

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NO. 7

EMISSIONS OF VOLATILE ORGANIC COMPOUNDS

5 CCR 1001-9

I. Applicability

I.A.

I.A.1. The provisions of this regulation shall apply as follows:

I.A.1.a. All provisions of this regulation apply to ANY ozone attainment/maintenance area, and to any OZONE non-attainment area WHICH INCLUDES AREAS DESIGNATED NON-ATTAINMENT FOR EITHER THE 1-HOUR OR 8-HOUR OZONE STANDARD.

I.A.1.a.(i) THE DENVER 1-HOUR OZONE NON-ATTAINMENT OR ATTAINMENT/MAINTENANCE AREA AND CHRONOLOGY OF ATTAINMENT STATUS IS IDENTIFIED IN APPENDIX A OF THIS REGULATION.

I.A.1.a.(i) THE DENVER 8-HOUR OZONE NON-ATTAINMENT OR ATTAINMENT/MAINTENANCE AREA AND CHRONOLOGY OF ATTAINMENT STATUS IS IDENTIFIED IN APPENDIX B OF THIS REGULATION.

I.A.1.b. The provisions of Section V, SECTION VI.B.1 and 2, SECTION VII.C., Section XVII, SECTION XVIII AND SECTION XIX apply statewide. The Provisions of Section XVII, SECTION XVIII AND SECTION XIX are not FEDERALLY ENFORCEABLE.

I.A.1.c. The provisions of Sections XII, and XVI apply in ANY OZONE ATTAINMENT/MAINTENANCE OR NON-ATTAINMENT Area.

I.A.2. REPEALED.

I.A.3. REPEALED

I.B. Sources

I.B.1. New Sources

I.B.1.a. New sources ARE any sources which COMMENCED CONSTRUCTION ON OR AFTER THE DATE ON WHICH THE AREA IS FIRST DESIGNATED AS BEING IN NON-ATTAINMENT FOR OZONE AND ARE LOCATED IN THAT AREA, OR, IF LOCATED IN THE 1-HOUR OZONE NON-ATTAINMENT AREA, BY OCTOBER 30, 1989.

I.B.1.b. NEW SOURCES SHALL COMPLY WITH THE REQUIREMENTS OF THIS REGULATION BY WHICHEVER DATE COMES LATER:

I.B.1.B.(i) OCTOBER 30, 1989, IF THEY ARE LOCATED IN A WHAT WAS PREVIOUSLY DESIGNATED AS A 1-HOUR OZONE NON-ATTAINMENT AREA;

I.B.1.B.(ii) FEBRUARY 1, 2009, IF THEY ARE LOCATED IN AN 8-HOUR OZONE NON-ATTAINMENT AREA AND OUTSIDE OF THE 1-HOUR OZONE NON-ATTAINMENT AREA; OR

I.B.1.B.(iii) UPON COMMENCEMENT OF OPERATION, IF LOCATED WITHIN AN OZONE NON-ATTAINMENT OR ATTAINMENT/MAINTENANCE AREA.

I.B.1.c. This section I.B.1 does not apply to oil and gas operations subject to section XII, or stationary and portable engines subject to section XVI.

I.B.2. Existing Sources

I.B.2.a. Existing sources are those sources which COMMENCED CONSTRUCTION prior to THE DATE ON WHICH THE AREA IS FIRST DESIGNATED AS BEING IN NON-ATTAINMENT FOR OZONE AND ARE LOCATED IN THAT AREA, OR, IF LOCATED IN THE 1-HOUR OZONE NON-ATTAINMENT AREA, BY October 30, 1989.

I.B.2.b. Existing sources shall be required to comply with requirements of this regulation BY WHICHEVER DATE COMES LATER:

I.B.2.B.(i) OCTOBER 30, 1989, IF THEY ARE LOCATED IN A WHAT WAS PREVIOUSLY DESIGNATED AS A 1-HOUR OZONE NON-ATTAINMENT AREA;

I.B.2.B.(ii) FEBRUARY 1, 2009, IF THEY ARE LOCATED IN AN 8-HOUR OZONE NON-ATTAINMENT AREA AND OUTSIDE OF THE DENVER 1-HOUR OZONE NON-ATTAINMENT AREA; OR

I.B.2.B.(iii) THE DATE ON WHICH THE AREA IS FIRST DESIGNATED AS BEING IN NON-ATTAINMENT FOR OZONE, IF LOCATED WITHIN THAT OZONE NON-ATTAINMENT AREA.

I.B.2.c. On or before October 30, 1990, all existing sources IN THE 1-HOUR OZONE NON-ATTAINMENT AREA shall submit to the Division a report containing the following:

I.B.2.c.(1) A list of sources of volatile organic compound emissions located at the stationary source. The list shall include a description, potential emissions, and actual emissions of each source.

I.B.2.c.(2) Identification of each source subject to a Division REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) determination, and when a request for that determination will be made.

I.B.2.c.(3) The owner or operator's expected RACT for each source and a description of how compliance will be achieved. If a source is subject to RACT requirements as stated in previous versions of this regulation, the report need only specify how

compliance will be achieved for any revised provisions of the regulation.

I.B.2.D. On or before October 30, 1991, all existing sources IN THE 1-HOUR OZONE NON-ATTAINMENT AREA shall update and submit the report required under SECTION I.B.2.C. above. The updated report shall describe in detail all actions taken to comply with the RACT requirements, and when those actions were taken.

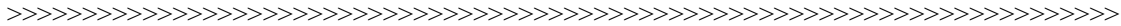
I.B.2.E. This section I.B.2 does not apply to oil and gas operations subject to section XII, or stationary and portable engines subject to section XVI.

I.C. Once a source subject to this regulation exceeds an applicable threshold limit, the requirements of this regulation are irrevocably effective unless the source obtains a federally enforceable permit limiting emissions to levels below the threshold limit by restricting production capacity or hours of operation.

I.D. The owner or operator of a source not required to obtain a permit by provisions of law other than this section may apply for and shall be required to accept a permit as a condition of avoiding RACT requirements. Such permits shall contain only those conditions necessary to ensure the enforcement of the production capacity or hours of operation.

I.E. Materials incorporated by reference in this regulation are available for public inspection during regular business hours at the Commission's Office at 4300 Cherry Creek Drive South, Denver, Colorado. The regulation incorporates the materials as they exist at the date of the promulgation of this regulation and does not include later amendments to or editions of the incorporated materials.

II. General Provisions



II.C. General Emission Limitation

II.C.1. Existing Sources LOCATED IN ANY OZONE NON-ATTAINMENT AREA

II.C.1.a. All existing sources shall comply with the requirements set forth in this regulation.

II.C.1.a.(i) Existing sources of VOC which are not subject to specific emission limitations set forth in this regulation, and which have the potential to emit 100 tons per year or more of VOC, shall utilize RACT.

II.C.1.a.(ii) The potential to emit of such sources shall be based on design capacity or maximum production rate, whichever is greater, 8760 hours/year operation, and before add-on controls.

II.C.1.a.(iii) Owners or operators of such sources with potential emissions of 100 tons per year or more, but with actual emissions less than 100 tons per year may obtain a federally enforceable permit limiting emissions to actual rates by restricting production capacity or hours of operation, thus avoiding RACT requirements.

The owner or operator of a source not required to obtain a permit by provisions of law other than this section may apply for and shall be required to accept a permit as a condition of avoiding RACT requirements. Such permits shall contain only those conditions necessary to ensure the enforcement of the production capacity or hours of operation.

II.C.1.a.(iv) Such sources with potential emissions of 100 tons per year or more but with actual emissions of less than 50 tons per year, on a rolling 12-month total, may avoid RACT and permit requirements if the following requirements are met:

II.C.1.a.(iv)(A) The owner or operator shall submit revised Air Pollutant Emission Notices (APEN) by April 1 of each year which demonstrate that the 50 tons per year threshold has not been exceeded.

II.C.1.a.(iv)(B) The owner or operator shall maintain records on site which include monthly VOC use and monthly VOC emissions. The records shall include calculation of total emissions for each rolling 12-month period. The records shall be made available to the Division for inspection upon request.

II.C.1.A.(v) EXISTING SOURCES THAT ARE MODIFIED SUCH THAT THEY INCREASE VOC OR NOX EMISSIONS ON OR AFTER MARCH 30, 2008, SHALL UTILIZE RACT PURSUANT TO REGULATION 7 AND REGULATION 3, PART B, SECTION III.D.2.

II.C.1.b. Provided however, that no existing source of VOC emissions employing emission controls on or within the six-month period preceding the effective date of this regulation may reduce its level of control of VOC emissions below that level of control actually achieved, even though such source may otherwise be subject to less stringent control requirements, except that no existing source shall be required to control emissions to an extent greater than that level of control which RACT would achieve.

II.C.1.c. EXISTING SOURCES WITH POTENTIAL EMISSIONS OF 100 TONS PER YEAR SHALL SUBMIT A PERMIT MODIFICATION APPLICATION THAT INCLUDES A REVISED APEN (OR APENS) AND A RACT ANALYSIS, TO THE DIVISION, AS FOLLOWS:

II.C.1.c.(i) BY OCTOBER 30, 1991 IF LOCATED IN WHAT WAS PREVIOUSLY DESIGNATED AS THE DENVER 1-HOUR OZONE NON-ATTAINMENT AREA; OR

II.C.1.c.(ii) BY APRIL 30, 2009 OR WITHIN ONE YEAR AFTER THE DATE ON WHICH THE AREA IS FIRST DESIGNATED AS BEING IN NON-ATTAINMENT FOR OZONE, WHICHEVER COMES LATER, IF THEY ARE LOCATED IN AN 8-HOUR OZONE NON-ATTAINMENT AREA AND OUTSIDE OF THE DENVER 1-HOUR OZONE NON-ATTAINMENT AREA.

II.C.1.d. EXISTING SOURCES SHALL UTILIZE RACT PURSUANT TO REGULATION 7 AND REGULATION 3, PART B, SECTION II.D.2., BY WHICHEVER DATE COMES LATER:

II.C.1.D.(i) October 30, 1991, IF THEY ARE LOCATED IN A WHAT WAS PREVIOUSLY DESIGNATED AS A 1-HOUR OZONE NON-ATTAINMENT AREA;

II.C.1.D.(ii) NOVEMBER 21, 2011, IF THEY ARE LOCATED IN AN 8-HOUR OZONE NON-ATTAINMENT AREA, AND OUTSIDE OF THE 1-HOUR OZONE NON-ATTAINMENT AREA;

II.C.1.D.(iii) THREE YEARS AFTER THE DATE ON WHICH THE AREA IS FIRST DESIGNATED AS BEING IN NON-ATTAINMENT FOR OZONE; OR

II.C. 1.D.(iv) TWO YEARS AFTER DIVISION APPROVAL OF RACT.

II.C.2. New Sources

II.C.2.a. All new sources shall utilize controls representing RACT, PURSUANT TO REGULATION 7 AND REGULATION 3, PART B, SECTION II.D.2., UPON COMMENCEMENT OF OPERATION.

II.D. REPEALED.

II.D.1.