

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Air Quality Control Commission**

REGULATION NO. 3

**STATIONARY SOURCE PERMITTING AND AIR POLLUTANT EMISSION NOTICE
REQUIREMENTS**

5 CCR 1001-5

**PART A CONCERNING GENERAL PROVISIONS APPLICABLE TO
REPORTING AND PERMITTING**

II.D. Exemptions from Air Pollutant Emission Notice Requirements

II.D.1. Notwithstanding the exemptions contained in section II.D.1., Air Pollutant Emission Notices must be filed for all emission units specifically identified in the applicability section of any subpart of Part A of Regulation No. 6 (New Source Performance Standards) and/or Regulation No. 8 (Hazardous Air Pollutants), Parts A,C,D, and E. However, Air Pollutant Emission Notices need not be filed for wet screening operations subject to Subpart OOO of the New Source Performance Standards if the exemption in section II.D.1.cccc. is applicable.

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

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

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

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

- II.D.1.b. Individual emission points of non criteria reportable pollutants having uncontrolled actual emissions less than the de minimis levels as determined following the procedures set forth in Appendix A.
- II.D.1.c. Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from other processes or equipment.
- II.D.1.d. Fireplaces used for recreational purposes, inside or outside.
- II.D.1.e. Fires and equipment used for noncommercial cooking of food for human consumption, or cooking of food for human consumption at commercial food service establishments, except for char broilers and wood fired equipment (but not including campfires) in PM10 nonattainment areas. Charbroiler shall mean a cooking device in a commercial food service establishment, either gas fired or using charcoal or other fuel, upon which grease drips down upon an open flame, charcoal or embers.
- II.D.1.f. Safety flares used to indicate danger to the public.
- II.D.1.g. Agricultural operations such as farming, cultivating, harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation No. 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 Part); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standard (Regulation No. 6, Part A); or (3) participates in the early reduction program of the Federal Act, section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulation promulgated by the commission.
- II.D.1.h. Emissions from, or construction, or alteration of residential structures, including all buildings or other structures used primarily as a place of residence, and including home heating devices.
- II.D.1.i. Laboratories and research & development facilities:
 - II.D.1.i.(i) Noncommercial (in house) experimental and analytical laboratory equipment that is bench scale in nature including quality control/quality assurance laboratories, process support laboratories, environmental laboratories supporting a manufacturing or industrial facility, and research and development laboratories.
 - II.D.1.i.(ii) Research and development activities that are of a small pilot scale and that process less than ten thousand pounds of test material per year;
 - II.D.1.i.(iii) Small pilot scale research and development projects less than six months in duration with controlled actual emissions less than five hundred pounds of any criteria pollutant or ten pounds of any non criteria reportable pollutant.

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- 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 REPEALEDII.D.1.n. Chemical storage tanks or containers that hold less than five hundred gallons, and that have an annual average daily throughput of less than twenty-five gallons.
- II.D.1.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.
- II.D.1.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.
- II.D.1.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation No. 9).
- II.D.1.r. Brazing, soldering, or welding operations, except those that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.
- II.D.1.s. Street and parking lot striping.
- II.D.1.t. Battery recharging areas.
- II.D.1.u. Aerosol can usage.
- II.D.1.v. Sawing operations, that 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 REPEALEDII.D.1.ff. Emergency events such as accidental fires.
- II.D.1.gg. Smoking rooms and areas.
- II.D.1.hh. Plastic pipe welding.

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- 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 No. 2.
- II.D.1.ss. Truck and car wash units.
- II.D.1.tt. Office emissions, including cleaning, copying, and restrooms.
- II.D.1.uu. 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.wv. Equipment used exclusively for portable steam cleaning.
- II.D.1.xx. Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
- II.D.1.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.
- II.D.1.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation No. 7, section IV. are met, where applicable.
- II.D.1.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or used lubricating oils.
- II.D.1.bbb. Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of one gallon or less.
- II.D.1.ccc. Fuel storage and dispensing equipment in ozone attainment areas operated solely for company owned vehicles where the daily fuel

throughput is no more than four hundred gallons per day that is calculated as an annual average. Sources in AN ozone attainment/maintenance area must utilize Stage 1 vapor recovery on all tanks greater than 550 gallons capacity, as required by Regulation No. 7, in order to take this exemption.

- II.D.1.ddd. 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.

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- 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 No. 3.
- II.D.1.ooo. The use of pesticides, fumigants, and herbicides when used in accordance with requirements established under the federal Insecticide, Fungicide and Rodenticide Act as established by the U.S. EPA (United States Code Title 7, Section 136 et seq.).
- II.D.1.ppp. Ventilation of emissions from mobile sources operating within a tunnel, garage, or building.
- II.D.1.qqq. Non-asbestos demolition.
- II.D.1.rrr. Sandblast equipment when the blast media is recycled and the blasted material is collected, including small sandblast glove booths.
- II.D.1.sss. Stationary Internal Combustion Engines that meet the following specifications:
 - II.D.1.sss.(i) Less than or equal to 175 horsepower that operate less than 1,450 hours per year; or
 - II.D.1.sss.(ii) Greater than 175 horsepower and less than or equal to 300 horsepower that operate less than 850 hours per year; or
 - II.D.1.sss.(iii) Greater than 300 horsepower and less than or equal to 750 horsepower that operate less than 340 hours per year.
- II.D.1.ttt. Emergency power generators that:
 - II.D.1.ttt.(i) Have a rated horsepower of less than 260; or
 - II.D.1.ttt.(ii) Operate no more than 250 hours per year and have a rated horsepower of less than 737; or
 - II.D.1.ttt.(iii) Operate no more than 100 hours per year and have a rated horsepower of less than 1,840.
- II.D.1.uuu. Surface water storage impoundment of non-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.

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- 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.eeee.(i) The need to file APENs for condensate storage tanks at operations located downstream of natural gas exploration and production facilities, but not including natural gas processing plants, shall be evaluated in light of a throughput limit to be established by the division based upon data acceptable to the division that the estimated emissions from such tanks (or manifold tanks) at the specified throughput is equal to or less than the appropriate APEN de minimis level set forth in Part A, section II.D.1.a. of this regulation No. 3. The throughput level may be established for either a particular company's operations, and, if supported, for natural gas gathering operations generally. In the latter case, the division would establish the accepted APEN throughput level by policy.
 - II.D.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.
- 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 No. 3; or

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- 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 No. 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.

PART B CONCERNING CONSTRUCTION PERMITS

II.D. Exemption from Construction Permit Requirements

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

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

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

- II.D.1.a. Those sources exempted from the filing of Air Pollutant Emission Notices in section II.D. of Part A, of this regulation.
- II.D.1.b. Containers, reservoirs, or tanks used exclusively for dipping operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
- II.D.1.c. Stationary Internal Combustion Engines that:
 - II.D.1.c.(i) Power portable drilling rigs; or
 - II.D.1.c.(ii) Are emergency power generators that operate no more than two hundred and fifty hours per year; or
 - II.D.1.c.(iii) Have uncontrolled actual emissions in:
 - II.D.1.c.(iii)(A) Nonattainment areas of less than five tons per year or manufacturer's site-rated horsepower of less than fifty; or
 - II.D.1.c.(iii)(B) Attainment areas of less than ten tons per year or manufacturer's site-rated horsepower of less than one hundred.
- II.D.1.d. The collection, transmission, liquid treatment, and solids treatment processes at domestic wastewater treatment works, or treatment facilities that treat only domestic type wastewater, except for combustion processes.
- II.D.1.e. Each individual piece of fuel burning equipment, other than smokehouse generators, that uses gaseous fuel, and that has a design rate less than or equal to ten million British thermal units per hour.
- II.D.1.f. Gasoline stations located in ozone attainment areas, except for stations located in the Denver Metropolitan ozone attainment/maintenance area.
- II.D.1.g. Surface mining activities that mine seventy thousand tons or fewer of product material per year. A fugitive dust control plan is required for such sources. Crushers, screens and other processing equipment activities are not included in this exemption.

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- II.D.1.h. Composting piles, however, all odor requirements of Regulation No. 2 must be met.
 - II.D.1.i. Commercial and product quality control laboratory equipment.
 - II.D.1.j. Fires and equipment used for noncommercial cooking of food for human consumption and for cooking of food for human consumption at commercial food service establishments.
 - II.D.1.k. PETROLEUM INDUSTRY FLARES, NOT ASSOCIATED WITH REFINERIES, COMBUSTING NATURAL GAS CONTAINING NO HYDROGEN SULFIDE EXCEPT IN TRACE (LESS THAN FIVE HUNDRED PARTS PER MILLION WEIGHT) AMOUNTS, APPROVED BY THE COLORADO OIL AND GAS CONSERVATION COMMISSION AND HAVING UNCONTROLLED EMISSIONS OF ANY POLLUTANT OF LESS THAN FIVE TONS PER YEAR.
 - II.D.1.l. CRUDE OIL TRUCK LOADING EQUIPMENT AT EXPLORATION AND PRODUCTION SITES WHERE THE LOADING RATE DOES NOT EXCEED 10,000 GALLONS OF CRUDE OIL PER DAY AVERAGED ON AN ANNUAL BASIS. CONDENSATE TRUCK LOADING EQUIPMENT AT EXPLORATION AND PRODUCTION SITES THAT SPLASH FILL LESS THAN 6750 BARRELS OF CONDENSATE PER YEAR OR THAT SUBMERGE FILL LESS THAN 16308 BARRELS OF CONDENSATE PER YEAR. CRUDE OIL OR CONDENSATE LOADING TRUCK EQUIPMENT AT CRUDE OIL PRODUCTION SITES WHERE THE LOADING RATE DOES NOT EXCEED 10,000 GALLONS PER DAY AVERAGED OVER ANY THIRTY-DAY PERIOD.
 - II.D.1.m. OIL PRODUCTION WASTEWATER (PRODUCED WATER TANKS), CONTAINING LESS THAN ONE PERCENT BY VOLUME CRUDE OIL ON AN ANNUAL AVERAGE, EXCEPT FOR COMMERCIAL FACILITIES THAT ACCEPT OIL PRODUCTION WASTEWATER FOR PROCESSING.
 - II.D.1.n. CRUDE OIL STORAGE TANKS WITH A CAPACITY OF 40,000 GALLONS OR LESS.
 - II.D.2. Facilities located in a nonattainment area for any criteria pollutant for which the area is nonattainment; with total facility uncontrolled actual emissions (potential emissions at actual operating hours) that are less than the following amounts:
 - II.D.2.a. Two tons per year volatile organic compounds.
 - II.D.2.b. One ton per year PM10.
 - II.D.2.c. Five tons per year total suspended particulate.
 - II.D.2.d. Five tons per year carbon monoxide.
 - II.D.2.e. Five tons per year sulfur dioxide.
 - II.D.2.f. Five tons per year nitrogen oxides.
 - II.D.2.g. Two hundred pounds per year lead.
- For purposes of calculating total facility uncontrolled actual emissions, only those individual (or grouped) emission points requiring Air Pollutant Emission Notices are to be considered.
- II.D.3. Facilities located in attainment areas for all criteria pollutants with total facility uncontrolled actual emissions less (potential emissions at actual operating hours) than the following amounts:
 - II.D.3.a. Five tons per year volatile organic compounds.
 - II.D.3.b. Five tons per year PM10.

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- II.D.3.c. Ten tons per year total suspended particulate.
- II.D.3.d. Ten tons per year carbon monoxide.
- II.D.3.e. Ten tons per year sulfur dioxide.
- II.D.3.f. Ten tons per year nitrogen oxides.
- II.D.3.g. Two hundred pounds per year lead.

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

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

II.D.5. When a facility that was previously exempt from permit requirements exceeds one of the permit de minimis levels stated in sections II.D.2. through II.D.4., above, due to the addition of new emission points, the division will issue either a facility-wide permit for all non-grandfathered emission units above Air Pollutant Emission Notice de minimis levels, or individual emission permits for those emission units.

II.D.6. All incinerators require a permit as stated in Regulation No.1, section III.B.1.

II.D.7. Oil and gas exploration and production operations that are addressed under section II.D.1.iii. of this Regulation No. 3, Part A, and that are required to obtain a construction permit, are not required to file an application for a construction permit until they are required to file an Air Pollutant Emission Notice, as set forth in section II.D.1.iii. The application shall include a list of all applicable requirements, and how the requirements will be met until a construction permit is issued.

II.D.8. Any person may request the division to add source categories to the permit exemption list, in accordance with the procedures set forth in section II.D.4. of Part A of this regulation.

II.D.9. Sources with a valid operating permit are not required to obtain a construction permit prior to commencing construction or modification, as set forth in section II.A.6. of this Part B.

PART C CONCERNING OPERATING PERMITS

II.E. Insignificant Activities and Exemptions from Operating Permit Requirements

Sources that are otherwise required to obtain an operating permit are not required to include insignificant activities from the following list in their operating permit applications, except as otherwise provided below.

None of the exemptions listed below, including emission de minimis levels, shall apply if by taking such exemption a source would avoid any specific federal or state applicable requirement, including, but not limited to, New Source Performance Standards, Regulation No. 7, Prevention of Significant Deterioration (section VI., Part D of this Regulation No. 3), nonattainment New Source Review requirements (section V. Part D of this Regulation No. 3), Title III, National Emission Standards for Hazardous Air Pollutants, Title V, and Colorado Maximum Achievable Control Technology or Generally Available Control Technology . (If the potential to emit, taking into account full design rate and continuous operation, triggers Prevention of Significant Deterioration or New Source Review requirements, the source must submit an Air Pollutant Emission Notice and apply for the appropriate permit, or must apply for a permit to limit the physical or operational capacity of the source such that the source is not considered to be a major source as defined in section I.B.24. of Part A of this regulation.).

Sources otherwise required to obtain an operating permit are required to include a list of insignificant activities in their permit applications if the insignificant activities are listed in sections II.E.1. and II.E.2., or marked with an asterisk in section II.E.3. The asterisk denotes an insignificant activity source category based on the size of the activity, emissions levels from the activity or the production rate of the activity. The owner or operator of individual emission points marked with an asterisk in section II.E.3., below, must maintain sufficient record keeping to verify that the exemption applies. Such records shall be made available for division review upon request.

The following sources are exempt from the requirement to obtain an operating permit pursuant to this Part C:

- II.E.1. Sources subject to regulation or requirements pertaining to standards of performance for new residential wood heaters pursuant to Regulation No. 6; or
- II.E.2. Sources subject to regulation or requirements pertaining to national emissions standards for hazardous air pollutants for asbestos in the course of demolition and renovation pursuant to Regulation No. 8.
- II.E.3. Certain categories of sources and activities which are considered to be insignificant contributors to air pollution as listed below. A source solely comprised of one or more of these activities are not required to obtain an operating permit pursuant to this regulation, unless the source's emissions trigger the major source threshold as defined in section I.B.24. of Part A of this Regulation No. 3 (definition of major source):
 - II.E.3.a. *Individual emission points in nonattainment areas having uncontrolled actual emissions of any criteria pollutant (as defined in section I.B.17. of Part A of this Regulation No. 3) 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.E.3.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.E.3.c. Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from other processes or equipment.
 - II.E.3.d. Fireplaces used for recreational purposes, inside or outside.
 - II.E.3.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.E.3.f. Flares used to indicate danger to the public.
 - II.E.3.g. Agriculture operations such as farming, cultivating and harvesting, seasonal crop drying, grain handling operations that are below New Source Performance Standards de minimis levels (including milling and grain elevator operations), and animal feeding operations that are not housed commercial swine feeding facilities as defined in Regulation No. 2, Part B. This exemption does not apply to an agricultural operation that: (1) is a major source (Regulation No. 3, Part A, section I.B.24.); (2) meets or exceeds the storage capacity thresholds of a federal New Source Performance Standards (Regulation No. 6, Part A); or (3) participates in the early reduction program of the Federal Act, section 112. Ancillary operations such as fueling stations located at farms or ranches are not exempt from Air Pollutant Emission Notice and permit requirements unless otherwise below the de minimis emission levels contained in this regulation, and are not exempt from other applicable regulations promulgated by the commission.
 - II.E.3.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.E.3.i. Research laboratories
 - II.E.3.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.E.3.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.E.3.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.E.3.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.E.3.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 in the Common Provisions Regulation).
 - II.E.3.l. Internal combustion engines powering portable drilling rigs.
 - II.E.3.m. *Petroleum industry flares, not associated with refineries, combusting natural gas containing no hydrogen sulfide except in trace amounts (less than five hundred parts per million weight), approved by the Colorado Oil and Gas Conservation commission and having uncontrolled emissions of any pollutant of less than five tons per year.
 - II.E.3.n. *Chemical storage tanks or containers that hold less than five hundred gallons, that have an annual average throughput less than twenty-five gallons per day, AND ARE NOT ASSOCIATED WITH EITHER OIL AND GAS PRODUCTION WASTEWATER OR COMMERCIAL FACILITIES THAT ACCEPT OIL PRODUCTION WASTEWATER FOR PROCESSING.
 - II.E.3.o. Unpaved public and private roadways, except for haul roads located within a stationary source site boundary.
 - II.E.3.p. Sanding of streets and roads to abate traffic hazards caused by ice and snow.
 - II.E.3.q. Open burning activities, except that all reporting and permitting requirements that apply to such operations must be followed (see Regulation No. 9).
 - II.E.3.r. Brazing, soldering, or welding operations that use lead based compounds. All welding that occurs strictly for maintenance purposes is exempt.
 - II.E.3.s. Street and parking lot striping.
 - II.E.3.t. Battery recharging areas.
 - II.E.3.u. Aerosol can usage.
 - II.E.3.v. Sawing operations that are ancillary to facility operations and are not part of the production process.
 - II.E.3.w. The process of demolition and re-bricking of furnaces and kilns. This does not include subsequent operation of such furnaces or kilns.
 - II.E.3.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.E.3.y. Adhesive use that is not related to production.
 - II.E.3.z. Fire training activities.
 - II.E.3.aa. Caulking operations that are not part of a production process.

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- II.E.3.bb. *Landscaping and site housekeeping devices equal to or less than ten horsepower in size (lawnmowers, trimmers, snow blowers, etc.).
- II.E.3.cc. Fugitive emissions from landscaping activities (e.g., weeding, sweeping).
- II.E.3.dd. Landscaping use of pesticides, fumigants, and herbicides.
- II.E.3.ee. *Crude oil loading truck equipment at exploration and production sites where the loading rate does not exceed 10,000 gallons of crude oil per day averaged on an annual basis. Condensate truck loading equipment at exploration and production sites that splash fill less than 6750 barrels of condensate per year or that submerge fill less than 16308 barrels of condensate per year.
- II.E.3.ff. Emergency events such as accidental fires.
- II.E.3.gg. Smoking rooms and areas.
- II.E.3.hh. Plastic pipe welding.
- II.E.3.ii. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
- II.E.3.jj. Beauty salons.
- II.E.3.kk. Operations involving acetylene, butane, propane and other flame cutting torches.
- II.E.3.ll. Pharmacies.
- II.E.3.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.E.3.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.E.3.oo. Emissions of air pollutants that are not criteria or non-criteria reportable pollutants (see sections I.B.17. and I.B.29. of Part A of this regulation). These emissions include methane, ethane and carbon dioxide.
- II.E.3.pp. Janitorial activities and products.
- II.E.3.qq. Grounds keeping activities and products.
- II.E.3.rr. Sources of odorous emissions that do not utilize emission control equipment for control of odorous emissions. This exemption applies to the odor emissions only. All other emissions are subject to other exemptions set forth in this regulation. This exemption does not exempt any source from the requirements of Regulation No. 2.
- II.E.3.ss. Truck and car wash units.
- II.E.3.tt. Office emissions, including cleaning, copying, and restrooms.
- II.E.3.uu. *Oil production wastewater (produced water tanks), containing less than one percent by volume annual average crude oil, except for commercial facilities that accept oil production wastewater for processing.

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- II.E.3.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.E.3.ww. Equipment used exclusively for portable steam cleaning.
- II.E.3.xx. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
- II.E.3.yy. Commercial laundries (except dry cleaners) that do not burn liquid or solid fuel.
- II.E.3.zz. Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity of less than sixty thousand gallons, provided the requirements of Regulation No. 7, section IV. are met, where applicable.
- II.E.3.aaa. Storage tanks of capacity less than forty thousand gallons of lubricating oils or waste lubricating oils.
- II.E.3.bbb. *Venting of compressed natural gas, butane or propane gas cylinders, with a capacity of one gallon or less.
- II.E.3.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, averaged annually. Sources in AN ozone attainment/maintenance area must utilize Stage 1 vapor recovery on all tanks greater than five hundred and fifty gallons capacity, as required by Regulation No. 7, in order to take this exemption.
- II.E.3.ddd. *Crude oil storage tanks with a capacity of 40,000 gallons or less.
- II.E.3.eee. Indirect sources are exempt until a (permit) regulation specific to indirect sources is promulgated by the commission.
- II.E.3.fff. *Storage tanks meeting all of the following criteria:
 - II.E.3.fff.(i) Annual throughput is less than four hundred thousand gallons; and
 - II.E.3.fff.(ii) The liquid stored is one of the following:
 - II.E.3.fff.(ii)(A) Diesel fuels 1-D, 2-D, or 4-6;
 - II.E.3.fff.(ii)(B) Fuel oils #1 - #6;
 - II.E.3.fff.(ii)(C) As turbine fuels 1 - GT through 4 - GT;
 - II.E.3.fff.(ii)(D) An oil/water mixture with a vapor pressure less than or equal to that of diesel fuel (Reid vapor pressure of .025 psia).
- II.E.3.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.E.3.hhh. Natural gas vehicle fleet fueling facilities.
- II.E.3.iii. Electric motors driving equipment at non-commercial machining shops.
- II.E.3.jjj. Recreational swimming pools.
- II.E.3.kkk. Forklifts.
- II.E.3.lll. Handling equipment and associated activities for glass that is destined for recycling.

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- II.E.3.mmm. 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.E.3.nnn. Emergency power generators that:
 - II.E.3.nnn.(i) Have a rated horsepower of less than 260 or;
 - II.E.3.nnn.(ii) *Operate no more than 250 hours per year and have a rated horsepower of less than 737; or
 - II.E.3.nnn.(iii) *Operate no more than 100 hours per year and have a rated horsepower of less than 1,840.
- II.E.3.ooo. The collection, transmission, liquid treatment, and solids treatment processes at domestic wastewater treatment works, or treatment facilities that treat only domestic type wastewater, except for combustion processes.
- II.E.3.ppp. Gasoline stations located in ozone attainment areas.
- II.E.3.qqq. *Surface mining activities that mine seventy thousand tons or fewer of product material per year. A fugitive dust control plan is required for such sources. Crushers, screens and other processing equipment activities are not included in this exemption.
- II.E.3.rrr. Composting piles, however, all odor requirements of Regulation No. 2 must be met.
- II.E.3.sss. 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 this Regulation No. 3.
- II.E.3.ttt. 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.E.3.uuu. Ventilation of emissions from mobile sources operating within a tunnel, garage, or building.
- II.E.3.vvv. Non-asbestos demolition.
- II.E.3.www. Sandblast equipment when the blast media is recycled and the blasted material are collected.
- II.E.3.xxx. Stationary internal combustion engines:
 - II.E.3.xxx.(i) *Less than or equal to 175 horsepower which operate less than 1,450 hours per year.
 - II.E.3.xxx.(ii) *Greater than 175 horsepower and less than or equal to 300 horsepower which operate less than 850 hours per year.
 - II.E.3.xxx.(iii) *Greater than 300 horsepower and less than or equal to 750 horsepower which operate less than 340 hours per year.
- II.E.3.yyy. Surface water storage impoundment of non-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.

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- II.E.3.zzz. Non-potable water pipeline vents.
- II.E.3.aaaa. Steam vents and safety release valves.
- II.E.3.bbbb. Deaerator/vacuum pump exhausts.
- II.E.3.cccc. Seal and lubricating oil systems for steam turbine electric generators.
- II.E.3.dddd. Venting of natural gas lines for safety purposes.
- II.E.3.eeee. Chemical storage tanks
 - II.E.3.eeee.(i) *Sulfuric acid storage tanks not to exceed ten thousand five hundred gallons capacity.
 - II.E.3.eeee.(ii) *Sodium hydroxide storage tanks.
- II.E.3.ffff. 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.E.3.gggg. *Any condensate storage tank with a production rate of 730 barrels per year or less or condensate storage tanks that are manifold together with a production rate of 730 barrels per year or less that are owned and operated by the same person, and are located at exploration and production sites.