

Compliance with this condition is satisfied if the permit is clearly marked on the equipment so that the equipment subject to the IA permit is easily identified during inspection. Submission of the Final Approval Self-Certification Form will satisfy compliance.

A.1.3 Have the equipment manufacturer, model number(s), and serial number(s) been provided to the Division for inclusion in the permit?

This information must be provided prior to Final Approval for any equipment identified in the IA permit. If all equipment make, model, and serial numbers are required by the IA permit, have been provided to the Division, and are correctly identified, submission of the Final Approval Self-Certification Form will satisfy compliance. Please correct or provide the necessary make, model and serial number information to the Division along with the Final Approval Self-Certification Form.

A.2. PRODUCTION AND EMISSION LIMITATIONS

A.2.1 Production limits are usually identified in the IA permits as consumption, throughput, or operational limits (such as daily fuel use limits, loading rates, etc.). One or more conditions in the IA permit should identify these limits and the method of demonstrating compliance with them (e.g. daily, monthly, or annual records).

If the facility is operating within all consumption, production (throughput), and/or operational limits for all equipment listed and if an operating and maintenance plan (O & M Plan) is **not** required to be submitted, then compliance with this condition has been demonstrated and will be satisfied by submitting the Final Approval Self-Certification Form. Records used to make this determination must be made available to the Division if an O & M Plan is required. If an O & M Plan is not required these records need to be submitted to the Division only upon request.

Please note that records used to make this determination and not otherwise required to be submitted along with the signed self-certification forms, must be made available to the Division upon request. The Division highly recommends that self-certification records, including compliance determinations and all supporting documentation, be maintained on file.

A.2.2 Emission Limits are usually identified in a permit condition in a unit of measurement, such as tons per year (tpy) and/or pounds per year (lbs/yr). One or more conditions in the IA permit should identify these limits, along with the method of demonstrating compliance with them.

If the facility is operating within the emission limits for all the equipment specified and if stack testing (See Performance Testing Below) and an O & M Plan are **not** required, compliance with this condition is demonstrated by submitting the Final Approval Self-Certification Form. A copy of the calculations and associated records used to make this determination must be submitted to the Division if an O & M Plan is required. If an O & M Plan is not required, these records need to be submitted to the Division only upon request.

Please note that records used to make this determination and not otherwise required to be submitted along with the signed self-certification forms, must be made available to the Division upon request. The Division highly recommends that self-certification records, including compliance determinations and all supporting documentation, be maintained on file.

A.3. SPECIFIC STATE OR FEDERAL STANDARD(S) APPLICABLE TO THE OPERATION

Some sources may be subject to federal and/or state standards, such as federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), Colorado AQCC's Regulation No. 6 Performance Standard for Incinerators, or activity-based requirements. These standards/requirements should be identified in the IA Permit, and it is important to note that the engineer who drafted your permit may not have written out every applicable requirement under the standard into your permit. Typically, the engineer will only put the most applicable requirements of the standard (such as the emission standard and recordkeeping requirements) in your permit. *It is your responsibility as the permit holder to review and be in compliance with the applicable standard in its entirety.* Most federal requirements may be found at: <http://www.gpoaccess.gov/cfr/retrieve.html>, and most state-only requirements may be found at: <http://www.cdphe.state.co.us/regulations/airregs/index.html>. Submission of the Final Approval Self-Certification Form certifies to the Division that your facility is in compliance with the standards identified in the IA Permit.

A.4. OPERATION & MAINTENANCE PLANS

Operation & Maintenance Plans (O & M Plans) function primarily as compliance plans for *synthetic minor sources*. A synthetic minor source is one that has taken federally enforceable limits to remain below major source thresholds subject to Title V of the Clean Air Act to demonstrate compliance with their construction permits. The IA permit will generally include a condition requiring the owner or operator to create and submit an O & M Plan to the Division for approval. An O & M Plan will typically include manufacturer's specifications for:

1. Process and control equipment operation;
2. How and when scheduled maintenance and calibration of equipment will be conducted;
3. Quality Assurance/Control procedures;
4. Methodology for calculating emissions;
5. A sample record-keeping format with actual data; and
6. Any other requirements as identified in the IA permit condition.

If the IA permit requires submission of an O & M Plan, it has been submitted with the appropriate accompanying calculations and record-keeping format with actual data, and has been approved by the Division, then compliance with this condition has been demonstrated. The completion of the Final Approval Self-Certification Form verifies that the facility has: 1) submitted a proposed O & M Plan to the Division; and 2) received Division approval for proposed O & M Plan. The Final Approval permit will not be issued until the O & M Plan has been approved. *The time spent by the Division related to this activity is chargeable to the source.* Contact Paul Buck at (303) 692-3264 for any questions regarding O & M plans.

A.5. TESTING REQUIREMENTS

The Division requires certain types of tests to be conducted at sources depending upon equipment characteristics, fuel types, and regulatory requirements. Generally, these tests serve to demonstrate compliance with particulate, opacity, or visible emission limits identified in the IA permit. The most common tests required by the Division are opacity and stack tests. The IA permit will generally include one or more conditions identifying what type of test, if any, is required to be conducted. Test results must be submitted to the Division for finalization of the IA permit.

A.5.1 Particulate, Opacity, and/or Visible emission limits: Opacity Testing

IA Permits that establish particulate, opacity, and/or visible emission limits will generally require the source to conduct an *opacity test*, utilizing EPA Reference Method 9. The following table summarizes some typical testing requirements:

Source Description	Testing Required	Certification Submission to Division
VOC Only Sources (printers and paint booths)	NO TESTING REQUIRED	<u>Final Approval Self-Certification Form</u>
Equipment burning Natural Gas ONLY	NO TESTING REQUIRED	<u>Final Approval Self-Certification Form</u>
All Other Equipment (including, but not limited to: incinerators, diesel fuel boilers/generators, screens, crushers, and other transfer points. Control equipment that may require an opacity test includes scrubbers, baghouses, and oxidizers, among other equipment. This list is not intended to be exhaustive; other equipment may be subject to opacity testing requirements)	EPA Reference Method 9 observations or State-certified Continuous Opacity Monitor (COMS) data.	FOR METHOD 9: 1) copies of EPA Reference Method 9 reading(s) for all subject equipment performed by a currently EPA Reference Method 9 certified observer; 2) a copy of the observer's EPA Reference Method 9 certification; and 3) <u>Final Approval Self-Certification Form</u> FOR COMS Data: sufficient data to demonstrate compliance with the opacity standard and #3 above

A list of opacity testing firms is available upon request. Please contact the Final Approval Coordinator, at (303) 692-3189, to receive this list or to obtain additional information regarding opacity-testing requirements.

A.5.2 Stack Tests. Stack tests are typically used by the Division to verify that the correct emission rates were used in the IA Permit to calculate emission limits. The IA Permit should have a condition specifying that a *compliance test* be conducted.

When a stack test is required to finalize the IA permit, the source must do the following:

- 1) Submit a test protocol that meets the requirements of the Air Pollution Control Division Compliance Test Manual 30 days prior to the test for Division approval;
- 2) Receive Division approval of the test protocol;
- 3) Request that a Division witness attend the stack test;
- 4) Complete all stack tests required by the IA permit prior to self-certification; and
- 5) Submit the results of the stack test to the Division for review and approval within 30 days of completing the testing.

Submission of the Final Approval Self-Certification Form verifies that the facility has completed any stack tests required. A Division staff member must witness every test unless the Division chooses not to observe it. *The time spent by the Division related to all of these activities is chargeable to the source.* Contact Tom Lovell at (303) 692-3204 for any questions regarding stack testing.

A.5.3 Additional Testing. A facility may be subject to additional testing required under the NESHAP, NSPS or other source-specific requirements. The IA permit will generally identify any additional initial and/or periodic testing required. Records sufficient to demonstrate compliance with these testing requirements should be submitted along with the Final Approval Self-Certification Form.

A.6. OTHER REQUIREMENTS

Permit conditions related to this topic are the conditions generally related to specific requirements in the regulations, but not necessarily specific to a standard. Examples of these conditions may be reasonably available control technology (RACT) requirements, fugitive dust control requirements, and dispersion modeling imposed requirements. Submission of the Final Approval Self-Certification Form certifies to the Division that your facility is in compliance with these conditions in the IA Permit.

If you have any questions regarding the applicability of any IA permit conditions, please contact either the engineer who wrote your permit or the Division at (303) 692-3150.

B. NOTES TO PERMIT HOLDER

Every IA permit has a section immediately after the signatures entitled "Notes to Permit Holder". This section is not to be confused with permit attachments or fugitive dust control plans. This section is written into the permit by the engineer to provide specific permit information. Typical information provided in this section are the emission factors used to generate the emission limits in the permit conditions, the classification of the source (see [PS Memo 97-3](#)), the due date of the next APEN, and a list of any hazardous air pollutants (HAPs) and non-criteria reportable air pollutants (NCRAPS) that are emitted at this source. This information is provided only to assist the permit holder in demonstrating compliance with some of the permit conditions. Notes of the Permit Holder are not enforceable conditions of a permit. For example, a facility emits 200 pounds per year of benzene (a HAP); the Notes would list emissions of benzene at 200 pounds per year. In the permit conditions, there is a requirement to submit a revised APEN when actual emissions of a HAP increase by 50%. If a change increasing benzene emissions to 350 pounds per year occurred without submission of an updated APEN to Division for this change, this increase would be in violation of that permit condition requiring a revised APEN because actual emissions of a HAP increased by over 50%. However, there is no violation of the Note that listed the benzene emissions at 200 pounds per year because the Notes are not enforceable conditions. Continuing with this example, if the increase in benzene was only to 250 pounds per year, the permit condition would not be violated because the increase in HAP emissions was less than 50%.

C. GENERAL CONDITIONS

Every IA Permit has General Terms and Conditions attached to the IA Permit. These terms and conditions are an important component of the IA permit, and will also be attached to the Final Approval Permit. It is important that the source complies with these general terms and conditions. The following terms and conditions should also be reviewed and verified by submitting a Final Approval Self-Certification Form:

- a. Is a copy of the permit maintained on site at the permitted facility per General Term and Condition 4?

Completion of the attached Final Approval Self-Certification Form, shall be considered sufficient to certify compliance with this requirement.

- b. Is the permit still valid, not having expired per General Term and Condition 6?

Completion of the attached Final Approval Self-Certification Form shall be considered sufficient to certify compliance with this requirement.

If the permit has expired, the activity still requires a permit, and the permit has expired or will expire before self-certification will be completed, then contact the Division to determine what needs to be done to correct this matter.

- c. Has the Division been notified at least 15 days following commencement of the currently permitted operation or activity per General Term and Condition 7?

Completion of the attached Final Approval Self-Certification Form shall be considered sufficient to certify compliance with this requirement.

If the Division was not notified then submit notification of date of startup with the completed Final Approval Self-Certification Form.

IMPORTANT!!!! Once it has been determined that the facility is operating in compliance with **ALL** terms and conditions of its initial approval construction permit, sign and date one copy of the attached Final Approval Self-Certification Form for each permit. Mail the signed and dated form(s) along with any required additional supporting documentation to:

Attn: Doug Ryder
Final Approval Coordinator
Colorado Department of Public Health and Environment
APCD-SS-B1
4300 Cherry Creek Dr. S.
Denver, CO 80246-1530

Please note that records used to make this determination and not otherwise required to be submitted along with the signed self-certification forms, must be made available to the Division upon request. The Division highly recommends that self-certification records, including compliance determinations and all supporting documentation, be maintained on file.

Q: WHAT IF I NEED ASSISTANCE AND WOULD PREFER TO HAVE A DIVISION REPRESENTATIVE DETERMINE IF I AM IN COMPLIANCE WITH MY INITIAL APPROVAL PERMIT?

Write or call the Division to schedule assistance. All time spent by the Division or its agents may be billed to the source at the rate of \$59.98 per hour. Small businesses may obtain free and confidential assistance through the Division Small Business Assistance Program at (303) 692-3175 or (303) 692-3148. The Small Business Ombudsman can also be contacted at (303) 692-2135.

Q: WHAT IF I CANNOT DEMONSTRATE COMPLIANCE AND MY PERMIT NEEDS TO BE REVISED?

Contact the Division to discuss those items that need revision to reflect current operation, including changes of company name, location, equipment information, and/or any permit condition that cannot be met. Take appropriate steps as defined by the Division to revise permit.

If you have any questions, please contact Doug Ryder, Final Approval Coordinator, at (303) 692-3189.

DEFINITION OF RESPONSIBLE OFFICIAL

Responsible official means one of the following:

- a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (I) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (ii) the delegation of authority to such representative is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this section, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency;

(Excerpt taken from Regulation Number 3, Part A, Section I.B.38.)

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AIR POLLUTION CONTROL DIVISION CONSTRUCTION PERMIT FINAL APPROVAL SELF-CERTIFICATION FORM

SOURCE NAME: [Insert Company Name] _____

FACILITY IDENTIFICATION NUMBER: [Insert AIRS number] _____
(The AIRS number is found in the lower left corner of the permit)

PERMIT NUMBER: [Insert Construction Permit Number] _____

All information related to the Final Approval certification of the above referenced Initial Approval construction permit must be certified by a responsible official as defined on the attached page. This certification means that each condition of the Initial Approval permit has been reviewed and that the source is in compliance with all conditions of the permit. A Final Approval permit will be issued only if all permit conditions are being met. The attached memo provides guidance on what steps must be taken to certify compliance with various types of permit conditions. This signed certification document must be packaged with the documents being submitted for the request for Final Approval of this permit. A separate Certification along with the associated documentation is required for each individual Initial Approval permit. This includes "dash numbered" permits (e.g. 96LA199-2).

I have reviewed the above paragraph, the attached document entitled "Guidance for Self-Certification", terms and conditions of the initial approval permit referenced above, and the information being submitted for final approval of this permit in its entirety. Based on information and belief formed after reasonable inquiry, I certify that the source is in full compliance with each permit and condition of this initial approval permit, and the statements and information contained in this submittal are true, accurate and complete.

Please note that the Colorado Statutes state that any person who knowingly, as defined in § 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this application is guilty of a misdemeanor and may be punished in accordance with the provisions of § 25-7 122.1, C.R.S.

Printed or Typed Name

Title

Signature

Date Signed