PART A CONCERNING GENERAL PROVISIONS APPLICABLE TO REPORTING AND PERMITTING

I. Applicability

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

All sources of air pollutants that have previously obtained an emissions permit (prior to July 1, 1992) or a construction permit, and are subject only to the Part B Construction Permit Program, may choose to reapply for a new construction permit pursuant to Part B of this Regulation Number 3 in order to obtain the operational flexibility provided in Section IV. of this Part A, or to obtain federally enforceable limitations to limit the source's potential to emit ("synthetic minor"). Sources of air pollutants that are subject only to the Part B Construction Permit Program may voluntarily apply for an Operating Permit pursuant to Part C.

Pursuant to Colorado Revised Statutes Section 24-4-103 (12.5), materials incorporated by reference are available for public inspection during normal business hours, or copies may be obtained at a reasonable cost from the Technical Secretary of the Air Quality Control Commission (the Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference is also available through the United States Government Printing Office, online at www.gpo.gov/fdsys. Materials incorporated by reference are those editions in existence as of the date of this regulation as promulgated or revised by the Commission and references do not include later amendments to or editions of the incorporated materials.

I.B. Definitions

I.B.1. Administrative Permit Amendment.

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

I.B.3. Adverse Environmental Effect

As a term used in the context of regulating hazardous air pollutants, any significant and widespread adverse effect, that may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

I.B.4. Affected States

All states whose air quality may be affected by issuance of an operating permit, operating permit modification, or operating permit renewal and that are contiguous to Colorado; and/or all states that are within fifty miles of a permitted source.

I.B.5. Affected Unit

A unit that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation pursuant to Title IV of the Federal Act or regulations promulgated there under, in the Code of Federal Regulations Title 40, Part 72.

I.B.6. Air Pollutant

Means carbon monoxide, nitrogen oxides, sulfur dioxide, PM10, PM2.5, total suspended particulates, ozone, volatile organic compounds, lead, all pollutants regulated under Section 111 of the Federal Act (Regulation Number 6), all hazardous air pollutants, and all class I and class II ozone depleting compounds as defined and referenced in Section 602 of the Federal Act.

I.B.7. Allowable Emissions

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

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

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

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

I.B.8. Annual Actual Emissions

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

I.B.9. Applicable Requirement

Means all of the following as they apply to emissions units in a source subject to operating permit requirements of this regulation (including requirements that have been promulgated or approved by the U.S. EPA through rulemaking at the time of permit issuance but have future effective compliance dates);

I.B.9.a. Any term or condition of any construction permit issued pursuant to Part B of this Regulation Number 3, or any such term or condition as modified by procedures authorized by the operating permit program pursuant to Parts B and C of this Regulation, or any permit issued under Part C or Part D of the Federal Act, except that state-only permit terms or conditions shall remain enforceable solely pursuant to state law;

I.B.9.b. Any standard or other requirement provided for in the state implementation plan;

I.B.9.c. Any standard or other requirement under Section 111 of the Federal Act (New Source Performance Standards), including Section 111(d) of the Federal Act (Standards of Performance for existing sources) (Regulation Number 6);

I.B.9.d. Any standard or other requirement under Section 112 of the Federal Act (hazardous air pollutants, including any requirement concerning accident prevention under Section 112(r)(7) of the Federal Act) (Regulation Number 8) but not including the contents of any risk management plan required under Section 112(r) of the Federal Act;

I.B.9.e. Any requirements for monitoring and compliance assurance monitoring methods and procedures to ensure compliance with permit requirements, including periodic monitoring and testing, and compliance certifications, established pursuant to Sections 504(b) or 114(a)(3) of the Federal Act;

I.B.9.f. Any standards or other requirement under the Code of Federal Regulations Title 40, Part 72 (acid deposition control);

I.B.9.g. Any standard or other requirement governing solid waste incineration;

I.B.9.h. Any standard or other requirement for consumer and commercial products;

I.B.9.i. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Federal Act, except where the Administrator has determined such requirement need not be contained in an operating permit (Regulation Number 15);

I.B.9.j. Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Federal Act, but only as it would apply to temporary sources permitted pursuant to Part C of this Regulation Number 3.

I.B.10. Carbon Dioxide Equivalent (CO_2e)

A metric used to compare the emissions from various GHG classes based upon their global warming potential (GWP). The CO_2e is determined by multiplying the mass amount of emissions (tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO_2e (tons per year). The applicable GWPs codified in 40 CFR Part 98, Subpart A, Table A-1 – Global Warming Potentials are hereby incorporated by reference as in effect as of October 30, 2009, but not including later amendments.

I.B.11. Commence, also Commence Construction

When the owner or operator has obtained all necessary pre-construction approvals or permits required by federal, state, or local air pollution and air quality laws and regulations and has either; (a) begun, or caused to begin, a continuous program of physical onsite construction of the source, or (b) entered into binding agreements or contractual obligation that cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time. The following activities do not require the owner or operator to obtain a permit: 1) planning; 2) site clearing and grading; 3) ordering of equipment and materials; 4) storing of equipment; 5) setting up temporary trailers to house construction management staff and contractor personnel; 6) engineering and design; and 7) geotechnical investigation. In the event that the source does not qualify for issuance of a permit, the owner or operator accepts the financial risk of commencing these activities.

I.B.12. Commencement of Operation

A new source commences operation when it first conducts the activity that it was designed and permitted for (i.e., producing cement or generating electricity).

I.B.13. Construction Permit

Means the same as an emission permit as required under Part B of this regulation as it existed prior to July 1, 1992, and is the permit required under Colorado Revised Statutes Section 25-7-114.2 after July 1, 1992.

I.B.14. Continuous Emissions Monitoring System (CEMS)

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

I.B.15. Continuous Emissions Rate Monitoring Systems (CERMS)

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

I.B.16. Continuous Parameter Monitoring System (CPMS)

All of the equipment necessary to meet the data acquisition and availability requirements of Part D of this Regulation, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

I.B.17. Criteria pollutants

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

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

I.B.18. Designated Representative

Means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of Code of Federal Regulations, Title 40, Part 72, to represent and legally bind each owner and operator, as a matter of law, in matters pertaining to the acid rain program. Whenever the term responsible official is used, it shall be deemed to refer to the designated representative with regard to all matters under the acid rain program.

I.B.19. Draft Permit

Means a proposed form of a permit that is released to the public for an opportunity for public comment and hearing, and for affected state review prior to the Division's final decision on a permit application.

I.B.20. Existing Source

An air pollutant source that has been constructed, is in operation, or has received an initial approval of a construction permit prior to the effective date of applicable requirements.

I.B.21. Fugitive Dust

For purposes of this Regulation Number 3, fugitive dust means soil or other airborne particulate matter (excluding particulates produced directly during combustion) resulting from natural forces or from surface use or disturbance, including, but not limited to, all dust from agriculture, construction, forestry, unpaved roads, mining, exploration, or similar activities in which earth is either moved, stored, transported, or redistributed; except that fugitive dust shall not include any fraction of such soil or other airborne particulate matter that is of a size or substance to adversely affect public health or welfare.

I.B.22. General Permit

Means a single permit issued to cover numerous similar sources.

I.B.23. Greenhouse Gas (GHG)

Means the aggregate group of the following six greenhouse gases: carbon dioxide (CO2), nitrous oxide (N2O), methane (CH4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6). These gases are treated in aggregate based on the total carbon dioxide equivalent (CO2e) as the pollutant GHG. See definition for carbon dioxide equivalent (CO2e).

I.B 24. Indirect Source

A facility, building, structure, or installation, or any combination thereof, excluding dwellings, which can reasonably be expected to cause or induce substantial mobile source activity that results in emissions of air pollutants that might reasonably be expected to interfere with the attainment and maintenance of National Ambient Air Quality Standards.

I.B.25. Major Source

Any stationary source or group of stationary sources belonging to the same industrial grouping (see Section I.B.43. of this Part A), that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control) that:

I.B.25.a. Directly emits, or has the potential to emit considering enforceable controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants, or such lesser quantity of hazardous air pollutants as may be established pursuant to the Federal Act. Emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources, and in the case of any oil or gas exploration or production well (with its associated equipment), such emissions shall not be aggregated for any purpose under this provision. Fugitive emissions shall be considered in determining whether a stationary source of hazardous air pollutants is a major source.

I.B.25.b. Directly emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation. Fugitive emissions shall not be considered in determining whether a source is a major source for purposes of this Section I.B.25.b., unless the source belongs to one of the following categories of stationary sources:

I.B.25.b.(i) Coal cleaning plants (with thermal dryers);

I.B.25.b.(ii) Kraft pulp mills;

I.B.25.b.(iii) Portland cement plants;

I.B.25.b.(iv) Primary zinc smelters;

I.B.25.b.(v) Iron and steel mills;

I.B.25.b.(vi) Primary aluminum ore reduction plants;

I.B.25.b.(vii) Primary copper smelters;

I.B.25.b.(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

I.B 25.b.(ix) Hydrofluoric, sulfuric, or nitric acid plants;

I.B.25.b.(x) Petroleum refineries;

I.B.25.b.(xi) Lime plants;

I.B.25.b.(xii) Phosphate rock processing plants;

I.B.25.b.(xiii) Coke oven batteries;

I.B.25.b.(xiv) Sulfur recovery plants;

I.B.25.b.(xv) Carbon black plants (furnace process);

I.B.25.b.(xvi) Primary lead smelters;

I.B.25.b.(xvii) Fuel conversion plants;

I.B.25.b.(xviii) Sintering plants;

I.B.25.b.(xix) Secondary metal production plants;

I.B.25.b.(xx) Chemical process plants;

I.B.25.b.(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

I.B.25.b.(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

I.B.25.b.(xxiii) Taconite ore processing plants;

I.B.25.b.(xxiv) Glass fiber processing plants;

I.B.25.b.(xxv) Charcoal production plants;

I.B.25.b.(xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

I.B.25.b.(xxvii) Any other stationary source categories regulated by a standard promulgated as of August 7, 1980 under Section 111 or 112 of the Federal Act, but only with respect to those air pollutants that have been regulated for that category.

I.B.25.c. Meets any of the definitions of major stationary source set forth in Section II.A.24. of Part D of this Regulation Number 3.

I.B.26. Minor Source

Any stationary source that does not qualify as a major source (as defined in Section I.B.25. above).

I.B.27. Mobile Source

Motor vehicles and other sources of air pollution that emit pollutants while moving and that commonly do not remain at one site (one or more contiguous or adjacent properties owned or operated by the same person or by persons under common control), but does not include portable sources.

I.B 28 Modification

Any physical change in, or change in the method of operation of, a stationary source that does not meet the definition of major modification (as defined in Section II.A.22. of Part D of this regulation), and that increases the emission rate of any pollutant for which a federal or state emission standard has been promulgated or that results in the emission of any such pollutant previously not emitted. The following exceptions apply:

I.B 28.a Routine maintenance, repair, and replacement shall not be considered a physical change;

I.B.28.b Unless previously limited by enforceable permit terms and conditions, the following shall not be considered to be a change in the method of operation:

I.B.28.b.(i) An increase in the production rate if such increase does not exceed the design capacity of the source and does not lead to emissions in excess of the emission standards;

I.B.28.b.(ii) An increase in the hours of operation that does not lead to emissions in excess of the emission standards.

I.B 28.b.(iii) Use of an alternative fuel or raw material by reason of an order in effect under Sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), a prohibition under the Federal Power Plan and Industrial Fuel Act of 1978 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

I.B.28.b.(iv) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Act; or

I.B.28.b.(v) Change in ownership of the source.

I.B.28.c. Emissions resulting from construction and exploration shall be excluded in determining whether a modification will occur. Emissions from ongoing construction, and emissions from natural gas flaring are not considered to be temporary emissions, and are included in determining whether a modification will occur.

I.B.28.d. This definition shall not be used as a definition of major modification or minor permit modification (as defined in Section I.A.2. of Part C of this regulation)-- these are distinct and separate definitions.

I.B.28.e. Any physical change or change in the method of operation at a source with an operating permit issued pursuant to Part C of this Regulation Number 3, that does not constitute a major modification (as defined in Part D, Section II.A.22. of this Regulation Number 3) and that does not trigger new source performance standards or hazardous air pollutant requirements under the Federal Act is not considered to be a modification; except that any such change shall trigger the provisions of Part B, Section III.D.1.a. through III.D.1.g., and Part C, Sections X.A., and Part C Sections XII.A. or XII.B., as appropriate.

for Administrative Permit Amendment see Section I.B.1. of Part A
for Minor Permit Modification, see Section I.A.2. of Part C
for Major Modification, see Section II.A.22. of Part D
for Permit Modification, see Section I.A.3. of Part C
for Permit Revision, see Section I.B.34. of Part A
for Significant Permit Modification, see Section I.A.7. of Part C

I.B.29. New Source

A stationary air pollution source, other than an existing source; or any source that resumes operation after being inactive for more than one year after having been shut down for the purpose of eliminating emissions that violated any applicable emission control regulation or regulation for the control of hazardous air pollutants.

I.B.30. Non-criteria Reportable Pollutants

The list of pollutants set forth in Appendix B and those ozone-depleting compounds listed in Section 602 of the Federal Act.

I.B.31. Non-Road Engine

I.B.31.a. Except as discussed in Section I.B.31.b. of this definition, a non-road engine is an internal combustion engine:

I.B.31.a.(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

I.B.31.a.(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

I.B.31.a.(iii) That, by itself or in or on a piece of equipment is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to wheels, skids, carrying handles, dolly, trailer or platform.

I.B.31.b. An internal combustion engine is not a non-road engine if:

I.B.31.b.(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Act; or

I.B.31.b.(ii) The engine is regulated by a federal New Source Performance Standard promulgated under Section 111 of the Federal Act; or

I.B.31.b.(iii) The engine otherwise included in Section I.B.31.a.(iii) of this definition remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located as a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at a single location approximately three months (or more) each year. This Section does not apply to an engine after the engine is removed from the location.

I.B.32. Operating Permit

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

I.B.33. Operating Permit Source

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

I.B.34. Permit Revision

Any permit modification, minor permit modification, or administrative permit amendment. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program provided that such increases do not require a permit revision under any other applicable requirement.

I.B.35. Pollution Prevention

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

I.B.36. Portable Source

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

I.B.37. Potential to Emit

The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state enforceable and federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

I.B.38. *Predictive Emissions Monitoring System (PEMS)*

All of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O2 or CO2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

I.B.39. Regulated Air Pollutant

Nitrogen oxides or any volatile organic compounds, except as listed in the definition of negligibly reactive volatile organic compounds in the Common Provisions regulation; any pollutant for which a national or state ambient air quality standard has been promulgated; any pollutant that is subject to any standard promulgated under Section 111 of the Federal Act (Regulation Number 6); any class I or II substance subject to a standard promulgated under or established by Title VI of the Federal Act; any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Federal Act, including Sections 112(g), (j), and (r) of the Federal Act; and any pollutant subject to a standard promulgated pursuant to Colorado Revised Statutes Section 25-7-109.3(5)(a), (state-only hazardous air pollutants listed in Section 25-7-109.3(5)(a) are subject to state enforcement only and do not trigger enforcement by the Administrator or by citizens under Section 304 of the Federal Act.)

Once a source becomes subject to the operating permit requirements, regulated air pollutants must be addressed in the permit application and in the permit.

I.B.40. Responsible Official

One of the following:

I.B.40.a. For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

I.B.40.a.(i) The facilities employ more than two hundred and fifty persons or have gross annual sales or expenditures exceeding twenty-five million dollars (in second quarter 1980 dollars); or

I.B.40.a.(ii) The delegation of authority to such representative is approved in advance by the Division;

I.B.40.b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

I.B.40.c. For a municipality, state, federal, or other public agency; either a principal executive officer, or ranking elected official. For the purposes of this section, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

I.B.40.d. For affected sources:

I.B.40.d.(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Federal Act or the regulations, found at Code of Federal Regulations Title 40, Part 72, promulgated there under are concerned; and

I.B.40.d.(ii) The designated representative under Title IV of the Federal Act or the Code of Federal Regulations Title 40, Part 72 for any other purposes under the Code of Federal Regulations Title 40, Part 70.

I.B.41. Schedule of compliance

A schedule of required measures, including an enforceable sequence of actions or operations, leading to compliance with an applicable state implementation plan, emission standard, emission limitation, emission prohibition, or emission control regulation.

I.B.42. State-only Condition

Means any standard, term or condition that is not required by Part C of this regulation (Title V Operating Permits), Part D of this regulation (major New Source Review), Title III (hazardous air pollutants) or Section 111 (New Source Performance Standards) of the Federal Act, is not required to be federally enforceable to participate in the early reductions program, is not required to create a federally enforceable emissions limitation in order to create a synthetic minor source (as defined in Section I.A. of this Part), or is otherwise more stringent than a requirement under the Federal Act.

I.B.43. Stationary Source

Any building, structure, facility, or installation, or any combination thereof belonging to the same industrial grouping that emits or may emit any air pollutant subject to regulation under the Federal Act, that is located on one or more contiguous or adjacent properties and that is owned or operated by the same person or by persons under common control. Those emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine as defined in Section I.B.29. of this Part shall not be considered a stationary source. Building, structures, facilities, equipment, and installations shall be considered to belong to the same industrial grouping if they belong to the same major groups (i.e., have the same two-digit codes) as described in the Standard Industrial Classification Manual, 1987, but not later amendments. See National Technical Information Service, Order Number PB 87-100012. The manual is available for examination at the office of the Director of the Air Pollution Control Division, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

for Affected Source see Section I.A.1. of Part C
for Existing Source, see Section I.B.20. of Part A
for Indirect Source, see Section I.B.24. of Part A
for Major Source, see Section I.B.25. of Part A
for Major Stationary Source, see Section II.A.26. of Part D
for Minor Source, see Section I.B.26. of Part A
for Mobile Source, see Section I.B.27. of Part A
for New Source, see Section I.B.29. of Part A
for Portable Source, see Section I.B.36. of Part A
for Temporary Source, see Section I.B.45. of Part A

I.B.44. Subject to Regulation

For any air pollutant, that the pollutant is subject to either a provision in the Federal Act, or a nationally-applicable regulation codified by the Administrator in Subchapter C of 40 CFR Chapter I of the Federal Act, that requires actual control of the quantity of emissions of the pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity, except that:

I.B.44.a. GHG shall not be subject to regulation except as provided in Sections I.B.44.d. through f. of this Part A.

I.B.44.b. For purposes of Section I.B.44.c. through e., the term CO2e of this Part A, shall represent an amount of GHG emitted, and shall be computed as follows:

I.B.44.b.(i) Multiplying the mass amount of emissions (tpy), for each of the six GHGs in the pollutant GHG, by the gas's associated GWP published at Table A-1 to Subpart A of Part 98 of 40 CFR as in effect October 30, 2009, which is hereby incorporated by reference, but not including later amendments. For purposes of this paragraph, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

I.B.44.b.(ii) Sum the resultant value from Section I.B.44.b.(i) of this Part A, for each gas to compute a tpy CO2e.

I.B.44.c. The term emissions increase as used in Sections I.B.44.d. through e. of this Part A, shall mean that both a significant emissions increase (as calculated using the procedures in Section II.A.22 of Part D) and a significant net emissions increase (as defined in Sections II.A.26, and II.A.42 of Part D) occur. For the pollutant GHG, an emissions increase shall be based on tpy CO2e, and shall be calculated assuming the pollutant GHG is a regulated NSR pollutant, and significant is defined as 75,000 tpy CO2e instead of applying the value in Section II.A.42.b. of Part D.

I.B.44.d. Beginning January 2, 2011, the pollutant GHG is subject to regulation concerning major stationary source new source review and prevention of significant deterioration if:

I.B.44.d.(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHG, and also will emit or will have the potential to emit 75,000 tpy CO2e or more; or

I.B.44.d.(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHG, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO2e or more.

I.B.44.e. Beginning July 1, 2011, in addition to the provisions in Section I.B.44.d. of Part A, the pollutant GHG shall also be subject to regulation if:

I.B.44.e.(i) Concerning operating permits (Sections I through XIV of Part C), at a new or existing stationary source that will emit or have the potential to emit 100,000 tpy CO2e; or

I.B.44.e.(ii) Concerning major stationary source new source review and prevention of significant deterioration and operating permits:

I.B.44.e.(ii)(A) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO2e; or

I.B.44.e.(ii)(B) At an existing stationary source that will emit or have the potential to emit 100,000 tpy CO2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO2e or more.

I.B.44.f. If there is a change in federal law that supersedes, or the District of Columbia Circuit Court of Appeals or the United States Supreme Court directs or issues an order, which limits or renders ineffective the regulation of GHG emissions at stationary sources under the New Source Review Prevention of Significant Deterioration(PSD) or Title V provisions of the Federal Act the regulation, GHG emissions under the corresponding programs in this Regulation Number 3 shall be limited or rendered ineffective to the same extent.

I.B.45. Temporary Source

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

I.B.46. Uncontrolled Actual Emissions

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

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

I.B.47. Wet Screening Operations

A screening operation at a nonmetallic mineral processing plant that removes unwanted material or that separates marketable fines from the product by a washing process that is designed and operated at all times such that water is an integral part of the process and the product is saturated with water. Screens that use spray bars for the purposes of dust control are not included in this definition.

II. Air Pollutant Emission Notice (APEN) Requirements

II.A. Air Pollutant Emission Notices for New, Modified, and Existing Sources

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

II.B. General

II.B.1. Emission Estimate

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

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

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

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

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

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

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

II.B.2. Air Pollutant Emission Notice Term

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

II.B.3. APEN Applicability

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

II.B.3.a. Criteria Pollutants

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

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

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

II.B.4. Source Grouping

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

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

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

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

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

II.B.4.d. None of the individual sources is required to monitor emissions through the use of continuous emission monitors;

II.B.4.e. Each of the individual emission points has fuel usage, production, and a consumption level, which are indistinguishable from the other points, which have been grouped on the Air Pollutant Emission Notice;

II.B.4.f. None of the individual sources grouped on the Air Pollutant Emission Notice has previously been issued its own separate emissions permit.

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

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

II.B.5. Air Pollutant Emission Notices and revised Air Pollutant Emission Notices shall be based on calendar years (January through December).

II.B.6. The emissions noted on the current Air Pollutant Emission Notice on file with the Division shall be used for emission fee calculations as described in Section VI. of this Part A.

II.C. Revised Air Pollutant Emission Notices

II.C.1. A revised Air Pollutant Emission Notice shall be filed:

II.C.1.a. Annually whenever a significant change (as defined in Section II.C.2.) in annual actual emissions occurs; or

II.C.1.b. Whenever there is a change in the owner or operator of any facility, process, or activity; or

II.C.1.c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment (revised Air Pollutant Emission Notices are not required for routine maintenance, repair, or replacement of control equipment; or

II.C.1.d. Whenever a permit limitation must be modified; or

II.C.1.e. Before the Air Pollutant Emission Notice expires.

II.C.1.f. A revised Air Pollutant Emission Notice is not required whenever the location of a portable facility, process, or activity is changed, however, the owner or operator of such source must file a relocation notice. Such notice shall be received by the Division at least ten days prior to the change in location. Alternatively, the owner or operator of a portable source may request written approval from the Division to report multiple relocations. Relocation forms are available at the Division offices.

II.C.1.g. A revised Air Pollutant Emission Notice is not required for emergency or backup generators that are ancillary to the main units at electric utility facili-

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

II.C.1.h. A revised Air Pollutant Emission Notice is not required for emergency or backup generators for electric power generating facilities that are not ancillary to a main unit at an electric utility facility, and that have a permit containing limits on the physical or operational capacity of the source to emit a pollutant such that the source is not considered to be a major stationary source as defined in Section II.A.24. of Part D of this Regulation Number 3. If an owner or operator of such a source chooses to file a revised Air Pollutant Emission Notice, the Air Pollutant Emission Notice shall list the average of the annual actual emissions for the preceding three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

II.C.4. Emissions reported

II.C.4.a. Sources submitting revised Air Pollutant Emission Notices due to Sections II.C.1.a., II.C.1.b., or II.C.1.e. must report actual annual emissions. Actual annual emissions for sources utilizing emission control equipment or procedures represent controlled actual annual emissions.

II.C.4.b. Sources submitting revised Air Pollutant Emission Notices due to Sections II.C.1.c. or II.C.1.d. must report both uncontrolled actual annual emissions and controlled actual emissions.

II.D. Exemptions from Air Pollutant Emission Notice Requirements

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

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

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

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

II.D. Exemptions from Air Pollutant Emission Notice Requirements

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

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

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

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

II.D.1.e. Fires and equipment used for noncommercial cooking of food for human consumption, or cooking of food for human consumption at commercial food service establishments, except for char broilers and wood fired equipment (but not including campfires) in PM10 nonattainment areas. Charbroiler shall mean a cooking device in a commercial food service establishment, either gas fired or using charcoal or other fuel, upon which grease drips down upon an open flame, charcoal or embers.

II.D.1.f. Safety flares used to indicate danger to the public.

~~II.D.1.g. Agricultural operations such as farming, cultivating, harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation Number 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major source (as defined in Section I.B.23. of this art); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation Number 6, Part A); or (3) participates in the early reduction program of the Federal Act, Section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulation promulgated by the Commission.~~

II.D.1.h. Emissions from, or construction, or alteration of residential structures, including all buildings or other structures used primarily as a place of residence, and including home heating devices.

II.D.1.i. Laboratories and research & development facilities:

II.D.1.i.(i) Noncommercial (in house) experimental and analytical laboratory equipment that is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.

II.D.1.i.(ii) Research and development activities that are of a small pilot scale and that process less than ten thousand pounds of test material per year;

II.D.1.i.(iii) Small pilot scale research and development projects less than six months in duration with controlled actual emissions less than five hundred pounds of any criteria pollutant or ten pounds of any non criteria reportable pollutant.

II.D.1.j. Disturbance of surface areas for purposes of land development, that do not exceed twenty-five contiguous acres and that do not exceed six months in duration. (This does not include mining operations or disturbance of contaminated soil).

II.D.1.k. Each individual piece of fuel burning equipment, other than smokehouse generators and internal combustion engines, that uses gaseous fuel, and that has a design rate less than or equal to five million British thermal units per

II.D.1.g. Agricultural operations such as farming, cultivating, harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation Number 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major source (as defined in Section I.B.25. of this part); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation Number 6, Part A); or (3) participates in the early reduction program of the Federal Act, Section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulation promulgated by the Commission.

II.D.1.h. Emissions from, or construction, or alteration of residential structures, including all buildings or other structures used primarily as a place of residence, and including home heating devices.

II.D.1.i. Laboratories and research & development facilities:

II.D.1.i.(i) Noncommercial (in house) experimental and analytical laboratory equipment that is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.

II.D.1.i.(ii) Research and development activities that are of a small pilot scale and that process less than ten thousand pounds of test material per year;

II.D.1.i.(iii) Small pilot scale research and development projects less than six months in duration with controlled actual emissions less than five hundred pounds of any criteria pollutant or ten pounds of any non criteria reportable pollutant.

II.D.1.j. Disturbance of surface areas for purposes of land development, that do not exceed twenty-five contiguous acres and that do not exceed six months in duration. (This does not include mining operations or disturbance of contaminated soil).

II.D.1.k. Each individual piece of fuel burning equipment, other than smokehouse generators and internal combustion engines, that uses gaseous fuel, and that has a design rate less than or equal to five million British thermal units per hour. (See definition of fuel burning equipment, Common Provisions Regulation).

II.D.1.l. Internal combustion engines powering portable drilling rigs.

II.D.1.m. Exemption Repealed

II.D.1.n. Chemical storage tanks or containers that hold less than five hundred gallons, and that have an annual average daily throughput of less than twenty-five gallons.

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

II.D.1.l. Internal combustion engines powering portable drilling rigs.

II.D.1.m. Exemption Repealed

II.D.1.n. Chemical storage tanks or containers that hold less than five hundred gallons, and that have an annual average daily throughput of less than twenty-five gallons.

II.D.1.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.

II.D.1.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.

~~II.D.1.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation Number 9).~~

II.D.1.r. Brazing, soldering, or welding operations, except those that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.

II.D.1.s. Street and parking lot striping.

II.D.1.t. Battery recharging areas.

II.D.1.u. Aerosol can usage.

II.D.1.v. Sawing operations, that is ancillary to facility operations, and is not part of the production process.

II.D.1.w. The process of demolition and re bricking of furnaces and kilns. This does not include subsequent operation of such furnaces or kilns.

II.D.1.x. Road and lot paving operations at commercial and industrial facilities, except that asphalt and cement batch plants require Air Pollutant Emission Notices and permits, unless exempt under some other section.

II.D.1.y. Adhesive use that is not related to production.

II.D.1.z. Fire training activities.

II.D.1.aa. Caulking operations that are not part of a production process.

II.D.1.bb. Landscaping and site housekeeping devices equal to or less than ten horsepower in size (lawnmowers, trimmers, snow blowers, etc.).

II.D.1.cc. Fugitive emissions from landscaping activities (e.g., weeding, sweeping).

II.D.1.dd. Landscaping use of pesticides, fumigants, and herbicides.

II.D.1.ee. Exemption Repealed

~~II.D.1.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.~~

~~II.D.1.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.~~

II.D.1.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation Number 1).

II.D.1.r. Brazing, soldering, or welding operations, except those that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.

II.D.1.s. Street and parking lot striping.

II.D.1.t. Battery recharging areas.

II.D.1.u. Aerosol can usage.

II.D.1.v. Sawing operations, that is ancillary to facility operations, and is not part of the production process.

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II.D.1.bb. Landscaping and site housekeeping devices equal to or less than ten horsepower in size (lawnmowers, trimmers, snow blowers, etc.).

II.D.1.cc. Fugitive emissions from landscaping activities (e.g., weeding, sweeping).

II.D.1.dd. Landscaping use of pesticides, fumigants, and herbicides.

II.D.1.ee. Exemption Repealed

II.D.1.ff. Emergency events such as accidental fires.

II.D.1.gg. Smoking rooms and areas.

II.D.1.hh. Plastic pipe welding.

II.D.1.ii. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

II.D.1.jj. Beauty salons.

II.D.1.ff. Emergency events such as accidental fires.

II.D.1.gg. Smoking rooms and areas.

II.D.1.hh. Plastic pipe welding.

II.D.1.ii. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

II.D.1.jj. Beauty salons.

II.D.1.kk. Operations involving acetylene, butane, propane and other flame cutting torches.

II.D.1.ll. Pharmacies.

II.D.1.mm. Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed five thousand gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.

II.D.1.nn. Architectural painting, roof coating material and associated surface preparation (except for sandblasting and except for volatile organic compound emissions, associated with surface preparation, above Air Pollutant Emission Notice de minimis levels) for maintenance purposes at industrial or commercial facilities.

~~II.D.1.oo. Emissions that are not criteria (as defined in Section I.B.16. of this part) or non-criteria reportable pollutants (as defined in Section I.B.28. of this part) (These emissions include methane, ethane, and carbon dioxide).~~

II.D.1.pp. Janitorial activities and products.

II.D.1.qq. Grounds keeping activities and products.

II.D.1.rr. Sources of odorous emissions that do not utilize emission control equipment for control of odorous emissions. This exemption applies to the odor emissions only. All other emissions are subject to other exemptions set forth in this regulation. This exemption does not exempt any source from the requirements of Regulation Number 2.

II.D.1.ss. Truck and car wash units.

II.D.1.tt. Office emissions, including cleaning, copying, and restrooms.

II.D.1.uu. Exemption Repealed

II.D.1.vv. Electrically operated curing ovens, drying ovens and similar activities, articles, equipment, or appurtenances. This exemption applies to the ovens only, and not to the items being dried in the ovens.

II.D.1.ww. Equipment used exclusively for portable steam cleaning.

II.D.1.kk. Operations involving acetylene, butane, propane and other flame cutting torches.

II.D.1.ll. Pharmacies.

II.D.1.mm. Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed five thousand gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.

II.D.1.nn. Architectural painting, roof coating material and associated surface preparation (except for sandblasting and except for volatile organic compound emissions, associated with surface preparation, above Air Pollutant Emission Notice de minimis levels) for maintenance purposes at industrial or commercial facilities.

II.D.1.oo. Emissions that are not criteria (as defined in Section I.B.17. of this part) or non-criteria reportable pollutants (as defined in Section I.B.30. of this part) (These emissions include methane, ethane, and carbon dioxide).

II.D.1.pp. Janitorial activities and products.

II.D.1.qq. Grounds keeping activities and products.

II.D.1.rr. Sources of odorous emissions that do not utilize emission control equipment for control of odorous emissions. This exemption applies to the odor emissions only. All other emissions are subject to other exemptions set forth in this regulation. This exemption does not exempt any source from the requirements of Regulation Number 2.

II.D.1.ss. Truck and car wash units.

II.D.1.tt. Office emissions, including cleaning, copying, and restrooms.

II.D.1.uu. Exemption Repealed

II.D.1.vv. Electrically operated curing ovens, drying ovens and similar activities, articles, equipment, or appurtenances. This exemption applies to the ovens only, and not to the items being dried in the ovens.

II.D.1.ww. Equipment used exclusively for portable steam cleaning.

II.D.1.xx. Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

II.D.1.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.

II.D.1.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation Number 7, Section IV. are met, where applicable.

II.D.1.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or used lubricating oils.

II.D.1.xx. Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

II.D.1.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.

II.D.1.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation Number 7, Section IV. are met, where applicable.

II.D.1.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or used lubricating oils.

II.D.1.bbb. Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of one gallon or less.

II.D.1.ccc. Fuel storage and dispensing equipment in ozone attainment areas operated solely for company owned vehicles where the daily fuel throughput is no more than four hundred gallons per day that is calculated as an annual average. Sources in an ozone attainment/maintenance area must utilize Stage 1 vapor recovery on all tanks greater than 550 gallons capacity, as required by Regulation Number 7, in order to take this exemption.

II.D.1.ddd. Exemption Repealed

II.D.1.eee. Indirect sources are exempt until a permit regulation specific to indirect sources is promulgated by the Commission.

II.D.1.fff. Storage tanks meeting all of the following criteria:

II.D.1.fff.(i) Annual throughput is less than four hundred thousand gallons; and

II.D.1.fff.(ii) The liquid stored is one of the following:

II.D.1.fff.(ii)(A) Diesel fuels 1 D, 2 D, or 4 6;

II.D.1.fff.(ii)(B) Fuel oils #1 through #6;

II.D.1.fff.(ii)(C) Gas turbine fuels 1 GT through 4 GT;

II.D.1.fff.(ii)(D) oil/water mixtures with a vapor pressure equal to or lower than that of diesel fuel (Reid Vapor Pressure of 0.025 pounds per square inch absolute).

II.D.1.ggg. Each individual piece of fuel burning equipment that uses gaseous fuel, and that has a design rate less than or equal to ten million British thermal units per hour, and that is used solely for heating buildings for personal comfort.

II.D.1.hhh. Natural gas vehicle fleet fueling facilities.

II.D.1.iii. Electric motors driving equipment at non-commercial machining shops.

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

II.D.1.kkk. Forklifts.

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

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

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

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

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

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

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

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

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

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

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

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

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

II.D.1.ttt.(i) Have a rated horsepower of less than 260; or

II.D.1.ttt.(ii) Operate no more than 250 hours per year and have a rated horsepower of less than 737; or

II.D.1.ttt.(iii) Operate no more than 100 hours per year and have a rated horsepower of less than 1,840

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

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

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

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

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

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

II.D.1.aaaa. Chemical Storage Tanks

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

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

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

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

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

II.D.1.eeee. Exemption Repealed

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

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

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

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

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

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

II.D.1.ppp. Ventilation of emissions from mobile sources operating within a tunnel, garage, or building that are not operating for transportation purposes and are subject to stationary source requirements.

~~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. Exemption Repealed~~

~~II.D.1.ttt. Exemption Repealed~~

II.D.1.uuu. Surface water storage impoundment of non-potable water and storm water evaporation ponds, with the exceptions of oil and gas production wastewater impoundments (including produced water tanks) containing equal to or more than one percent by volume crude oil on an annual average and commercial facilities that accept oil and gas production wastewater for processing.

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

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

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

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

II.D.1.dddd. Non-road engines as defined in Section I.B.31. of this Part A, except certain non-road engines subject to state-only air pollutant emission notice and permitting requirements pursuant to Section I.B.31.c. and I.B.31.d. of this part.

II.D.1.eeee. Exemption Repealed

II.D.1.ffff Exemption Repealed

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

II.D.3. Air Pollutant Emission Notices are required for emergency and backup generators that are ancillary to the main units at electric utility facilities however, these units may be included on the same Air Pollutant Emission Notice as the main unit.

II.D.4. Any person may request the Division to examine a particular source category or activity for exemption from Air Pollutant Emission Notice or permit requirements.

II.D.4.a. Such requests shall be made separately from the permit application review procedure.

II.D.3. Air Pollutant Emission Notices are required for emergency and backup generators that are ancillary to the main units at electric utility facilities however, these units may be included on the same Air Pollutant Emission Notice as the main unit.

II.D.4. Any person may request the Division to examine a particular source category or activity for exemption from Air Pollutant Emission Notice or permit requirements.

II.D.4.a. Such requests shall be made separately from the permit application review procedure.

II.D.4.b. Such requests shall include documentation indicating that emissions from the source category or activity have a negligible impact on air quality and public health in Colorado, based on, but not limited to, the following criteria.

II.D.4.b.(i) Emissions from the source or activity are below the Air Pollutant Emission Notice or permit emission de minimis levels set forth in this Regulation Number 3; or

II.D.4.b.(ii) The existing Division emission inventory is sufficient to indicate that the source or activity has a negligible impact; or

II.D.4.b.(iii) For permit exemptions, criteria in Sections II.D.4.b.(i) and/or II.D.4.b.(ii), above, are met, and the source or activity has no applicable requirement that applies to it, and the Division finds that monitoring or record keeping are not necessary.

II.D.4.b.(iv) Exemptions shall not be granted for any source or activity that is subject to any federal applicable requirement. The Division shall determine on a case-by-case basis if sources or activities subject to state only regulations may be granted an exemption.

II.D.4.c. None of the activities submitted as exemption requests to the Division may be taken by a source until the Commission has duly adopted the exemptions as revisions to this Regulation Number 3 and the U.S. EPA has approved the exemption requests.

II.D.5. Commercial (for hire) laboratories whose primary responsibilities are to perform qualitative or quantitative analysis on environmental, clinical, geological, forensic, or process samples may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon a mass balance calculation utilizing inventory and purchase records of solvents and reagents. Such laboratories may, at their discretion, group emission points if such grouping meets the grouping criteria outlined in this regulation. All inert samples are exempt from Air Pollutant Emission Notice reporting. Emissions from samples subjected to analysis provided to such laboratories for analysis and testing, and by-products that result from sample testing, are exempt from Air Pollutant Emission Notice reporting, provided such samples subjected to analysis are less than five gallons for liquids, or five pounds for solids.

II.D.6. Research and development activities that do not fall within the small scale exemption in Section II.D.1.i. may estimate emissions for purposes of Air Pollutant Emission Notice reporting based upon either a mass balance calculation utilizing inventory and purchase records, or best engineering judgment. Such facilities may file an Air Pollutant Emission Notice or revised Air Pollutant Emission Notice on an annual basis by April 30 of the year following the project's conclusion for each project that is not exempt under Section II.D.1.i., irrespective of Section II.C., herein (revised Air Pollutant

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

~~**III. Administrative Permit Amendment Procedures**~~

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

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

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

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

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

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

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

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

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

III.D. As required under the Federal Act, the Division shall transmit to the Administrator a copy of each revised permit made pursuant to an administrative permit amendment under this provision.

III.E. No public notice or review by affected states shall be necessary for permit revisions made pursuant to administrative amendment procedures.

III.F. Administrative permit amendments for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under Title IV of the Federal Act, found at Code of Federal Regulations Title 40, Part 72.

IV. Operational Flexibility

IV.A. Alternative operating scenarios

No permit revision is required for reasonably anticipated operating scenarios identified by the source in its application for a permit and approved by the Division, provided the permit contains terms and conditions that:

IV.A.1. Require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

IV.A.2. Ensure that the terms and conditions of each such alternative scenario meet all applicable requirements of the state and Federal Act.

IV.A.3. Extend the permit shield to all operating permit terms and conditions under each such operating scenario.

IV.B. Trading based on the permit

If allowed by the applicable state implementation plan, no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes in emissions that are provided for in the permit. The permit applicant must request such provisions to be included in its permit, and if approved by the Division, the permit shall contain terms and conditions that:

IV.B.1. For operating permits, include all terms required under Section V.C. of Part C;

IV.B.2. Ensure that changes resulting from such increases and decreases in emissions meet all applicable requirements under the state and Federal Acts;

IV.B.3. Extend the permit shield to all operating permit terms and conditions that allow such increases and decreases in emissions.

IV.C. Emissions trading under permit caps

No permit revision shall be required where an applicant requests, and the Division approves such request, for a permit containing terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility. Procedures for such changes are:

IV.C.1. For operating permits, the permit shall contain terms and conditions required pursuant to Section V.C. of Part C;

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III.D. As required under the Federal Act, the Division shall transmit to the Administrator a copy of each revised permit made pursuant to an administrative permit amendment under this provision.

III.E. No public notice or review by affected states shall be necessary for permit revisions made pursuant to administrative amendment procedures.

III.F. Administrative permit amendments for purposes of the acid rain portion of a permit shall be governed by regulations promulgated under Title IV of the Federal Act, found at Code of Federal Regulations Title 40, Part 72.

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IV.A.3. Extend the permit shield to all operating permit terms and conditions under each such operating scenario.

IV.B. Trading based on the permit

If allowed by the applicable state implementation plan, no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes in emissions that are provided for in the permit. The permit applicant must request such provisions to be included in its permit, and if approved by the Division, the permit shall contain terms and conditions that:

IV.B.1. For operating permits, include all terms required under Section V.C. of Part C;

IV.B.2. Ensure that changes resulting from such increases and decreases in emissions meet all applicable requirements under the state and Federal Acts;

IV.B.3. Extend the permit shield to all operating permit terms and conditions that allow such increases and decreases in emissions.

IV.C. Emissions trading under permit caps

No permit revision shall be required where an applicant requests, and the Division approves such request, for a permit containing terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility. Procedures for such changes are:

IV.C.1. For operating permits, the permit shall contain terms and conditions required pursuant to Section V.C. of Part C;

IV.C.2. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable;

IV.C.3. Any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades shall not be included in this provision allowing emissions trading without permit revision;

IV.C.4. The source shall comply with all other applicable requirements.

IV.C.5. The source shall provide a minimum of seven days written notification in advance of the proposed changes to the Division and to the Administrator. The notice must be received by the Division no later than seven days in advance of the proposed changes. The source and the Division shall attach each such notice to their copy of the relevant permit. The notice shall contain:

IV.C.5.a. When the change will occur;

IV.C.5.b. A description of the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit;

IV.C.5.c. The permit shield shall extend to all operating permit terms and conditions that allow such increases and decreases in emissions.

IV.C.6. A source shall be allowed to make such change proposed in its notice on the day following the last day of the advance notice described in Section IV.C.5. above, if the Division has not responded nor objected to such changes on or before that day.

V. Certification And Trading Of Emission Reduction Credits Offset And Netting Transactions

V.A. Purpose

This section establishes procedures for the recording of certified emissions reductions and for their use in emission credit transactions. These procedures are intended to:

V.A.1. Promote economic development and lower the cost of meeting pollution control requirements while assuring ambient air quality progress and continued air quality maintenance; and

V.A.2. Encourage development of innovative pollution control methods and technologies.

V.B. Scope

This section applies to any pollutant regulated under the Colorado Air Quality Control Act or the regulations promulgated there under in all attainment, attainment/maintenance, and nonattainment areas of the state. This section does not apply to emissions trading under permit caps in Section IV.C. of Part A.

V.C. Definitions

V.C.1. Alternative compliance methods means the use of emissions reductions credits to meet emissions control requirements in lieu of an applicable control technique guidance method or reasonably available control technology.

IV.C.2. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable;

IV.C.3. Any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades shall not be included in this provision allowing emissions trading without permit revision;

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IV.C.5.b. A description of the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit;

IV.C.5.c. The permit shield shall extend to all operating permit terms and conditions that allow such increases and decreases in emissions.

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V.B. Scope

This section applies to any pollutant regulated under the Colorado Air Quality Control Act or the regulations promulgated there under in all attainment, attainment/maintenance, and nonattainment areas of the state. This section does not apply to emissions trading under permit caps in Section IV.C. of Part A.

V.C. Definitions

V.C.1. Alternative compliance methods means the use of emissions reductions credits to meet emissions control requirements in lieu of an applicable control technique guidance method or reasonably available control technology.

V.C.2. Bubble lets existing sources (or groups of sources) increase emissions at one operation in exchange for compensating extra decreases in emissions at another operation. The net result must be equivalent to or better than would have been accomplished using conventional source specific controls.

V.C.3. Certified emissions reduction means a reduction in emissions below the baseline, that has been certified by the Division in accordance with the criteria of Section V.E., and that may then be used in an emission credit transaction.

V.C.4. Criteria pollutant means an air pollutant for which a National Ambient Air Quality Standard has been promulgated.

V.C.5. Emission credit transaction means the use of certified emission reduction credits in a bubble, netting or offset transaction or as an alternative compliance method.

V.C.6. Major stationary source means major stationary source as defined in Section II.A.25. of Part D of this regulation.

V.C.7. Net emissions increase means net emissions increase as defined in Section II.A.27. of Part D of this regulation.

V.C.8. Netting is designed to exempt modifications of existing major stationary sources from new source review requirements if the resultant impact does not exceed any of the significant values found in the definition of significant in Section II.A.44. of Part D of this regulation.

V.C.9. Non-inventoried source means any source that has not been recorded on the Division's emission inventory system.

V.C.10. Offset means a transaction in which a certified emissions reduction is used either to avoid causing a violation of an increment in an attainment or attainment/maintenance area, to meet the requirements of Section V.A.3. of Part D of this regulation, regarding the maintenance of reasonable further progress towards attainment of the National Ambient Air Quality Standards in nonattainment areas, or to avoid contributing to visibility or other air quality related values impairment in a Class I area.

V.C.11. Registry means the Division's record of the certification and use of emissions reductions.

V.C.12. Significant means significant as defined in Section II.A.44. of Part D of this regulation.

V.C.13. Surplus means emission reductions not required by current regulations, relied on for state implementation plan planning purposes, and not used to meet any other regulatory requirement.

V.C.14. Open Dust means solid or other air borne particulate matter (excluding particulates produced directly during combustion) resulting from natural forces or from surface use or disturbance, including, but not limited to, all dust from agriculture, construction, forestry, unpaved roads, mining, exploration, or similar activities in which earth is either moved, stored, transported or redistributed.

V.C.15. Baseline emissions are equal to the product of the:

V.C.15.a. Emission Rate (ER), specified in terms of mass emission per unit of production or throughput (e.g., pounds sulfur dioxide per million British ther-

V.B. Scope

This section applies to any pollutant regulated under the Colorado Air Quality Control Act or the regulations promulgated there under in all attainment, attainment/maintenance, and nonattainment areas of the state. This section does not apply to emissions trading under permit caps in Section IV.C. of Part A.

V.C. Definitions

V.C.1. Alternative compliance methods means the use of emissions reductions credits to meet emissions control requirements in lieu of an applicable control technique guidance method or reasonably available control technology.

V.C.2. Bubble lets existing sources (or groups of sources) increase emissions at one operation in exchange for compensating extra decreases in emissions at another operation. The net result must be equivalent to or better than would have been accomplished using conventional source specific controls.

V.C.3. Certified emissions reduction means a reduction in emissions below the baseline that has been certified by the Division in accordance with the criteria of Section V.E., and that may then be used in an emission credit transaction.

V.C.4. Criteria pollutant means an air pollutant for which a National Ambient Air Quality Standard has been promulgated.

V.C.5. Emission credit transaction means the use of certified emission reduction credits in a bubble, netting or offset transaction or as an alternative compliance method.

V.C.6. Major stationary source means major stationary source as defined in Section II.A.24. of Part D of this regulation.

V.C.7. Net emissions increase means net emissions increase as defined in Section II.A.26. of Part D of this regulation.

V.C.8. Netting is designed to exempt modifications of existing major stationary sources from new source review requirements if the resultant impact does not exceed any of the significant values found in the definition of significant in Section II.A.42. of Part D of this regulation.

V.C.9. Non-inventoried source means any source that has not been recorded on the Division's emission inventory system.

V.C.10. Offset means a transaction in which a certified emissions reduction is used either to avoid causing a violation of an increment in an attainment or attainment/maintenance area, to meet the requirements of Section V.A.3. of Part D of this regulation, regarding the maintenance of reasonable further progress towards attainment of the National Ambient Air Quality Standards in nonattainment areas, or to avoid contributing to visibility or other air quality related values impairment in a Class I area.

V.C.11. Registry means the Division's record of the certification and use of emissions reductions.

V.C.12. Significant means significant as defined in Section II.A.42. of Part D of this regulation.

mal units or pounds of volatile organic compounds per weight of solids applied);

V.C.15.b. Average hourly capacity utilization (CU) e.g., millions of British thermal units per hour or weight of solids applied per hour; and

V.C.15.c. Number of hours of operation (H) during the relevant time period i.e., baseline emissions = ER x CU x H. Net baseline emissions for a bubble are the sum of the baseline emissions of all sources involved in the trade.

V.D. Procedure for Certification of Emissions Reductions and Approval of Transactions

V.D.1. The owner or operator of a source may request the Division to certify any emissions reduction anticipated to occur after the effective date of this section, provided the owner or operator files his application prior to the occurrence of the reduction, at a time at which the source is emitting the baseline emissions of the subject pollutant. Sources that shutdown prior to the application to bank or trade have zero emissions, and therefore no credit is available.

V.D.2. Upon receiving an application for certification, the Division may require the applicant to submit all data and calculations necessary to verify the baseline emissions or the reduction of emissions below the base level including, but not limited to, documentation of operating hours and inputs. The Division may also require the applicant to perform source tests to establish the baseline emissions or the reduction of emissions below the baseline emissions. The Division shall not certify reductions anticipated to occur after the effective date of this regulation until the reductions have occurred and been verified.

V.D.3. The Division shall maintain an emissions reduction registry, in which it shall maintain a record of all certified emissions reductions, and of the use of certified emissions reductions in emission credit transactions. The information contained in such registry shall include the name and address of the owner or operator of the source creating the emissions reduction, the location of the source, its stack parameters, the temperature and velocity of its plume, particle size, the existence of any hazardous pollutants, daily and seasonal emission rates, and any other data that might reasonably be necessary to evaluate future use.

V.D.4. If the Division determines that certification should be granted it shall modify the permit of the applicant to provide that the allowable emissions are equal to the level of current emissions utilized in the calculation of the emissions reduction. The owner or operator of a source not required to obtain a permit by provisions of law other than this section shall be required to apply for and accept a permit as a condition of obtaining a certified emissions reduction. Such permits shall contain only those conditions necessary to ensure the enforcement of the emissions limitations applicable to the source as a result of certification of its emissions reduction.

V.D.5. The amount of the emissions reduction to be certified and entered in the registry shall be calculated as follows:

V.D.5.a. For any emissions reduction that has occurred in an attainment or attainment/maintenance area, the amount of the certified emissions reduction shall be 90 percent of the amount by which emissions have been reduced below the baseline emissions.

V.D.5.b. For any emissions reduction that has occurred in a nonattainment area, the amount of the certified emission reduction shall be 80 percent of the amount by which emissions have been reduced below the baseline emissions.

V.D.5.c. For bubbles in nonattainment areas that need, but lack, approved demonstrations of attainment, i.e., areas with unapproved state implementation plans, a greater discount may be taken. This discount will be based on the area's total baseline emissions, the target emissions for attainment, the emissions for the projected attainment year and the reductions needed to achieve attainment. These values are dynamic and so the discount value may change from year to year but will never be less than 20 percent. These transactions will require a state implementation plan revision.

V.D.6. An application may be filed for approval of the use of a certified emissions reduction in an emissions credit transaction simultaneously with the filing of a certification application, or within seven years after certification has been granted. If the transaction would require the modification of permits held by more than one person, the application shall be jointly submitted by all potentially affected permittees. The Commission shall determine whether to approve all bubble and alternative compliance method transactions, or any offset transactions that, pursuant to Section V.H., require a state implementation plan revision. The Division shall determine whether to approve all netting transactions, or any offset transactions for which no state implementation plan revision is required. The Commission may approve the use of a certified emissions reduction credit as an alternative compliance method in lieu of a specified control technique guidance method or reasonable available control technology.

V.D.7. Applications for certification of emissions reductions and approval of transactions shall be made on forms provided by the Division. Any source applying for approval of an alternative compliance method transaction shall submit to the Division a construction permit application in accordance with Regulation Number 3, Part B, Section III. for the construction or modification, reflecting the source and proposed use of the emissions credit. The application shall contain information sufficient to demonstrate that the criteria set forth in Section V.F. of this Part A are met as well as the criteria for approval of the state implementation plan revision. The Division shall review the application and prepare its preliminary analysis in accordance with Regulation Number 3, Part B, Section III.B. The source requesting approval for the transaction and the state implementation plan revision should be granted, and shall provide with its petition, a copy of the preliminary analysis of the Division. The Division shall not grant initial approval of any such application until the Commission has approved the transaction, the source has met the conditions placed on the transaction by the Commission, and the requirements of all other applicable regulations are met.

V.D.8. Where the owner or operator of a source requests a state implementation plan revision pursuant to this Section V., the Commission shall set a hearing on the proposed revision to be held in accordance with the procedures set forth in Colorado Revised Statutes Section 25-7-119. With respect to applications for certification of emissions reductions, or for approval of any netting transactions, or offset transactions within the Division's jurisdiction under Section V.H.2., the same time limitations for emission permits as found in Part B Section III.B. of this regulation shall apply.

V.D.9. Applicants for certification of an emissions reduction, or for approval of any emission credit transaction, shall be assessed fees for time spent by Division personnel in evaluating such applications in accord with the criteria for assessment of emissions permit fees set forth in Section VI.C. of this Part A. Where more than one person applies for approval of a transaction, all such persons shall be jointly liable for the fees assessed. Applicants shall be responsible for paying such fees regardless of

whether the Division approves or denies an application. The costs of Division review of any emissions modeling or other information necessary for the Division to formulate recommendations to the Commission regarding any proposed emission credit transaction shall be included in the costs attributed to the permit application for the source(s) seeking approval of the transaction and shall be paid by the source regardless of whether the emission credit transaction is approved.

V.D.10. The state shall not utilize a certified emissions reduction in making demonstrations of attainment, or reasonable further progress toward attainment of the National Ambient Air Quality Standards, within seven years after the date of certification, or at any time after an application for use of the certified emissions reduction in a transaction has been approved. Where no application has been filed for the approval of the use of a certified emissions reduction within seven years after certification was granted, the state shall subsequently utilize the reduction in making demonstrations of attainment, or reasonable further progress towards attainment of the National Ambient Air Quality Standards. This seven-year period shall be tolled during any time in that there is a pending application before the Division or the Commission for approval of a bubble, netting, or offset transaction based on the certified emissions reduction.

V.D.11. Applications for approval of transactions involving PM10 (fine particulates for Prevention of Significant Deterioration increment consumption), sulfur dioxide, carbon monoxide, lead, and oxides of nitrogen (where visibility impacts are of concern), shall be subject to the following ambient air quality modeling requirements:

V.D.11.a. De minimis: In general modeling is not required to determine the ambient equivalence of trades in which applicable net baseline emissions do not increase and in that the sum of the emissions increases, looking only at the increasing sources, 15 tons per year for PM10, 40 tons per year for sulfur dioxide, 100 tons per year for carbon monoxide, 40 tons per year for nitrogen oxide (where visibility impacts are of concern), or 0.6 tons per year for lead, after applicable control requirements. For purposes of Prevention of Significant Deterioration any increase in PM10 should be modeled.

V.D.11.b. Level 1: In general, modeling to determine ambient equivalence is not required if:

V.D.11.b.(i) The trade does not result in an increase in applicable net baseline emissions;

V.D.11.b.(ii) The relevant sources are located in the same immediate vicinity (within 250 meters) of each other;

V.D.11.b.(iii) An increase in baseline emissions does not occur at the source with the lower effective plume height, as determined under the U.S. EPA approved and Division accepted guidelines, as interpreted in the Code of Federal Regulations Title 40, Subpart 52.343.

V.D.11.b.(iv) No complex terrain is within the area of significant impact (see Figure 1) of the trade or 50 kilometers, whichever is less;

V.D.11.b.(v) Stacks with increasing baseline emissions are sufficiently tall to avoid possible downwash situations, as determined by good engineering practice;

V.D.11.b.(vi) The trade does not involve open dust sources.

V.D.11.c. Level II: Bubble trades that are neither De minimis nor Level I may nevertheless be evaluated for approval based on modeling to determine ambient equivalence limited solely to the impacts of the specific emission sources involved in the trade, if:

V.D.11.c.(i) There is no increase in applicable net baseline emissions;

V.D.11.c.(ii) If the potential change in emissions before and after the trade will not cause a significant increase in pollutant concentrations at any receptor for an averaging time specified in an applicable ambient air quality standard; and

V.D.11.c.(iii) Such an analysis does not predict any increase in ambient concentrations in a Class I or Category I area. However, a bubble will not be approved under Level II where evidence clearly indicates the bubble would create a new violation of an ambient standard or Prevention of Significant Deterioration increment or would delay the planned removal of an existing violation. The change in concentration from the before-trade case to the after-trade case must, in general, be modeled using refined models for each appropriate averaging time for the relevant national ambient air quality standards for each receptor, using the most recent full year of meteorological data. Other techniques may be approved where sources show they equally well protect national ambient air quality standards, applicable Prevention of Significant Deterioration increments, and visibility. For example, in limited circumstances conservative screening models may be acceptable in lieu of refined models. In such cases, use of a full year of meteorological data may not be necessary. Such screening models may be acceptable where: (A) the screening model shows that all the emissions from the stack(s) with increasing emissions would not produce exceedances of the Level II significance values; (B) the stack parameters at the stack(s) with increasing emissions do not change; and (C) the screening model shows that the increase in emissions at the increasing stack(s) would not produce exceedances of these significant values.

In determining significant impact for Level II bubble trades, the Division will use the following significance values to identify trades whose potential ambient impact need not be further evaluated before approval:

8-micrograms/cubic meter (µg/m3) for any twenty-four hour period for PM10;

4-micrograms/cubic meter (µg/m3) for any annual arithmetic mean for PM10;

13-micrograms/cubic meter (µg/m3) for any twenty-four hour period for sulfur dioxide;

46-micrograms/cubic meter (µg/m3) for any three-hour period for sulfur dioxide;

3-micrograms/cubic meter (µg/m3) for any annual period for sulfur dioxide;

575-micrograms/cubic meter (µg/m3) for any eight-hour period for carbon monoxide;

2,300-micrograms/cubic meter (µg/m3) for any one-hour period for carbon monoxide;

0.1 micrograms/cubic meter (µg/m3) for any three-month period for lead. Except that:

V.D.11.c.(iii)(A) For offset transactions, significant impact shall be determined by the values found in the table of significant values in Section VI.D.2. of Part D of this regulation.

V.D.11.c.(iii)(B) Only process fugitive emissions vented through stacks may be approved in a Level II analysis.

V.D.11.c.(iii)(C) Trades involving open dust sources may not be approved in a Level II analysis.

V.D.11.c.(iii)(D) Trades involving complex terrain cannot be approved with a Level II analysis.

V.D.11.d. LEVEL III full dispersion modeling considering all sources affecting the trade's area of impact is required to determine ambient equivalence if applicable net baseline emissions will increase as a result of the trade, or if the trade cannot meet criteria for approval under De Minimis, Level I or Level II.

V.D.11.e. Approved Models:

Modeling: Only U.S. EPA-approved models may be used in banking transactions. Use of non-guideline models will be allowed once they have been approved according to the requirements of Section VIII.A.1. of Part A of this regulation.

V.D.12. Following the certification of an emissions reduction, if the Division determines that certification was granted on the basis of fraud or material misstatement or omission, the Division shall revoke certification of the reduction. Certification shall be revoked only after the owners or operators of the affected sources have received notice and, if requested, a hearing has been conducted. In such cases the Division shall also modify the permit of the source that has used the emissions reduction, so that the permit will contain all conditions that would have applied if the emissions reduction had not been certified initially.

V.E. Criteria for Certification of Emissions Reductions

An emissions reduction shall be certified for use in an emission credit transaction, provided it meets the following criteria:

V.E.1. The emissions reduction shall be surplus. Surplus reductions are those below the baseline emissions. The baseline emissions shall be determined as follows:

V.E.1.a. In attainment and attainment/maintenance areas, the baseline emissions shall be a source's actual emissions of the subject pollutant, or allowable emissions whichever is lower, for the three baseline factors. Reasonably Available Control Technology shall be as set forth in the State implementa-

tion plan for the source. Where Reasonably Available Control Technology has not been determined in the state implementation plan for the source, it shall be determined by the Division.

V.E.1.b. In nonattainment areas for which there is a demonstration of attainment of the National Ambient Air Quality Standards approved by the U.S. EPA the baseline emissions shall be actual emissions, provided, however, the baseline emissions shall not exceed reasonably available control technology as defined in the state implementation plan or the level of emissions used by the state in making a demonstration of attainment.

V.E.1.c. In nonattainment areas for which there is not a demonstration of attainment of National Ambient Air Quality Standards approved by the U.S. EPA, the baseline emissions shall be the lower of: 1) the actual emissions, 2) allowable emissions under the state implementation plan or 3) allowable emissions if the source is subject to Reasonably Available Control Technology.

V.E.1.d. Emission rate, capacity utilization and hours of operation must be used to compute pre-trade and post-trade emission levels. Baseline must be established on an annual basis and for all other averaging periods consistent with the relevant National Ambient Air Quality Standards and Prevention of Significant Deterioration increments.

V.E.2. No emissions reduction shall be certified if the Division has relied upon the occurrence of the reduction in demonstrating attainment of the National Ambient Air Quality Standards or reasonable further progress towards attainment, or in establishing a baseline concentration.

V.E.3. Each certified reduction of a pollutant's emissions shall be quantified in the same unit of measurement used in the standard or regulation applicable to the pollutant.

V.E.4. In attainment and attainment/maintenance areas, reductions at major stationary sources that commenced construction after January 1, 1975 may be able to qualify for credit whether such reductions occurred before or after the Prevention of Significant Deterioration baseline triggering date. Other emission reductions (e.g., at minor sources) cannot qualify for credit where the Prevention of Significant Deterioration baseline date is or has been triggered and such reductions occurred prior to the trigger date, unless these reductions are not assumed in the Prevention of Significant Deterioration baselines. Since banked emission reduction credits must be considered to be "In the Air" for all planning purposes, if the baseline date is triggered before banked credits are actually used, such banked credits will be considered as part of the baseline and will not consume increment when used in an emissions trade.

In attainment and attainment/maintenance areas where the Prevention of Significant Deterioration baseline has not been triggered as of the date the permitting authority takes relevant final action on the trading transaction, reductions below current state implementation plan or permit limits generally may be used without special restrictions in bubble or banking transactions, provided they are otherwise creditable and there is assurance that National Ambient Air Quality Standards will not be violated due to any potential increase in actual emissions. However, reductions at sources other than major stationary sources on which construction commenced before January 1, 1975 may not be used to balance increases at such pre 1975 major sources.

V.E.5. Emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are permanent, quantifiable, and federally enforceable, and if the area has

an U.S. EPA-approved attainment plan. In addition, the shutdown or curtailment is creditable only if it occurred on or after the date specified for this purpose in the plan, and if such date is on or after the date of the most recent emissions inventory used in the plan's demonstration of attainment. Where the plan does not specify a cutoff date for shutdown credits, the date of the most recent emissions inventory or attainment demonstration, as the case may be, shall apply. However, in no event may credit be given for shutdowns that occurred prior to August 7, 1977. For purposes of this section a permitting authority may choose to consider a prior shutdown or curtailment to have occurred after the date of its most recent emissions inventory, if the inventory explicitly includes as current existing emissions the emissions from such previously shutdown or curtailed sources.

V.E.5.a. Such reductions may be credited in the absence of an approved attainment demonstration only if the shutdown or curtailment occurred on or after the date the new source permit application is filed, or, if the applicant can establish that the proposed new source is a replacement for the shutdown or curtailed source, and the cutoff date provisions of Section A, above, are met.

V.E.6. No emission reduction credits are allowed from mobile sources unless those sources are subject to ambient impact and new source review permitting.

V.E.7. Reductions down to compliance levels may not qualify for emission reduction credit.

V.E.8. If an existing source commits to switch to a cleaner fuel at some future date, emission reduction credit is allowable only if a permit is conditioned to require use of a specified alternative control measure that would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date. The Division will ensure that adequate long-term supplies of the new fuel are available before granting the reduction credit.

V.E.9. Emission reductions otherwise required by the Federal Act shall not be creditable as emission reductions. Incidental emission reductions that are not otherwise required by the Federal Act are creditable as emission reductions if such emission reductions meet the requirements of Section V. of Part D of this regulation, if applicable and this Section V.

V.E.10. The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with Section 173 of the Federal Act shall be determined by summing the difference between the allowable emissions (as defined in Section I.B.7. of this part) after the modification and the actual emissions (as defined in Section II.A.1. of Part D) before the modification for each emissions unit.

V.F. Criteria for Approval of all Transactions

The use of an emissions reduction in an emission credit transaction shall be approved only if it meets the following criteria:

V.F.1. The transaction shall involve like pollutants. For toxic or volatile organic compound pollutants, the trade should involve the same degrees of toxicity or photochemical reactivity or else a greater reduction may be required. New or modified major sources of a PM10 precursor can only obtain offsets from emissions reductions in that same PM10 precursor or in PM10. New or modified major sources of PM10 can only obtain offsets from emissions reductions in PM10. The offsets must be greater than one

for one and represent a net air quality benefit in the area the source is proposing to locate or modify. (See exception in Section V.H.8.)

V.F.2. No transaction shall be approved if it will result in an increased concentration, at the point of maximum impact, of hazardous air pollutants.

V.F.3. Where a significant fraction of a criteria pollutant stream has been listed as hazardous by the Commission under Regulation Number 8 or the U.S. EPA under United States Code, Title 42, Section 7412 but has not yet been regulated, emissions containing that pollutant from sources within two hundred and fifty meters of each other may only be traded against each other on a greater than one for one basis that assures a net decrease in emissions of the hazardous pollutant.

V.F.4. Hazardous and non-hazardous emissions of the same criteria pollutant may be traded against each other, provided the total emissions containing the hazardous pollutant from the sources involved in the transaction are required to decrease as a result of the transaction.

V.F.5. No transaction may be approved that is inconsistent with any standard established by the Federal Act, the state Act or the regulations promulgated under either, or to circumvent New Source Performance Standards requirements or Best Available Control Technology although the Commission may approve a transaction using a certified emissions reduction credit in lieu of a specified control technique guidance method or reasonably available control technology.

V.F.6. No transaction shall be approved unless either:

V.F.6.a. The source at which the emissions reduction occurred and the source using the emissions reductions are in the same nonattainment area or Prevention of Significant Deterioration baseline area; or

V.F.6.b. The emissions reduction is to be used as an offset to meet the requirements of Section V.A.3. of Part D of this regulation, and the conditions of that section are met for the use of an offset obtained from a source outside the nonattainment area.

V.F.7. Emission reduction credits may not be used to meet applicable technology based requirements for new sources such as New Source Performance Standards, Best Available Control Technology, or Lowest Achievable Emission Rate, although the Commission may approve a transaction using a certified emissions reduction credit in lieu of a specified control technique guidance method or reasonably available control technology.

V.F.8. Trades Involving Open Dust: Sources of particulate emissions may be approved through case by case state implementation plan revisions based on modeled demonstrations of ambient equivalence. Sources proposing such trades must commit, as part of the trade's approval, to:

V.F.8.a. Undertake a post approval monitoring program to evaluate the impact of their control efforts, and

V.F.8.b. Make further enforceable reductions if post trade monitoring indicates initial open dust controls do not produce the predicted air quality results.

V.F.9. The federal land manager must be notified if an emissions trade will take place within one hundred kilometers of a Prevention of Significant Deterioration Class I area. Notification must occur early enough in the review process to allow at least thirty days for the submittal of comments before the trade will be approved by the reviewing authority.

Where a bubble within fifty kilometers of a Prevention of Significant Deterioration Class I area is submitted as a case-by-case state implementation plan revision, the Division may call for additional technical support, beyond the applicable requirements of the modeling screen if deemed necessary to protect air quality in the Class I area.

V.F.10. Effect on Trades of Subsequently-Discovered Clean Air Act Problems: Revisitation Considerations - If ambient violations are discovered in an area where the Division has approved a trade, or if other violations of the act are discovered in that area, sources in the trade should be aware that they are potentially subject to requirements for additional emission reductions, just as are all other sources in the area.

V.F.11. For volatile organic compound and nitrogen oxide trades, pound for pound trades will be considered equal in ambient effect where all sources involved in the trade are in the same control strategy demonstration area (nonattainment area) or if outside that area are sufficiently close to show an equal effect.

V.F.12. For volatile organic compound trades involving surface coating, the emissions must be calculated on a solids applied basis and should specify the maximum time period over which the emissions may be averaged, not to exceed twenty-four hours.

V.F.13. The following trades require a state implementation plan revision:

V.F.13.a. PM10, sulfur dioxide, carbon monoxide or lead trades requiring full-scale dispersion modeling under Level III;

V.F.13.b. PM10, sulfur dioxide, carbon monoxide or lead trades where complex terrain is within the area of the source's significant impact or fifty kilometers, whichever is less, unless the trade does not result in a modification of effective stack heights and the trade otherwise qualifies as De minimis or Level I. The area of significant impact can be determined from Figure 1;

V.F.13.c. Open Dust Trades;

V.F.13.d. Level II trades involving process fugitive PM10, sulfur dioxide , carbon monoxide or lead emissions not discharged through stacks;

V.F.13.e. Trades involving Emission Reduction Credits from mobile sources (see Section V.E.7.);

V.F.13.f. Trades involving sources that are subject of a notice of violation (NOV), noncompliance penalty action or the filing of a judicial complaint;

V.F.13.g. Interstate trades;

V.F.13.h. Volatile organic compound trades with averaging times longer than twenty-four hours;

V.F.13.i. Trades involving work practice and equipment standards;

V.F.13.j. Trades involving negotiated Reasonably Available Control Technology baselines;

V.F.13.k. Trades affecting areas that need but lack approved demonstrations of attainment.

V.F.13.l. Emission credit transactions used as an alternative compliance method.

V.F.14. No emission credit transaction shall be approved unless the terms of the transaction are incorporated in permits applicable to the originating (as applicable) and receiving emissions sources.

V.F.15. Emission credit transactions that require a state implementation plan revision shall be considered by the Commission on a case-by-case basis. The source requesting approval of the transaction has the burden of demonstrating that all the criteria of this Section V.F., are met and of demonstrating that all applicable requirements for approval of the state implementation plan revision has been met.

V.G. Bubble Transactions

V.G.1. An owner or operator of an existing source may apply to the Commission for approval of a state implementation plan revision establishing a bubble. The bubble shall establish new emissions limitations for two or more facilities or operations within the source.

V.G.2. The Commission shall not approve a bubble unless it meets the criteria for approval of Section V.F., and the Division has first certified an emissions reduction at a facility or operation included in the bubble.

V.G.3. As part of the certification process, the amount of allowable emissions shall be reduced at the facility or operation where the emissions reduction has occurred in accord with Section V.D.5. As part of the bubble approval, the Commission may approve an increase in the total allowable emissions at the other facilities or operations covered by the bubble, by an amount not to exceed the amount of the subject certified emissions reduction.

V.G.4. As part of the bubble approval, the Commission may extend compliance deadlines otherwise required by Commission regulations for volatile organic compounds or carbon monoxide emissions, provided the following criteria are met:

V.G.4.a. The applicant must demonstrate to the satisfaction of the Commission that reasonable further progress toward the attainment of the National Ambient Air Quality Standards under the state implementation plan shall be maintained either by:

V.G.4.a.(i) Achievement of emissions reductions earlier than otherwise required by certain facilities or operations covered by the bubble; or

V.G.4.a.(ii) Temporary use of a certified emissions reduction to assure reasonable further progress toward attainment of the National Ambient Air Quality Standards.

V.G.5. If subsequent to the approval of a bubble, the Commission promulgates new regulations or amends existing regulations applicable to a source for which the bubble has

been approved, the source shall be required to meet the new or amended regulations, irrespective of the bubble, by either further reducing emissions or using certified emissions reductions as offsets.

V.G.6. Bubble applications in areas that require but lack approved demonstrations of attainment, i.e., non approved state implementation plans, must be accompanied by assurances of consistency with ambient progress and air quality planning goals specified below:

V.G.6.a. The resulting emission limits comply with the reduction requirements of Section V.D.5.c., and the baseline requirements of Section V.E.;

V.G.6.b. The bubble emission limits will be included in any new state implementation plan and associated control strategy demonstration;

V.G.6.c. The bubble will not constrain the Division's ability to obtain any additional emission reductions needed to expeditiously attain and maintain ambient air quality standards;

V.G.6.d. The Division is making reasonable efforts to develop a complete approvable state implementation plan and intends to adhere to the schedule for such development (including dates for completion of emission inventory and subsequent increments of progress) stated in or with the letter formally submitting the bubble.

V.G.7. Bubbles should not increase applicable net baseline emissions. Ordinarily, bubbles may not result in an increase in applicable net baseline emissions. Such a bubble would require a case-by-case state implementation plan revision, and may only be approved based upon a combined Level III and Level II modeling analysis (i.e., an analysis sufficient to show that all applicable requirements of a full Level III analysis are met, and that the bubble would not result in any exceedance of significance values specified for a Level II analysis at any receptor for any averaging time specified in an applicable ambient air quality standard).

V.G.8. Bubbles should not increase emissions of hazardous or toxic air pollutants.

V.H. Offset Transactions

V.H.1. The owner or operator of a source at which an emissions reduction has occurred, and the owner or operator of another source who wishes to use the emissions reduction as an offset, may apply for approval of an offset transaction. In such transactions certified emissions reductions may be applied to avoid causing a violation of an increment in an attainment or attainment/maintenance area, or to meet the requirements of Section V.A.3. of Part D of this regulation. A certified emissions reduction may not be used as an offset for the purpose of complying with an existing applicable emissions control regulation, except for Reasonably Available Control Technology.

V.H.2. The Division shall determine whether to approve an offset transaction in the following cases:

V.H.2.a. Where the source using the emissions reduction would be allowed to increase emissions by less than one hundred tons per year.

V.H.2.b. Where the transaction involves volatile organic compounds or oxides of nitrogen emissions.

V.H.2.c. Where the transaction involves sulfur dioxide, PM10 or carbon monoxide emissions, and all sources involved in the transaction are within two hundred and fifty meters of one another.

V.H.3. Any proposed offset transaction, other than those referred to in Section V.H.2., shall be treated as a request to the Commission for a state implementation plan revision.

V.H.4. Sources of PM10 precursors, sulfur dioxide, nitrogen oxide and carbon monoxide must seek offsets within reasonably close proximity. Sources of nitrogen oxide and volatile organic compounds may seek offsets over a greater area. However, for widely dispersed and volatile organic compound trades, a higher offset may be required.

V.H.5. If the applicant has used his best efforts in seeking the required emission offsets but was unsuccessful, the source may petition for use of some portion of growth allowance. The petition must state the emission increase will not interfere with Reasonably Further Progress and the petitioner is willing to enter into an enforceable program to provide the required emission offset at some future time.

V.H.6. In the absence of an approved attainment demonstration, banked Emission Reduction Credits from shutdowns or curtailments may be used for offsets only if the criteria stated in Section V.E.5.b. of Part A of this regulation are met.

V.H.7. In nonattainment areas with approved demonstrations, banked Emission Reduction Credits may be used for offsets in any trade provided the criteria stated in Section V.E.5.a. of Part A of this Regulation are met.

V.H.8. Interpollutant offsets (other than those offsets discussed above) may be approved by U.S. EPA on a case-by-case basis provided that the applicant demonstrates, on the basis of U.S. EPA-approved methods where possible, that the emissions increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. A source's permit application that includes such an interpollutant offset proposal shall not be approved by the Division until there has been an opportunity for public hearing on the proposed emissions trade and until written approval has been received from the U.S. EPA.

V.I. Netting Transactions

V.I.1. Netting may exempt modifications of existing major sources from certain pre-construction permit requirements under new source review, so long as there is no significant net emission increase, as net emissions increase is defined in Section II.A.26. of Part D of this regulation. By netting out, the modifications is not considered major and therefore not subject to pre-construction permit requirements for major modifications as follows:

V.I.1.a. Section VI. of Part D of this regulation, for prevention of significant deterioration;

V.I.1.b. Visibility analysis; and

V.I.1.c. Section V.A. of Part D of this regulation, for nonattainment new source review.

V.I.2. ~~The Division shall grant such an exemption if the emissions reduction~~ qualifies as an Emission ~~Reduction Credit under Regulation Number 5~~ meets the criteria in Section

V.I.2. The Division shall grant such an exemption if the emissions reduction qualifies as an Emission Reduction Credit under Regulation Number 3 meets the criteria in Section V.E., for certification, and the difference between the amount of the certified emissions reduction, and the amount of new pollutants to be emitted from the new or modified facility, does not constitute a significant increase of pollutants.

V.I.3. An increase of pollutants shall be considered significant if it equals or exceeds the amounts specified in the definition of significant in Part D of this regulation.

VI. Fees

VI.A. General

VI.A.1. Every person required to obtain a Construction or Operating Permit or to file an Air Pollution Emission Notice shall pay fees as set forth in the following sections. Such fees shall be charged to recover the direct and indirect costs incurred by the Division in processing permit applications, issuing permits, and in conducting a compliance monitoring and enforcement program. Such fees shall apply without regard to whether a permit is issued, denied, withdrawn, or revoked. Fees shall be charged as indicated in Section VI.D. of this part.

VI.B. Permit Processing Fees

VI.B.1. Applicants for a permit shall be assessed total fees that shall be partially determined at the time that the Division makes its decision whether to issue preliminary approval of the permit and partially at the time the Division makes its decision whether to issue final approval.

VI.B.2. The partial fee collected at the time the Division makes its decision whether to issue preliminary approval of the permit shall include the costs associated with the preliminary engineering evaluation, modeling, and analysis of impact on ambient air quality, notice and publication requirements, and such other costs as are required for the aforementioned activities incurred by the Division up to the time of the decision of whether to issue preliminary approval.

VI.B.3. The final fee collected at the time the Division makes its decision of whether to issue final approval shall include the balance of the total of all costs associated with enforcement of any terms and conditions of the emission permit, the supervision of compliance testing, notice and publication requirements, and such other costs as are required for the processing, issuance, and administration of the permit.

VI.B.4. If the Division requires more than thirty hours to process an application, the Division shall inform the owner or operator of the source and provide an estimate of what the actual charges may be, prior to commencing with processing of the application, unless the owner or operator waives this requirement in writing.

VI.B.5. All permit processing fees assessed must be received within thirty days of the date of receipt of the written request therefore. All fees collected under this regulation shall be made payable to the Colorado Department of Public Health and Environment. Construction permits may be issued prior to the Division's receipt of such fees. Failure to pay the permit processing fees within ninety days of the written request for fees may result in late fees or revocation of the permit. Permits issued in accordance with Part C of this regulation may be issued upon approval by the Division of a fee payment schedule.

V.I.2. The Division shall grant such an exemption if the emissions reduction qualifies as an Emission Reduction Credit under Regulation Number 3 meets the criteria in Section V.E., for certification, and the difference between the amount of the certified emissions reduction, and the amount of new pollutants to be emitted from the new or modified facility, does not constitute a significant increase of pollutants.

V.I.3. An increase of pollutants shall be considered significant if it equals or exceeds the amounts specified in the definition of significant in Part D of this regulation.

VI. Fees

VI.A. General

VI.A.1. Every person required to obtain a Construction or Operating Permit or to file an Air Pollution Emission Notice shall pay fees as set forth in the following sections. Such fees shall be charged to recover the direct and indirect costs incurred by the Division in processing permit applications, issuing permits, and in conducting a compliance monitoring and enforcement program. Such fees shall apply without regard to whether a permit is issued, denied, withdrawn, or revoked. Fees shall be charged as indicated in Section VI.D. of this part.

VI.B. Permit Processing Fees

VI.B.1. Applicants for a permit shall be assessed total fees that shall be partially determined at the time that the Division makes its decision whether to issue preliminary approval of the permit and partially at the time the Division makes its decision whether to issue final approval.

VI.B.2. The partial fee collected at the time the Division makes its decision whether to issue preliminary approval of the permit shall include the costs associated with the preliminary engineering evaluation, modeling, and analysis of impact on ambient air quality, notice and publication requirements, and such other costs as are required for the aforementioned activities incurred by the Division up to the time of the decision of whether to issue preliminary approval.

VI.B.3. The final fee collected at the time the Division makes its decision of whether to issue final approval shall include the balance of the total of all costs associated with enforcement of any terms and conditions of the emission permit, the supervision of compliance testing, notice and publication requirements, and such other costs as are required for the processing, issuance, and administration of the permit.

VI.B.4. If the Division requires more than thirty hours to process an application, the Division shall inform the owner or operator of the source and provide an estimate of what the actual charges may be, prior to commencing with processing of the application, unless the owner or operator waives this requirement in writing.

VI.B.5. All permit processing fees assessed must be received within thirty days of the date of receipt of the written request therefore. All fees collected under this regulation shall be made payable to the Colorado Department of Public Health and Environment. Construction permits may be issued prior to the Division's receipt of such fees. Failure to pay the permit processing fees within ninety days of the written request for fees may result in late fees or revocation of the permit. Permits issued in accordance with Part C of this regulation may be issued upon approval by the Division of a fee payment schedule.

VI.C. Annual Emissions Fees

VI.C.1. As used in this Section VI., in accordance with Colorado Revised Statute Section 25-7-114.7, regulated air pollutant means:

VI.C.1.a. A volatile organic compound;

VI.C.1.b. Each hazardous air pollutant;

VI.C.1.c. Each pollutant regulated under Section 111 of the Federal Act (New Source Performance Standards);

VI.C.1.d. Each pollutant for which a National Ambient Air Quality Standard has been promulgated, except for carbon monoxide; and

VI.C.1.e. Each pollutant regulated under Section 25-7-109, except GHG of the state Act.

VI.C.1.f. The term regulated air pollutant does not include fugitive dust as defined in Section I.B.21. of this Part A, or any fraction thereof.

VI.C.2. Every owner or operator of an air pollution source required to file an Air Pollutant Emission Notice shall pay a nonrefundable annual emissions fee as set forth in Section VI.D.1. of this Part A.

VI.C.3. All annual emissions fees assessed must be received within sixty days of the date of issuance of the written request therefore. All fees collected under this regulation shall be made payable to the Colorado Department of Public Health and Environment.

VI.C.4. In no event shall an owner or operator of a source pay more than a fee based upon total annual emissions of four thousand tons of each regulated air pollutant per source.

VI.D. Fee Schedule

VI.D.1. Annual emission fees and permit processing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.7. Annual emission fees for regulated pollutants shall be $22.90 per ton. Annual emission fees for hazardous air pollutants shall be $152.90 per ton. GHG is exempt from the requirement to pay annual emission fees.

VI.D.2. Air Pollutant Emission Notice filing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.1.

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

~~VII.A. Upon written request to the Division, any person filing an Air Pollutant Emission Notice or permit application, or submitting reports pursuant to Regulation Number 3, Part C, Sections V.C.6. or V.C.7., may request that information contained in such an Air Pollutant Emission Notice, permit application, or report relating to secret processes or methods of manufacture or production be kept confidential. The written request must identify the basis for the claim that the information relates to secret processes or methods of manufacture or production. All~~

VI.C.1.a. A volatile organic compound;

VI.C.1.b. Each hazardous air pollutant;

VI.C.1.c. Each pollutant regulated under Section 111 of the Federal Act (New Source Performance Standards); and

VI.C.1.d. Each pollutant for which a National Ambient Air Quality Standard has been promulgated, except for carbon monoxide.

VI.C.1.e. Each pollutant regulated under Section 25-7-109 of the state Act.

VI.C.1.f. The term regulated air pollutant does not include fugitive dust as defined in Section I.B.20. of this Part A, or any fraction thereof.

VI.C.2. Every owner or operator of an air pollution source required to file an Air Pollutant Emission Notice shall pay a nonrefundable annual emissions fee as set forth in Section VI.D.2. of this part.

VI.C.3. All annual emissions fees assessed must be received within sixty days of the date of issuance of the written request therefore. All fees collected under this regulation shall be made payable to the Colorado Department of Public Health and Environment.

VI.C.4. In no event shall an owner or operator of a source pay more than a fee based upon total annual emissions of four thousand tons of each regulated air pollutant per source.

VI.D. Fee Schedule

VI.D.1. Annual and permit processing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.7. Annual fees for regulated pollutants shall be $17.97. Annual fees for hazardous air pollutants shall be $119.96.

VI.D.2. Air Pollutant Emission Notice filing fees shall be charged in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes Section 25-7-114.1.

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

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

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

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

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

VIII. Technical Modeling and Monitoring Requirements

VIII.A. Air Quality Models

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

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

VIII.B. Monitoring

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

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

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

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

VIII.C. Stack Heights

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

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

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

VII.B. The Division will evaluate confidentiality claims based on the written request. The burden of establishing that the information relates to secret processes or methods of manufacture or production is on the claimant. Emission data, as defined in Colorado Revised Statutes Section 25-7-103(11.5), shall not be entitled to confidential treatment notwithstanding this Section VII., or any other law to the contrary. In no event shall an Operating Permit or the compliance certifications submitted pursuant to Section III.B.8. of Part C of this Regulation Number 3 be entitled to confidential treatment. If the Division determines that information requested to be kept confidential is not entitled to confidential treatment, it shall provide written notice of this determination at least three working days prior to making such information available to the public.

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

VIII. Technical Modeling and Monitoring Requirements

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

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VIII.B. Monitoring

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

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

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

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

VIII.C. Stack Heights

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

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

VIII.C.2. Any other dispersion technique except that the provisions of this Section VIII.C. shall not apply to stack heights in existence or dispersion techniques implemented before December 31, 1970. Sources that were constructed, reconstructed, or for which major modifications were carried out after December 31, 1970, and that are emitting pollutants from such stacks, or using such dispersion techniques, shall be subject to the provisions of this section.

VIII.D. Definitions as used in Section VIII.C.

VIII.D.1. Stack in existence means that the owner or operator had:

VIII.D.1.a. Begun, or caused to begin, a continuous program of physical on site construction of the stack; or

VIII.D.1.b. Entered into binding agreements or contractual obligations that could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

VIII.D.2. Dispersion Technique means any technique that attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack that exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or by increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:

VIII.D.2.a. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

VIII.D.2.b. The merging of exhaust gas streams where:

VIII.D.2.b.(i) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

VIII.D.2.b.(ii) After July 8, 1983, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion techniques shall apply only to the emission limitation for the pollutant affected by such change in operation; or

VIII.D.2.b.(iii) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emissions limitation or, in the event that no emission limitation was in existence prior to the merging, the reviewing agency shall presume that merging was significantly motivated by intent to gain emissions credit for greater dispersion.

Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

VIII.D.2.c. Smoke management in agricultural or silvicultural prescribed burning programs;

VIII.D.2.d. Episodic restrictions on residential wood burning and open burning; or

VIII.D.2.e. Techniques that increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed five thousand tons per year.

VIII.D.3. Good Engineering Practice Stack Height means the greater of:

VIII.D.3.a. 65 meters; or

VIII.D.3.b. For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable pre-construction permits or approvals required, Hg = 2.5H, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and

VIII.D.3.c. For all other stacks, Hg = H + 1.5L where:

VIII.D.3.c.(i) Hg = good engineering practice stack height measured from the ground level elevation at the base of the stack;

VIII.D.3.c.(ii) H = height of nearby structure(s) measured from the ground level elevation at the base of the stack;

VIII.D.3.c.(iii) L = lesser dimension (height or projected width) of nearby structure(s) provided that the reviewing agency may require the use of a field study or fluid model to verify Good Engineering Practice stack height for the source; or

VIII.D.3.d. The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

VIII.D.4. Nearby as applied to good engineering practice is:

VIII.D.4.a. For purposes of applying the formulae provided in Sections VIII.D.3.b. and VIII.D.3.c. in the definition of good engineering practice stack height means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometers (1/2 mile), and

VIII.D.4.b. For conducting demonstrations in Section VIII.D.3. in the definition of good engineering practice means not greater than 0.8 kilometers (1/2 mile), except that the portion of a terrain feature may be considered to be nearby that falls within a distance of up to ten times the maximum height of the

feature, not to exceed two miles if such feature achieves a height 0.8 kilometers from the stack that is at least forty percent of the good engineering practice stack height determine by the formula or twenty-six meters, whichever is greater.

VIII.D.5. Excessive concentrations for the purpose of determining good engineering practice, stack height in a fluid model or field study, means:

VIII.D.5.a. For sources seeking credit for stack height exceeding that established by the formulae, a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features that individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and that contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program, an excessive concentration alternatively means a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features that individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Division, an alternative emission rate shall be established in consultation with the source owner or operator;

VIII.D.5.b. For sources seeking credit after October 1, 1983 for increases in existing stack heights up to the heights established by the formulae, either:

VIII.D.5.b.(i) A maximum ground level concentration due in whole or part to downwash, wakes or eddy effects as provided in Section VIII.D.5.a. above, except that the emission rate specified by any applicable state implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used; or

VIII.D.5.b.(ii) The actual presence of a local nuisance caused by the existing stack, as determined by the Division; and

VIII.D.5.b.(iii) For sources seeking credit after January 12, 1979 for a stack height determined using the formula, where the Division requires the use of a field study or fluid model to verify good engineering practice stack height; for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers; and for sources seeking credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the formulae: a maximum ground level concentration due in whole or part to downwash, wakes or eddy effects that is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects.

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.

	Scenario 1	**Scenario 2**	**Scenario 3**
Chemical Bin	De Minimis	De Minimis	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.

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.

APPENDIX B

Non-criteria Reportable Pollutants (Sorted alphabetically by BIN)

Note: HAP means federal, or federal and state hazardous air pollutant

HAPs means state-only hazardous air pollutant

CAS			Toxics	BIN
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
HAPs	55981		1,4-Butanediol dimethanesulphonate	A
HAP	106467		1,4-Dichlorobenzene	A
HAPs	7644410		1,4-Dichloro-2-butene	A
HAP	123911		1,4-Dioxane (1,4-Diethyleneoxide)	A
HAP	1746016		2,3,7,8-TCDD (Dioxin)	A
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	584849		2,4-Toluene diisocyanate	A
	91087		2,6-Toluene diisocyanate	A
HAP	532274		2-Chloroacetophenone	A
HAP	79469		2-Nitropropane	A
HAP	119937		3,3'-Dimethyl benzidine	A
HAP	91941		3,3-Dichlorobenzidene	A

CAS			Toxics	BIN
HAP	119904		3,3-Dimethoxybenzidine	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	75070		Acetaldehyde	A
HAP	75058		Acetonitrile	A
HAP	107028		Acrolein	A
HAP	79061		Acrylamide	A
HAP	79107		Acrylic acid	A
HAP	107131		Acrylonitrile	A
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
HAP	62533		Aniline	A
HAP	0		Antimony compounds	A
	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	542881		Bischloromethyl ether	A
HAP	117817		Bis(2-ethylhexyl) phthalate (DEHP) (Dioctyl phthalate)	A
	7726956		Bromine	A
HAP	75252		Bromoform	A
HAP	0		Cadmium compounds	A
HAP	156627		Calcium cyanamide	A
HAP	133062		Captan	A
	1563662		Carbofuran	A
HAP	75150		Carbon disulfide	A
HAP	56235		Carbon tetrachloride	A
HAP	120809		Catechol	A
HAP	133904		Chloramben (3-amino-2,5-dichloro benzoic acid)	A
HAP	57749		Chlordane	A
HAP	7782505		Chlorine	A
HAP	79118		Chloroacetic acid	A
HAP	108907		Chlorobenzene	A
	107073		Chloroethanol	A
HAP	67663		Chloroform (Trichloromethane)	A
HAP	107302		Chloromethyl methyl ether	A
HAP	126998		Chloroprene (2-Chloro-1,3-butadiene)	A
HAP	0		Chromium compounds (incl. 6+ compounds, etc.)	A
HAP	0		Cobalt compounds (as cobalt metal dust and fumes)	A
HAP	0		Coke Oven Emissions	A

CAS			Toxics	BIN
HAP	1319773		Cresylic acid/Cresols	A
	4170303		Crotonaldehyde	A
	123739		Crotonaldehyde (E)	A
HAP	98828		Cumene	A
HAP	0		Cyanide compounds	A
HAP	3547044		DDE (Dichlorodiphenyldichloroethylene)	A
	8065483		Demeton	A
HAP	334883		Diazomethane	A
	19287457		Diborane	A
HAP	111444		Dichloroethyl ether (Bis(2-chloroethyl)ether)	A
HAP	62737		Dichlorvos	A
	141662		Dicrotophos	A
HAPs	60571		Dieldrin	A
HAP	111422		Diethanolamine	A
	115264		Dimefox	A
	60515		Dimethoate	A
HAP	77781		Dimethyl sulfate	A
HAP	68122		Dimethylformamide	A
	78342		Dioxathion	A
	152169		Diphosphoramide, octamethyl	A
	298044		Disulfoton	A
	115297		Endosulfan	A
	72208		Endrin	A
HAP	106898		Epichlorohydrin (1-Chloro-2,3-epoxypropane)	A
	563122		Ethion	A
HAP	140885		Ethyl acrylate	A
HAP	106934		Ethylene dibromide (1,2-Dibromoethane)	A
HAP	107062		Ethylene dichloride (1,2-Dichloroethane)	A
HAP	151564		Ethylene imine (Aziridine)	A
HAP	75218		Ethylene oxide	A
HAP	96457		Ethylene thiourea	A
	22224926		Fenaminophos (Fenamiphos)	A
	115902		Fensulfothion	A
HAP	0		Fine mineral fibers	A
	944229		Fonofos	A
HAP	50000		Formaldehyde	A
	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
HAP	302012		Hydrazine	A
HAP	7647010		Hydrochloric acid (Hydrogen chloride)	A
HAP	7664393		Hydrogen fluoride (Hydrofluoric acid)	A
	7783064		Hydrogen sulfide	A
	465736		Isodrin	A
HAP	78591		Isophorone	A
	4098719		Isophorone diisocyanate	A
HAP	0		Lead compounds (except elemental lead)	A

CAS			Toxics	BIN
HAP	-		Lindane (all isomers of hexachlorocyclohexane)	A
HAP	0		Manganese compounds	A
	950107		Mephosfolan	A
HAP	0		Mercury compounds	A
	126987		Methacrylonitrile	A
	10265926		Methamidophos	A
	950378		Methidathion	A
HAP	72435		Methoxychlor	A
	86500		Methyl azinphos	A
HAP	74839		Methyl bromide (Bromomethane)	A
HAP	74873		Methyl chloride (Chloromethane)	A
HAP	60344		Methyl hydrazine	A
HAP	74884		Methyl iodide (Iodomethane)	A
HAP	624839		Methyl isocyanate	A
	74931		Methyl mercaptan (Methanethiol)	A
HAP	75092		Methylene chloride (Dichloromethane)	A
HAP	101688		Methylene diphenyl diisocyanate (MDI)	A
	7786347		Mevinphos	A
	505602		Mustard gas (Dichlorodiethyl sulfide)	A
HAP	121697		N,N-Diethyl aniline (N,N-Dimethylaniline)	A
HAP	0		Nickel compounds (incl. nickel subsulfide)	A
	54115		Nicotine	A
	7697372		Nitric acid	A
HAP	98953		Nitrobenzene	A
HAPs	55185		N-Nitrosodiethylamine	A
HAP	62759		N-Nitrosodimethylamine	A
HAPs	924163		N-Nitroso-di-n-butylamine	A
HAP	90040		o-Anisidine	A
HAP	95534		o-Toluidine	A
	1910425		Paraquat	A
	2074502		Paraquat methosulfate	A
HAP	56382		Parathion	A
	298000		Parathion-methyl	A
HAP	82688		Pentachloronitrobenzene (Quintobenzene)	A
HAP	87865		Pentachlorophenol	A
HAP	127184		Perchloroethylene (Tetrachloroethylene)	A
HAPs	122601		Phenyl glyceryl ether (3 phenoxy 1,2 propanediol)	A
	298022		Phorate	A
HAP	75445		Phosgene	A
HAP	7803512		Phosphine	A
HAP	7723140		Phosphorous	A
HAP	1336363		Polychlorinated biphenyls (PCBs) (Aroclors)	A
HAP	0		Polycylic Organic Matter	A
HAP	57578		Propiolactone, beta	A
HAP	114261		Propoxur (Baygon)	A
HAP	78875		Propylene dichloride (1,2-Dichloropropane)	A
HAP	75569		Propylene oxide	A
HAP	106445		p-Cresol	A
HAP	91225		Quinoline	A
HAP	106514		Quinone	A
HAP	0		Radionuclides (including radon)	A
HAP	0		Selenium compounds	A

CAS			Toxics	BIN
	62748		Sodium fluoroacetate	A
	131522		Sodium pentachlorophenate	A
	57249		Strychnine	A
	3689245		Sulfotep	A
	13494809		Tellurium	A
	107493		TEPP (Tetraethyldithiopyrophosphate)	A
	13071799		Terbufos	A
	509148		Tetranitromethane	A
	-		Thallium compounds	A
	108985		Thiophenol (Phenyl mercaptan)	A
HAP	8001352		Toxaphene (Camphechlor)	A
HAP	121448		Triethylamine	A
HAP	1582098		Trifluralin	A
HAP	593602		Vinyl bromide	A
HAP	75014		Vinyl chloride	A
	81812		Warfarin	A
	129066		Warfarin sodium	A
	1314847		Zinc phosphide	A
HAP	1120714		1,3-Propane sultone	B
HAP	95807		2,4-Toluene diamine	B
HAPs	132274		2-Biphenylol sodium salt	B
HAPs	60153493		3-(N-Nitrosomethylamine) (Propionitrile)	B
HAP	60355		Acetamide	B
	7664417		Ammonia	B
HAPs	115286		Chlorendic acid	B
HAPs	108171262		Chlorinated paraffins (C12, 60% chlorine)	B
HAP	510156		Chlorobenzilate (ethyl-4,4'-dichlorobenzilate)	B
HAPs	117102		Chrysazin (Dorbane)	B
HAPs	2646175		CI Solvent Orange 2	B
	1464535		Diepoxybutane	B
HAP	64675		Diethyl sulfate	B
	1642542		Diethylchlorophosphate	B
HAP	60117		Dimethyl aminoazobenzene	B
HAP	79447		Dimethyl carbamoyl chloride	B
HAPs	2475458		Disperse Blue 1	B
HAP	51796		Ethyl carbamate (Urethane)	B
HAP	75343		Ethylidene dichloride (1,1-Dichloroethane)	B
	144490		Fluoracetic acid	B
HAP	680319		Hexamethylphosphoramide	B
	55914		Isofluorphate	B
HAPs	64091914		Ketone, 3-pyridyl-3-(N-methyl-N-nitrosoamino) propyl	B
	16752775		Methomyl	B
	79221		Methyl chloroformate	B
HAP	108101		Methyl isobutyl ketone (MIBK) (Hexone)	B
HAPs	78988		Methylglyoxal	B
HAP	108394		m-Cresol	B
HAP	91203		Naphthalene	B
HAPs	-		Nitrilotriacetic acid, Ca-, Na-, K salts	B
HAP	59892		N-Nitrosomorpholine	B
HAP	684935		N-nitroso-N-methylurea	B
	23135220		Oxamyl	B
HAP	95487		o-Cresol	B

CAS			Toxics	BIN
	732116		Phosmet	B
HAP	85449		Phthalic anhydride	B
	107448		Sarin	B
	7664939		Sulfuric acid	B
	77816		Tabun	B
	110576		Trans 1,4-dichlorobutene	B
HAP	71556		1,1,1-Trichloroethane (Methyl chloroform)	C
HAP	540841		2,2,4-Trimethylpentane	C
	540885		Tertiary Butyl Acetate	C
HAP	95954		2,4,5-Trichlorophenol	C
HAP	53963		2-Acetylaminofluorene	C
HAP	92933		4-Nitrobiphenyl	C
HAP	100027		4-Nitrophenol	C
HAP	98862		Acetophenone	C
	814686		Acrylyl chloride	C
	54626		Aminopterin	C
	78535		Amiton	C
	3734972		Amiton oxalate	C
	88051		Aniline,2,4,6-Trimethyl	C
	1397940		Antimycin A	C
HAP	92524		Biphenyl	C
	534076		Bis(chloromethyl)ketone	C
	10294345		Boron trichloride	C
	28772567		Bromodiolone	C
HAP	63252		Carbaryl	C
HAP	463581		Carbonyl sulfide	C
	786196		Carbophenothion	C
	470906		Chlorfenvinfos	C
	24934916		Chlormephos	C
	3691358		Chlorophacinone	C
	1982474		Chloroxuron	C
	21923239		Chlorthiophos	C
	56724		Coumaphos	C
	5836293		Coumatetralyl	C
	535897		Crimidine	C
	675149		Cyanuric fluoride	C
	66819		Cyclohexamide	C
	108918		Cyclohexylamine	C
	919868		Demeton-s-methyl	C
	10311849		Dialifor	C
HAP	132649		Dibenzofurans	C
HAP	84742		Dibutyl phthalate	C
	149746		Dichloromethylphenylsilane	C
HAP	131113		Dimethyl phthalate	C
	75183		Dimethyl sulfide (Methyl sulfide)	C
	2524030		Dimethylphosphorochloridothioate	C
	99989		Dimethyl-p-phenylenediamine	C
	644644		Dimetilan	C
	1420071		Dinoterb	C
	82666		Diphacinone	C
	541537		Dithiobiuret	C
	2778043		Endothion	C

CAS			Toxics	BIN
	13194484		Ethoprophos (Ethoprop)	C
	2642719		Ethyl azinphos	C
HAP	100414		Ethyl benzene (Phenylethane)	C
	538078		Ethyl bis (2-chloroethyl)amine	C
HAP	75003		Ethyl chloride (Chloroethane)	C
	107153		Ethylene diamine	C
	371620		Ethylene fluorohydrin	C
HAP	107211		Ethylene glycol	C
	542905		Ethylthiocyanate	C
	122145		Fenitrothion	C
	4301502		Fluenetil	C
	7782414		Fluorine	C
	640197		Fluoroacetamide	C
	359068		Fluoroacetyl chloride	C
	23422539		Formotanate hydrochloride	C
	2540821		Formothion	C
	17702577		Formparanate	C
	21548323		Fosthietan	C
	3878191		Fuberidazole	C
	4835114		Hexamethylenediamine, N,N-dibutyl	C
HAP	110543		Hexane	C
HAP	123319		Hydroquinone	C
	297789		Isobenzan	C
	108236		Isopropyl chlorformate	C
	625558		Isopropyl formate	C
	119380		Isopropylmethylpyrazolyl dimethylcarbamate (Isolan)	C
	21609905		Leptophos	C
HAP	108316		Maleic anhydride	C
HAP	67561		Methanol (Methyl alcohol)	C
	2032657		Methiocarb	C
	624920		Methyl disulfide	C
	556616		Methyl isothiocyanate	C
HAP	80626		Methyl methacrylate	C
	3735237		Methyl phenkapton	C
	78944		Methyl vinyl ketone (3-butene-2-one)	C
	315184		Mexacarbate	C
HAP	1634044		MTBE (Methyl tertiary butyl ether)	C
HAP	108383		m-Xylene	C
	1122607		Nitrocyclohexane	C
	991424		Norbormide	C
HAPs	615532		N-nitroso-N-methylurethane	C
	2497076		Oxydisulfoton	C
	-		Ozone depleting compounds (CFC, etc.)	C
HAP	95476		o-Xylene	C
	79210		Peracetic acid	C
HAP	108952		Phenol	C
	64006		Phenol,3-(1-methylethyl)-methylcarbamate	C
	947024		Phosfolan	C
	13171216		Phosphamidon	C
	110894		Piperidine	C
	23505411		Pirimifos-ethyl	C
	2631370		Promecarb	C

CAS			Toxics	BIN
	106967		Propargyl bromide	C
HAP	123386		Propionaldehyde	C
	140761		Pyridine, 2-methyl-5-vinyl	C
	53558251		Pyriminil	C
HAP	106503		p-Phenylenediamine	C
HAP	106423		p-Xylene	C
	60413		Strychnine sulfate	C
HAP	100425		Styrene	C
HAP	96093		Styrene oxide	C
	7446119		Sulfur trioxide	C
	297972		Thionazin (O,O-Diethyl-O-(2-pyrazinyl)phosphorothioate)	C
	79196		Thiosemicarbizide	C
HAP	7550450		Titanium tetrachloride	C
HAP	108883		Toluene	C
HAP	79016		Trichloroethylene (TCE)	C
	555771		Tris(2-chloroethyl)amine	C
	2001958		Valinomycin	C
HAP	108054		Vinyl acetate	C
HAP	1330207		Xylene (and mixed isomers)	C
	28347139		Xylylene dichloride	C

APPENDIX B

Non-criteria Reportable Pollutants (Sorted by CAS Number)

Note: HAP means federal, or federal and state hazardous air pollutant

HAPs means state-only hazardous air pollutant

CAS			Toxics	BIN
HAP	-		Lindane (all isomers of hexachlorocyclohexane)	A
	-		Thallium compounds	A
HAPs	-		Nitrilotriacetic acid, Ca-, Na-, K salts	B
	-		Ozone depleting compounds (CFC, etc.)	C
HAP	0		Antimony compounds	A
HAP	0		Arsenic compounds	A
HAP	0		Beryllium compounds	A
HAP	0		Cadmium compounds	A
HAP	0		Chromium compounds (incl. 6+ compounds, etc.)	A
HAP	0		Cobalt compounds (as cobalt metal dust and fumes)	A
HAP	0		Coke Oven Emissions	A
HAP	0		Cyanide compounds	A
HAP	0		Fine mineral fibers	A
HAP	0		Glycol ethers	A
HAP	0		Lead compounds (except elemental lead)	A
HAP	0		Manganese compounds	A
HAP	0		Mercury compounds	A
HAP	0		Nickel compounds (incl. nickel subsulfide)	A
HAP	0		Polycyclic Organic Matter	A
HAP	0		Radionuclides (including radon)	A

CAS		Toxics	BIN
HAP	0	Selenium compounds	A
HAP	50000	Formaldehyde	A
HAP	51285	2,4-Dinitrophenol	A
HAP	51796	Ethyl carbamate (Urethane)	B
HAP	53963	2-Acetylaminofluorene	C
	540885	Tertiary Butyl Acetate	C
	54115	Nicotine	A
	54626	Aminopterin	C
HAPs	55185	N-Nitrosodiethylamine	A
	55914	Isofluorphate	B
HAPs	55981	1,4-Butanediol dimethanesulphonate	A
HAP	56235	Carbon tetrachloride	A
HAP	56382	Parathion	A
	56724	Coumaphos	C
HAP	57147	1,1-Dimethyl hydrazine	A
	57249	Strychnine	A
HAP	57578	Propiolactone, beta	A
HAP	57749	Chlordane	A
HAP	59892	N-Nitrosomorpholine	B
HAP	60117	Dimethyl aminoazobenzene	B
HAP	60344	Methyl hydrazine	A
HAP	60355	Acetamide	B
	60413	Strychnine sulfate	C
	60515	Dimethoate	A
HAPs	60571	Dieldrin	A
HAP	62533	Aniline	A
HAP	62737	Dichlorvos	A
	62748	Sodium fluoroacetate	A
HAP	62759	N-Nitrosodimethylamine	A
HAP	63252	Carbaryl	C
	64006	Phenol,3-(1-methylethyl)-methylcarbamate	C
HAP	64675	Diethyl sulfate	B
	66819	Cyclohexamide	C
HAP	67561	Methanol (Methyl alcohol)	C
HAP	67663	Chloroform (Trichloromethane)	A
HAP	67721	Hexachloroethane	A
HAP	68122	Dimethylformamide	A
HAP	71432	Benzene	A
HAP	71556	1,1,1-Trichloroethane (Methyl chloroform)	C
	72208	Endrin	A
HAP	72435	Methoxychlor	A
HAP	74839	Methyl bromide (Bromomethane)	A
HAP	74873	Methyl chloride (Chloromethane)	A
HAP	74884	Methyl iodide (Iodomethane)	A
	74931	Methyl mercaptan (Methanethiol)	A
HAP	75003	Ethyl chloride (Chloroethane)	C
HAP	75014	Vinyl chloride	A
HAP	75058	Acetonitrile	A
HAP	75070	Acetaldehyde	A
HAP	75092	Methylene chloride (Dichloromethane)	A
HAP	75150	Carbon disulfide	A
	75183	Dimethyl sulfide (Methyl sulfide)	C

CAS			Toxics	BIN
HAP	75218		Ethylene oxide	A
HAP	75252		Bromoform	A
HAP	75343		Ethylidene dichloride (1,1-Dichloroethane)	B
HAP	75354		1,1-Dichloroethylene (Vinylidene chloride)	A
HAP	75445		Phosgene	A
HAP	75558		1,2-Propylenimine (2-Methyl aziridine)	A
HAP	75569		Propylene oxide	A
HAP	76448		Heptachlor	A
HAP	77474		Hexachlorocyclopentadiene	A
HAP	77781		Dimethyl sulfate	A
	77816		Tabun	B
	78342		Dioxathion	A
	78535		Amiton	C
HAP	78591		Isophorone	A
HAP	78875		Propylene dichloride (1,2-Dichloropropane)	A
	78944		Methyl vinyl ketone (3-butene-2-one)	C
HAPs	78988		Methylglyoxal	B
HAP	79005		1,1,2-Trichloroethane	A
HAP	79016		Trichloroethylene (TCE)	C
HAP	79061		Acrylamide	A
HAP	79107		Acrylic acid	A
HAP	79118		Chloroacetic acid	A
	79196		Thiosemicarbizide	C
	79210		Peracetic acid	C
	79221		Methyl chloroformate	B
HAP	79345		1,1,2,2-Tetrachloroethane	A
HAP	79447		Dimethyl carbamoyl chloride	B
HAP	79469		2-Nitropropane	A
HAP	80626		Methyl methacrylate	C
	81812		Warfarin	A
	82666		Diphacinone	C
HAP	82688		Pentachloronitrobenzene (Quintobenzene)	A
HAP	84742		Dibutyl phthalate	C
HAP	85449		Phthalic anhydride	B
	86500		Methyl azinphos	A
	86884		ANTU (alpha-naphthylthiourea)	A
HAP	87683		Hexachlorobutadiene	A
HAP	87865		Pentachlorophenol	A
	88051		Aniline,2,4,6-Trimethyl	C
HAP	88062		2,4,6-Trichlorophenol	A
HAP	90040		o-Anisidine	A
	91087		2,6-Toluene diisocyanate	A
HAP	91203		Naphthalene	B
HAP	91225		Quinoline	A
HAP	91941		3,3-Dichlorobenzidene	A
HAP	92524		Biphenyl	C
HAP	92671		4-Aminobiphenyl	A
HAP	92875		Benzidine (p-Diamino diphenyl)	A
HAP	92933		4-Nitrobiphenyl	C
HAP	94757		2,4-D, salts and esters (2,4-Dichlorophenoxyacetic acid)	A
HAP	95476		o-Xylene	C
HAP	95487		o-Cresol	B

CAS			Toxics	BIN
HAP	95534		o-Toluidine	A
HAP	95807		2,4-Toluene diamine	B
HAP	95954		2,4,5-Trichlorophenol	C
HAP	96093		Styrene oxide	C
HAP	96128		1,2-Dibromo-3-chloropropane	A
HAP	96457		Ethylene thiourea	A
HAP	98077		Benzotrichloride	A
HAP	98828		Cumene	A
HAP	98862		Acetophenone	C
	98873		Benzal chloride [(Dichloromethyl)benzene; benzylidenechloride]	B
HAP	98953		Nitrobenzene	A
	99989		Dimethyl-p-phenylenediamine	C
HAP	100027		4-Nitrophenol	C
HAP	100414		Ethyl benzene (Phenylethane)	C
HAP	100425		Styrene	C
HAP	100447		Benzyl chloride, (Chloromethyl)benzene	A
HAP	101144		4,4-Methylene bis (2-chloroaniline)	A
HAP	101688		Methylene diphenyl diisocyanate (MDI)	A
HAP	101779		4,4-Methylenedianiline	A
HAP	106423		p-Xylene	C
HAP	106445		p-Cresol	A
HAP	106467		1,4-Dichlorobenzene	A
HAP	106503		p-Phenylenediamine	C
HAP	106514		Quinone	A
HAP	106887		1,2-Epoxybutane	A
HAP	106898		Epichlorohydrin (1-Chloro-2,3-epoxypropane)	A
HAP	106934		Ethylene dibromide (1,2-Dibromoethane)	A
	106967		Propargyl bromide	C
HAP	106990		1,3-Butadiene	A
HAP	107028		Acrolein	A
HAP	107051		Allyl chloride	A
HAP	107062		Ethylene dichloride (1,2-Dichloroethane)	A
	107073		Chloroethanol	A
HAP	107131		Acrylonitrile	A
	107153		Ethylene diamine	C
	107186		Allyl alcohol	A
HAP	107211		Ethylene glycol	C
HAP	107302		Chloromethyl methyl ether	A
	107448		Sarin	B
	107493		TEPP (Tetraethyldithiopyrophosphate)	A
HAP	108054		Vinyl acetate	C
HAP	108101		Methyl isobutyl ketone (MIBK) (Hexone)	B
	108236		Isopropyl chlorformate	C
HAP	108316		Maleic anhydride	C
HAP	108383		m-Xylene	C
HAP	108394		m-Cresol	B
HAP	108883		Toluene	C
HAP	108907		Chlorobenzene	A
	108918		Cyclohexylamine	C
HAP	108952		Phenol	C
	108985		Thiophenol (Phenyl mercaptan)	A
	110009		Furan	A

CAS			Toxics	BIN
HAP	110543		Hexane	C
	110576		Trans 1,4-dichlorobutene	B
	110894		Piperidine	C
HAP	111422		Diethanolamine	A
HAP	111444		Dichloroethyl ether (Bis(2-chloroethyl)ether)	A
HAP	114261		Propoxur (Baygon)	A
	115264		Dimefox	A
HAPs	115286		Chlorendic acid	B
	115297		Endosulfan	A
	115902		Fensulfothion	A
	116063		Aldicarb (Temik)	A
HAPs	117102		Chrysazin (Dorbane)	B
HAP	117817		Bis(2-ethylhexyl) phthalate (DEHP) (Dioctyl phthalate)	A
HAP	118741		Hexachlorobenzene	A
	119380		Isopropylmethylpyrazolyl dimethylcarbamate (Isolan)	C
HAP	119904		3,3-Dimethoxybenzidine	A
HAP	119937		3,3'-Dimethyl benzidine	A
HAP	120809		Catechol	A
HAP	120821		1,2,4-Trichlorobenzene	A
HAP	121142		2,4-Dinitrotoluene	A
HAP	121448		Triethylamine	A
HAP	121697		N,N-Diethyl aniline (N,N-Dimethylaniline)	A
	122145		Fenitrothion	C
HAPs	122601		Phenyl glyceryl ether (3 phenoxy 1,2 propanediol)	A
HAP	122667		1,2-Diphenylhydrazine	A
HAP	123319		Hydroquinone	C
HAP	123386		Propionaldehyde	C
	123739		Crotonaldehyde (E)	A
HAP	123911		1,4-Dioxane (1,4-Diethyleneoxide)	A
	126987		Methacrylonitrile	A
HAP	126998		Chloroprene (2-Chloro-1,3-butadiene)	A
HAP	127184		Perchloroethylene (Tetrachloroethylene)	A
	129066		Warfarin sodium	A
HAP	131113		Dimethyl phthalate	C
	131522		Sodium pentachlorophenate	A
HAPs	132274		2-Biphenylol sodium salt	B
HAP	132649		Dibenzofurans	C
HAP	133062		Captan	A
HAP	133904		Chloramben (3-amino-2,5-dichloro benzoic acid)	A
	140761		Pyridine, 2-methyl-5-vinyl	C
HAP	140885		Ethyl acrylate	A
	141662		Dicrotophos	A
	144490		Fluoracetic acid	B
	149746		Dichloromethylphenylsilane	C
HAP	151564		Ethylene imine (Aziridine)	A
	152169		Diphosphoramide, octamethyl	A
HAP	156627		Calcium cyanamide	A
	297789		Isobenzan	C
	297972		Thionazin (O,O-Diethyl-O-(2-pyrazinyl)phosphorothioate)	C

CAS			Toxics	BIN
	298000		Parathion-methyl	A
	298022		Phorate	A
	298044		Disulfoton	A
HAP	302012		Hydrazine	A
HAPs	309002		Aldrin	A
	315184		Mexacarbate	C
HAP	334883		Diazomethane	A
	359068		Fluoroacetyl chloride	C
	371620		Ethylene fluorohydrin	C
HAP	463581		Carbonyl sulfide	C
	465736		Isodrin	A
	470906		Chlorfenvinfos	C
	505602		Mustard gas (Dichlorodiethyl sulfide)	A
	509148		Tetranitromethane	A
HAP	510156		Chlorobenzilate (ethyl-4,4'-dichlorobenzilate)	B
HAP	532274		2-Chloroacetophenone	A
	534076		Bis(chloromethyl)ketone	C
HAP	534521		4,6-Dinitro o-cresol, and salts	A
	535897		Crimidine	C
	538078		Ethyl bis (2-chloroethyl)amine	C
HAP	540841		2,2,4-Trimethylpentane	C
	541537		Dithiobiuret	C
HAP	542756		1,3-Dichloropropene	A
HAP	542881		Bischloromethyl ether	A
	542905		Ethylthiocyanate	C
	555771		Tris(2-chloroethyl)amine	C
	556616		Methyl isothiocyanate	C
	563122		Ethion	A
HAP	584849		2,4-Toluene diisocyanate	A
HAP	593602		Vinyl bromide	A
HAPs	615532		N-nitroso-N-methylurethane	C
HAP	624839		Methyl isocyanate	A
	624920		Methyl disulfide	C
	625558		Isopropyl formate	C
	640197		Fluoroacetamide	C
	644644		Dimetilan	C
	675149		Cyanuric fluoride	C
HAP	680319		Hexamethylphosphoramide	B
HAP	684935		N-nitroso-N-methylurea	B
	732116		Phosmet	B
	786196		Carbophenothion	C
	814686		Acrylyl chloride	C
HAP	822060		Hexamethylene-1,6-diisocyanate	A
	919868		Demeton-s-methyl	C
HAPs	924163		N-Nitroso-di-n-butylamine	A
	944229		Fonofos	A
	947024		Phosfolan	C
	950107		Mephosfolan	A
	950378		Methidathion	A
	991424		Norbormide	C
HAP	1120714		1,3-Propane sultone	B
	1122607		Nitrocyclohexane	C

CAS			Toxics	BIN
	1314847		Zinc phosphide	A
HAP	1319773		Cresylic acid/Cresols	A
HAP	1330207		Xylene (and mixed isomers)	C
HAP	1332214		Asbestos	A
HAP	1336363		Polychlorinated biphenyls (PCBs) (Aroclors)	A
	1397940		Antimycin A	C
HAPs	1402682		Aflatoxins	A
	1420071		Dinoterb	C
	1464535		Diepoxybutane	B
	1563662		Carbofuran	A
HAP	1582098		Trifluralin	A
HAP	1634044		MTBE (Methyl tertiary butyl ether)	C
	1642542		Diethylchlorophosphate	B
HAP	1746016		2,3,7,8-TCDD (Dioxin)	A
	1910425		Paraquat	A
	1982474		Chloroxuron	C
	2001958		Valinomycin	C
	2032657		Methiocarb	C
	2074502		Paraquat methosulfate	A
HAPs	2475458		Disperse Blue 1	B
	2497076		Oxydisulfoton	C
	2524030		Dimethylphosphorochloridothioate	C
	2540821		Formothion	C
	2631370		Promecarb	C
	2642719		Ethyl azinphos	C
HAPs	2646175		CI Solvent Orange 2	B
	2778043		Endothion	C
HAP	3547044		DDE (Dichlorodiphenyldichloroethylene)	A
	3689245		Sulfotep	A
	3691358		Chlorophacinone	C
	3734972		Amiton oxalate	C
	3735237		Methyl phenkapton	C
	3878191		Fuberidazole	C
	4098719		Isophorone diisocyanate	A
	4170303		Crotonaldehyde	A
	4301502		Fluenetil	C
	4835114		Hexamethylenediamine, N,N-dibutyl	C
	5836293		Coumatetralyl	C
	7446119		Sulfur trioxide	C
HAP	7550450		Titanium tetrachloride	C
HAPs	7644410		1,4-Dichloro-2-butene	A
HAP	7647010		Hydrochloric acid (Hydrogen chloride)	A
HAP	7664393		Hydrogen fluoride (Hydrofluoric acid)	A
	7664417		Ammonia	B
	7664939		Sulfuric acid	B
	7697372		Nitric acid	A
HAP	7723140		Phosphorous	A
	7726956		Bromine	A
	7782414		Fluorine	C
HAP	7782505		Chlorine	A
	7783064		Hydrogen sulfide	A
	7786347		Mevinphos	A

CAS		Toxics	BIN
HAP	7803512	Phosphine	A
HAP	8001352	Toxaphene (Camphechlor)	A
	8065483	Demeton	A
	10265926	Methamidophos	A
	10294345	Boron trichloride	C
	10311849	Dialifor	C
	13071799	Terbufos	A
	13171216	Phosphamidon	C
	13194484	Ethoprophos (Ethoprop)	C
	13494809	Tellurium	A
	16752775	Methomyl	B
	17702577	Formparanate	C
	19287457	Diborane	A
	20859738	Aluminum phosphide	A
	21548323	Fosthietan	C
	21609905	Leptophos	C
	21923239	Chlorthiophos	C
	22224926	Fenaminophos (Fenamiphos)	A
	23135220	Oxamyl	B
	23422539	Formotanate hydrochloride	C
	23505411	Pirimifos-ethyl	C
	24934916	Chlormephos	C
	28347139	Xylylene dichloride	C
	28772567	Bromodiolone	C
	53558251	Pyriminil	C
HAPs	60153493	3-(N-Nitrosomethylamine) (Propionitrile)	B
HAPs	64091914	Ketone, 3-pyridyl-3-(N-methyl-N-nitrosoamino) propyl	B
HAPs	108171262	Chlorinated paraffins (C12, 60% chlorine)	B