



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ARD-PM

Garry Kaufman, Director
Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Re: Fourth Round Title V Program Review – Final Report

Dear Mr. Kaufman:

Enclosed is the U.S. Environmental Protection Agency Region 8's fourth round program review final report for Colorado's Clean Air Act title V permitting program. This report incorporates comments submitted by your office on the draft report. The objective of the fourth round title V program review was to follow up on issues raised during the third round program review, identify best practices that other agencies can learn from, document any areas needing improvement, and learn how the EPA can help improve state and local title V programs and expedite permitting. We greatly appreciate the cooperation of your office in the preparation of this report.

If you have any questions concerning the enclosed report, your staff may contact Donald Law, of my staff, at (303) 312-7015 or law.donald@epa.gov.

Sincerely,

12/8/2020

X Carl Daly

Signed by: CARL DALY

Carl Daly
Acting Director
Air and Radiation Division

Enclosures

cc: Matt Burgett, Permit Program Manager, APCD, CDPHE

Colorado Department of Public Health & Environment

Title V Permitting Program Review

FINAL REPORT

December 2020

Conducted by the

U.S. Environmental Protection Agency

Region 8

1595 Wynkoop Avenue

Denver, Colorado 80202

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EXECUTIVE SUMMARY FOR TITLE V PROGRAM REVIEW – COLORADO

In September 2019, the U.S. Environmental Protection Agency Region 8 conducted a review of Colorado's title V operating permit program. The program review consisted of reviewing the overall title V program and a file review of a selection of operating permits issued by the Colorado Department of Public Health and Environment (CDPHE). The overall program review used a regionally developed program review checklist submitted to the state in advance. The file review consisted of examining the documents and files for three facilities. This is the fourth review of CDPHE's title V program by the EPA.

The purpose of the program review was to evaluate the implementation of the operating permit program and note practices that other agencies could learn from, document areas needing improvement and learn how the EPA could assist in the future if needed. The EPA conducted these program reviews as part of its obligation to oversee and review state programs it approved for implementing the title V program.

As part of the program review, Donald Law, Region 8, met with the CDPHE staff, Matt Burgett, Acting Permitting Program Manager and Blue Parish, Acting Operating Permit Unit Supervisor. In preparation for the review, CDPHE was provided the title V program review questionnaire. The state's preliminary responses on that questionnaire were the basis of discussion during the program review. A copy of the questionnaire is included in Attachment 1.

For the file review, Region 8 discussed with CDPHE about their efforts to modernize the title V permit filing system and move records into an online format that would be accessible by the public. There were no major changes to the existing hard copy file storage system that CDPHE has used historically.

Overall, CDPHE's program is well run and managed by professional and dedicated staff. The program continues to make improvements in the area of permit issuance timeliness.

Findings and Conclusions

During the program review it was noted that CDPHE has improved its title V program over time. Much of the improvement and evolution of the program is a result of permitting and inspection experience and work with the EPA. Region 8 believes CDPHE's title V program has many strong points. Below are the significant findings of the review. The comments are arranged into three groups: areas of major improvement for the review period; areas where improvements can still be made; and areas where the EPA can assist the state to strengthen its program.

- A. The following areas are those that were identified as programmatic areas where CDPHE has improved the program in the past five years:
 1. Program Records Management – CDPHE is in the process of updating the application forms that sources are required to submit as part of a title V application or title V renewal application. The goal of this modernization is to allow the

regulated industries to submit the required documents online, reducing the effort needed by a facility's environmental staff to maintain compliance. In addition, the applications will self-populate the permit documents being developed by CDPHE staff to issue and update the title V permit. It is hoped that this will reduce the amount of manhours needed to process an application and result in more consistent final documents. In addition, CDPHE is in the process of digitizing existing historical files of currently permitted facilities. This will allow easier access by the public to available documents and allow CDPHE staff the ability to access historic records from off-site.

2. Oil and Gas Permitting Standardization and Streamlining – CDPHE's analysis of potential impacts from the re-designation of the Denver Metro Area to a Serious nonattainment area for ozone, indicates that the bulk of new title V permit applications will come from the oil and gas industry. To prepare for this, CDPHE has been undertaking an effort to standardize permit language, adopting incorporation by reference where appropriate in permits, and improving the monitoring, recordkeeping and reporting language.

- B. The following areas are those that were identified as programmatic areas where program improvements can be made:

Permit Timeliness – The title V Program Unit is fully staffed under CDPHE's current operational organization. However, timely issuance of both initial title V permits as well as issuance of significant modifications and renewal permits continues to be a concern. Under 40 CFR 70.7(a)(2) a timely initial permit, minor modification, or renewal shall be issued within 18 months of submittal of a complete application. For significant modifications, 40 CFR 70.7(e)(4)(ii) states that on the majority of significant permit modifications, a timely permit should be issued within 9 months of receipt of a complete application. For example, 3% (up from 2%) of initial title V permits are currently being issued timely by CDPHE. CDPHE has determined that a title V permit engineer can manage about 20 sources and maintain a timely permit issuance level. However, if that case load rises, it can cause permit timeliness to slip.

- C. The following areas are those that were identified as programmatic areas where the CDPHE needs further assistance from the EPA:

CDPHE continues to be interested in exploring the possibility of developing a concurrent review memorandum of understanding to allow for concurrent review of title V permits during the public notice of draft permits and the EPA review period for proposed permits.

INTRODUCTION

The EPA conducted this program review as part of its obligation to oversee and review state programs that have been approved by the EPA, and in response to recommendations from an audit conducted in July 2002 by the Office of Inspector General.

The state of Colorado operates a fully EPA approved program that allows it to implement the requirements of title V of the Clean Air Act (CAA), including the issuance of operating permits. The EPA has a statutory responsibility to oversee the programs it approved by performing oversight duties, including occasional program reviews. Such responsibilities include overseeing the activities of the state program to ensure that local, regional, and national environmental goals and objectives meet minimum requirements outlined by the federal regulation.

OBJECTIVE OF PROGRAM REVIEW

Following the first, second and third round of state program reviews, the EPA nationally committed to continuing to schedule title V program reviews. The objectives of the fourth round reviews are to: (i) conduct a follow-up to the third round reviews by ensuring that any EPA or CDPHE concerns identified during the third round reviews have been addressed or are being addressed satisfactorily; (ii) identify new best practices that other agencies can learn from; (iii) document areas needing improvement; and (iv) learn how the EPA can help state and local title V programs improve the permitting process.

PROGRAM REVIEW PROCESS

The first program review was conducted in February 2004. The EPA sent a nationally standardized Title V Program Evaluation Questionnaire and fee questionnaire to CDPHE to be completed and returned to the EPA. This was followed by EPA review of the responses, and then by an on-site interview with CDPHE. The review responses were used as the basis for discussions during the on-site visit. The review focused on general program information and specific areas relating to permit development, public participation, compliance, resource management, and title V benefits.

The second program review was conducted in May 2008. Region 8 developed a revised Title V Second Round State Program Review Questionnaire. Once a draft review was prepared, Region 8 gave the states the opportunity to submit comments during a three-week comment period from January 22, 2008 through February 12, 2008.

The third program review was conducted in September 2012. Region 8 used the Title V Second Round State Program Review Questionnaire to complete this program review.

The fourth program review was conducted in September 2019. Region 8 used the Title V Second Round State Program Review Questionnaire to complete this program review.

Historic program reviews have also incorporated the Region's review of selected title V files, as well as a review of CDPHE's title V fee management system. As there have not been any changes to the methodology and approach that CDPHE has used in the past to store and maintain submitted title V records and as CDPHE is in the process of modernizing and digitizing both the applications

and historic title V records, this program review focused on how these records would be modernized and incorporated into the existing title V program. A separate questionnaire was provided by the EPA to CDPHE to complete for the title V fee audit (state/local Title V Program Fiscal Tracking Evaluation Document). The fee audit was conducted in September 2019. The purpose of the fee audit is to determine whether the following are satisfied:

- Sources are being billed in accordance with fee requirements and are paying the required fees;
- Division of expenses is identified by CDPHE between title V and non-title V programs;
- Features are integrated into CDPHE's accounting/financial management system which will identify title V revenue and expenditures separate from other funding, and which certify the disposition of title V funds; and
- Title V fees collected from sources are used by CDPHE to pay for the entire title V program, and no such fees are used as CAA section 105 grant matching.

Donald Law of Region 8 conducted the on-site visit on September 5, 2019 with Matt Burgett, and Blue Parish of CDPHE.

The scope of the title V program review focused on the overall title V program, specifically the strengths and weaknesses of the permits' content and CDPHE's permit processing techniques. The historic paper title V files continue to be well organized, labeled, and very comprehensive. Each file contains a separate binder for the permit application, permit documents, and an engineer's notebook. The combination of these file elements makes it easy to follow the history of a permitting action. Each permit is accompanied by a technical review document (TRD) explaining the permit history, applicability, exemptions, streamlining, and CDPHE's decision making process.

As was evident from our interviews, the state employees interviewed are knowledgeable about the air permitting program and generally make sound decisions. The program review and file review questionnaires had two fundamental purposes: (1) to collect and organize the information regarding the operating permitting program; and (2) to ensure consistency among the states when conducting the program reviews.

PROCEDURE FOR THE PROGRAM REVIEW

In May of 2019, the EPA began the program review process by submitting to CDPHE copies of both the program review questionnaire and the fee audit questionnaires. This allows the state program an opportunity to review the information that will be sought and an opportunity to ask the Region any clarifying questions. The EPA requests that the permitting authority then return the filled-out questionnaires within 60 days to allow the Region to review the permitting authority's responses. The on-site visit is then scheduled typically within 3-4 months of the initially submitted questionnaires.

The EPA staff began the on-site visit by discussing the schedule for the visit, identifying the process of the review, and allowing CDPHE the opportunity to ask preliminary questions about the

review process. As agreed, the initial discussion was devoted to issues raised in the questionnaire. Later discussion centered on concerns expressed by CDPHE. Since many of the review responses are self-explanatory, the interview portion of the program review focused more on getting further clarification than restating the preliminary questionnaire responses in their entirety. This approach made for an educational dialog between Region 8 and CDPHE participants and provided some additional information and clarification that was incorporated into Colorado's final questionnaire responses.

Supervisors and CDPHE staff made themselves available as necessary to answer questions or to otherwise assist the EPA staff. The EPA appreciated this assistance and spirit of cooperation. While it was apparent that the CDPHE Operating Permit Unit prides itself on running one of the premier programs in the country, CDPHE was open to reviewing the recommendations that the EPA might have as a result of the program review to further improve its program.

CDPHE ORGANIZATION AND STAFFING

The CDPHE Operating Permit Unit is part of the Stationary Sources Program. Currently the Operating Permit Unit is considered "fully staffed." The Operating Permit Unit works closely with the Construction Permit Unit, Field Services Unit, and Technical Services Program. The Operating Permit Unit is generally responsible for issuing operating permits. However, since Colorado has a merged construction permit/operating permit program, some construction permit actions are handled by staff of the Operating Permit Unit. The Construction and Operating Permitting Units each have their own Unit Supervisor and staff.

There has been very little turnover in staff in the past five years. Currently, the permitting section is fully staffed. Overall, the staff is very experienced and does not require a great deal of training.

Due to re-classification of the Denver Metro Area to a Serious nonattainment area for the Ozone NAAQS, it is expected that there will be an increase in initial title V applications. CDPHE permit management recognize that this may necessitate increasing the number of staff dedicated to title V permit work, but it is currently unknown if this could be accomplish by reassigning current CDPHE staff to the Operating Permit Unit or if additional new staff would need to be hired.

TRAINING

The Operating Permit Unit provides training to employees based on need and availability. The permitting staff occasionally participates in training offered by the EPA, WESTAR, and on-the-job training. As stated before, due to low staff turnover, the staff is well-trained and very knowledgeable about title V issues. As regulations change and emerge (e.g., Compliance Assurance Monitoring, Maximum Achievable Control Technologies), additional training becomes necessary.

CDPHE staff did express concern about the amount and complexity of regulations that apply to title V facilities. There is concern about integration of applicable requirements of complex regulations within the body of the title V permit and a lack of guidance on what the EPA considers appropriate in relation to citing a rule by reference or placing a regulation verbatim within the permit. There has been confusion in the past about the level of detail required regarding the appropriate level of citing a rule by reference in the past that has led to potentially reopening a title V permit.

CDPHE also expressed concern about the difficulty in following the regulatory approval track, in particular in reference to legal challenges to rules and any resulting stays or vacated portions of rules. This ambiguity of the current approved regulation can add to the delay in issuing a timely title V permit.

As pointed out in previous title V program audits, Compliance assurance monitoring (CAM), required to be submitted under 40 CFR 64.4, continues to present difficulties for CDPHE. Many sources do not submit adequate CAM plans. The most common reasons for an inadequate CAM plan include improper justification of indicator and range, no supplied data to justify the proposed indicator range, and a lack of understanding of the requirements and needs of a CAM plan. CDPHE noted that while there appears to be a fair amount of documentation and guidance on the EPA website, CDPHE did not recall any specific industry directed CAM training offered recently. If submitted CAM plans are deficient, it can add significant time to the issuance of a title V permit. In addition, CDPHE spends significant additional staff time in educating industry what is required in an appropriate CAM plan. It is the title V permitting staff's opinion that targeted training would be helpful in educating industry and improve the quality of submitted CAM plans.

FEE AUDIT

During the on-site review the EPA discussed CDPHE's fee protocol. The EPA and CDPHE used the fee protocol form (Attachment 2) as the basis of discussion to determine how CDPHE tracks and documents its title V fee structure. Colorado's fee collection authority and fee rates are specified in C.R.S. 25-7-114.1(6) and C.R.S. 25-7-114.7 and can also be found in General Condition #8.

Consistent with previous title V program audits, it is clear that CDPHE is able to account for all title V activity down to small tasks. The procedures and processes discussed during this audit remain the same as those during the third round audit undertaken in 2012. CDPHE continues to track work at the function level (e.g., NSR vs. OPP) and at the activity level (e.g., mailing, copying, personnel costs). Where a staff member's time is split between title V and other permitting work, the engineer is expected to track and document that time accordingly to assure that title V resources are not dedicated to other purposes. These time and effort documents follow the permit package through the completion procedures to assure that complete documentation is maintained. Overhead costs are tracked on a statistical distribution model to assure a separation of title V and non-title V overhead costs. Additionally, non-direct support related to title V issues is tracked, documented and paid for with title V fees. These practices assure that fees are used solely for the title V program fulfilling part of the requirements in §70.9.

For annual (\$/ton) fees, title V sources are billed once per year, in one of three separate billing groups, the same time every year. Annual emission fees are generated based on actual emission data (after the use of controls) received from the individual source. This data is reported via the Air Pollution Emission Notice (APEN). APENs are good for five years unless the emission source undergoes some form of modification that would have an impact on its actual emission rate.

Checks are submitted to the accounting department whose system directly interfaces with the billing system. Permit engineers are able to track a source's current fee payment status by accessing the fee payment database to assure that fees are current. For permit-related work (\$/hr), title V sources are billed once per quarter.

The following is a summary of CDPHE's fee rates at the time of inspection:

Permit work:	\$95.56 per hour
Criteria Pollutants:	\$28.63 per ton
Hazardous Air Pollutants:	\$191.13 per ton
APEN fee (good for 5 yrs, or until modified):	\$152.90

These fee rates were increased in 2018.

CDPHE stated that the majority of the billed sources pay their fees on time. Due to the timeliness of payments, CDPHE continues to not need to establish late fees.

In order to set the fee rate, CDPHE must estimate the cost of the title V program and use the estimated billable tonnage to calculate a dollar per ton fee rate that will adequately cover the title V program. Once a fee rate is established that will be sufficient, the rate must be approved by the state Legislature and then adopted by the Colorado Air Quality Control Commission. As reported, in FY18, CDPHE collected \$4,192,247 into the title V program and had expenses of \$3,813,185 for the same time period. The EPA believes that CDPHE's fee structure meets the regulatory requirements of §70.9 for fee determination and certification.

FILE REVIEW

As previously stated, historically a program review has also incorporated the Region's review of selected title V files. As there have not been any changes to the methodology and approach that CDPHE has used in the past to store and maintain submitted title V records and as CDPHE is in the process of modernizing and digitizing both the applications and historic title V records, this program review focused on how these records would be modernized and incorporated into the existing title V program.

CDPHE is in the process of scanning and digitizing historic title V documents into a database that is accessible by the public and CDPHE staff. This process is still in the beginning steps and is expected to take several years to complete. Currently, the database is not searchable by the public outside of CDPHE's main office and requires interested individuals to schedule an appointment to meet with staff and access the digital records library, however it is hoped that online access to this library will be available prior to finishing a complete scan of all historic records.

It is hoped that this digitization of historic records will allow CDPHE staff to work more efficiently as they will be able to access all available data from their computer rather than physically searching the records storage locations. In addition, moving old records to an electronic format and accepting new records in an electronic form will reduce the ever-increasing requirements for physical space to store and maintain these records.

All examples of CDPHE title V permitting appeared to incorporate all provisions required by 40 CFR 70.6 and corresponding Colorado rules for permit content.

As noted by the EPA during the second round program review, sources are only required to resubmit those portions of the original applications that required a change or modification when submitting an application to renew. This process will continue with the use of electronic records submittal.

Previous title V program audits have stated concerns with the fact that not all facility title V records were stored in the same location. With the digitization of historic facility information, it is hoped that this problem will be eliminated, and that assigned permit staff will have access to all facility information at their desk.

CONCERNS

CDPHE continues to experience difficulties with timely permit issuance. CDPHE stated that since the third round audit, only 3% of initial title V permit applications received were considered issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2). Supplemental information supplied indicates that within the last 18 months the rate of initial title V permit applications issued timely rose to 8%, but this is still a low timely issuance rate. The reported percent of permits issued timely in relation to the regulatory timeframes specified in 40 CFR 70.7(e)(2)(iv) (minor permit modifications) and (e)(4)(ii) (significant modifications) was also low, 41% and 20%, respectively.

As the public has become more educated on air quality concerns, they have become more involved in the title V permitting process. This involvement has increased the requirements of staff time and resources. The most significant concern to arise from this program review is the number of sources that are not receiving timely issued title V permits. This includes initial permit issuance to new sources and renewal of title V operating permits to existing sources. A current and accurate title V operating permit is the best mechanism for a source to know the air pollution control requirements, and to keep the public informed of current allowable activities at a permitted facility.

The EPA encourages CDPHE to take measures it deems necessary in order to improve this rate of timely permit issuance. While the current fee structure appears adequate to meet previous title V permitting staff needs, it appears this structure may need to be reexamined in order to appropriately fund the needed staff to meet the division's increasing permitting workload. This staffing need would only be expected to increase as more facilities come into the title V permit program due to the re-designation of the Denver Metro Area as a Serious nonattainment area for ozone.

CONCLUSION

In conclusion, CDPHE implements an effective title V program that continues to evolve as challenges arise. During the permit file reviews all the standard language contained in the nationally developed checklist were found in each permit. Additionally, CDPHE permits show continuous improvements across all aspects of the permit language and issuance process. CDPHE continues to have an excellent level of communication with EPA staff to address issues in proposed permits. The title V fee review demonstrates CDPHE's ability to continue to operate a program that meets the fee requirements of 40 CFR part 70 (Part 70). CDPHE's title V program continues to meet the requirements of the Part 70 regulation with the exception of timely issuance and no deficiencies were discovered during this review. However, the EPA has provided the suggestions in this report for possible areas that could continue to be improved.

Attachment 1
Fourth Round Program Evaluation Questionnaire

Title V Fourth Round State Program Review Questionnaire

I. General Program Review Questions and Responses

- A. What has been done in response to EPA recommendations for improvements from the third round program review?**

Increase permit timeliness – Six additional permit writers were hired in 2015 to address a large permit backlog and permit timeliness. The new staff are fully trained and functioning well. About 50% of the permit backlog that existed in 2015 has been addressed, but the Division is still struggling with timeliness until the backlog is eliminated. The Division believes in continuous improvement and has multiple process improvement activities in motion to further improve timeliness (see response to question II.H for more details).

- B. What key EPA comments on individual Title V permits remain unresolved (EPA to determine this)? What is the State's position on these unresolved comments?**

Colorado is unaware of any unresolved comments at this time.

- C. Have any procedures in Title V changed (e.g., public participation, petitions, communication with EPA) since the third round program review?**

- 1. If so, which ones?**

Title V permits are posted to the Division's website during the public comment period and the notice is no longer posted to a newspaper.

- D. What does the state think it's doing especially well in the Title V program?**

- Clearly written permits and Technical Review Documents.**
- Quality Improvement.**
- Addressing public comments.**
- Strive to assign same engineer to all T5 permits for a given company or sector.**
- Clearly identifying the requirements that apply to a facility. Currently we tend to include the bulk of a NSPS and/or NESHAP in the permit, rather than simply citing the rule. While there might be some drawbacks to doing this, the benefit of doing this is that it clearly identifies to the permittee, the inspector and the public the emission limitations and monitoring that apply to a given emission unit at a source.**

E. Are there any issues affecting the Title V program in your state right now that you consider particularly important?

1. Which one would you rate as the most important?

The Denver metro area will soon be redesignated to a Serious Ozone Nonattainment area. This designation will reduce the Title V permitting threshold to 50 ton/yr of VOC or NO_x, and result in a substantial increase in Title V permits.

2. Are there any EPA policies or regulatory issues that are causing concern?

There have been a lot of changes recently to long standing policies at EPA (e.g. once-in-always-in, project emissions accounting), and it can be overwhelming to keep up with the changes and evaluate if Colorado regulations allow for them.

The Landfill Rules (NSPS WWW & XXX) are poorly written and flawed. Corrections are needed. For example, the rules don't even have a statement to indicate that you would not be subject to NSPS WWW if you are subject to NSPS XXX resulting in an unworkable situation that landfills are subject to both. This is unworkable because the rules conflict with each other.

In the past EPA has stated that when a permit is petitioned and an EPA Order is issued, that the permit must be reissued within 90 days. It is nearly impossible to meet this timeline when the permit requires a 30-day public notice period and 45-day EPA review period.

3. How can EPA help?

Keeping Colorado informed of any EPA policy changes and helping us understand the process and timeframe of any regulatory actions needed to support the policy changes (e.g. rulemakings).

EPA should revise the Landfill Rules to address the flaws.

II. Permit Issuance

A. Since the third round program review, what percent of Title V initial permits have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2)?

3%.

B. Since the third round program review, what percent of Title V significant permit modifications have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2) and (e)(4)(ii)?

(a)(2): 41% [issued within 18 months]

(e)(4)(ii): 20% [issued within 9 months]

C. What percent of Title V permits expire before they can be renewed?

Based on TOPS Reports, the Division has not had more than two expired permits at any point in time since 2014. Currently there are 218 Title V Operating Permits the Division is responsible for. Thus, less than 1% of permits expire before they are renewed [2/218 = 0.009]. Most Renewal applications receive the application shield which protects the permit from expiring per State and Federal rules.

Per Colorado AQCC Regulation No. 3, Part C, Section IV.C.: If a timely and complete application is filed, but the Division fails to issue or deny a renewal operating permit prior to expiration of the operating permit for which a source is seeking renewal, the previously issued operating permit, and all of its terms and conditions, shall not expire until the renewal operating permit is issued...

1. For those permits that could not be renewed before they expired, what are the reasons they could not be renewed prior to their expiration?

The Division is still working to diminish a historic backlog in permit applications. We try to focus on the oldest applications, which means very few can be issued before they expire. We have made good progress on the backlog, but we expect to receive a lot of new applications resulting from the Serious Ozone NAA designation.

D. Have unresolved violations created any delay in issuing Title V renewals?

Generally, APCD will issue Title V renewals with compliance schedules if unresolved violations are documented in a final compliance document (e.g. compliance order on consent). We sometimes delay processing an application to allow enforcement to address a violation when it is expected to result in permit changes.

E. Have permittees requested a hold in renewal for any reason?

The Division will consider granting holds on a case-by-case basis. A renewal hold may be granted if a facility is actively seeking a synthetic minor permit or plans to shut down the facility in the near future.

F. CAM

1. Are CAM plan requirements slowing the renewal process?

Common CAM plans do not slow the renewal process, but unique situations can be more time consuming.

a. If so, what is it about CAM that's problematic?

Unique CAM plans can require extra research to determine its adequacy, and more back-and-forth communication with the permit applicant.

2. Where CAM plans have been inadequate, what have been the main types of inadequacies that have caused difficulties or delays in permit issuance?

Applicants have a general ignorance of CAM and can become confused by the exemptions. It is not well understood that the CAM exemptions are related to the rules and limits and not to the equipment. For example, an engine permit contains emission limits from a recent NSPS and also an annual limit. The NSPS limit is exempt from CAM, but the annual limit is not. Many misinterpret this to assume the whole engine is exempt from CAM.

3. What difficulties have you had in getting better plans to be submitted?

Our permit application forms have not highlighted CAM plans. The new forms we are developing do a much better job of addressing CAM plans and the Division believes this will help us to receive better plans.

4. Have you had to supplement the CAM technical guidance document (TGD) with state-issued guidance?

The Division has not developed state-issued CAM guidance. However, we are currently updating our Title V application forms which will address CAM in more detail than the previous forms did.

5. Is CAM training adequate?

The Division is not aware of any CAM training being offered by EPA, but does reference helpful CAM documents and guidance on EPA's website. The Division will note that staff attended a WESTAR training that covered CAM and was disappointed as the trainers presented incorrect information on multiple details of CAM.

6. Are CAM applicability determinations resource-intensive or difficult?

Generally the determinations are not difficult, with the exception of situations where multiple pieces of equipment are grouped under one emission limit. There will be more CAM complications as the Denver area is redesignated to Serious Ozone nonattainment since the CAM applicability threshold will drop to 50 tpy of NO_x or VOC.

- G. What improvements does the State believe it has made to the management of the Title V permit program, since the third round program review, that could be described as best practices and could be of interest to other States?

The Title V program added additional staff in 2015 to address a permit backlog. After researching other permitting agencies, we determined that most agencies with a “permit burden” ratio of 20 Title V permits per permit writer generally can keep up with their workload. A permit burden higher than that can lead to permit application backlogs.

The Division has also been scanning many of our paper records in order to store them as electronic documents. This allows staff that work offsite to access records and also improves customer service as many records can now be accessed from our website.

- H. What improvements does the state plan to make, if any, in the management of the Title V permit program within the next five years?

The Division believes in continuous improvement and has multiple improvement projects in motion:

Title V application forms: All application forms are currently being revised to assure all necessary information is received. The Division believes the new forms will be easier for the applicant to understand and follow and result in more efficient processing of the application.

Permit automation: The new forms will also allow the Division to automatically strip some information from them to prepopulate a permit template with information. This will result in quicker permit drafting and reduce common errors.

Oil & Gas permit streamlining and standardization: Many of the new Title V applications triggered by the Serious Ozone redesignation will be from the oil & gas industry. The Division has been working to standardize many aspects of oil & gas permits to allow for more efficient processing and consistency within the permits. This project focuses on standardizing:

- **Permit language;**
- **Monitoring, reporting & recordkeeping;**
- **Incorporation by reference approach for applicable rules.**

1. Does the state have a set period of time for planning cycles?

Staffing decisions may need to coordinate with the legislative session.

III. Public Participation

- A. What forms of news media do you use to maximize public participation, for implementation of 40 CFR 70.7(h)?

All Title V public notices are now posted on the Division's website.

<https://www.colorado.gov/pacific/cdphe/air-permit-public-notices>

1. How is the form of media chosen?

Typically permits are only posted on the Division's website. However, the Division does conduct some enhanced outreach to the community for some permits when they are located within, or close to, a Priority Area, in order to address Health Equity and Environmental Justice concerns. The term *Priority area* is used to describe a specific geographic area in Colorado with known socio-economic and health-related disparities. Enhanced outreach can include written fact sheets, engagement with community leaders, and verbal communication with local groups.

2. How do you believe public participation should be improved?

The Division has had a few permits posted recently for public notice that have drawn a large number of public comments. The Division has investigated using a service (Smart Comment) which can more efficiently receive and manage public comments. However, the service is costly and the Division is still considering it.

The Division is also helping EPA test their Electronic Permitting System which may improve some aspects of public participation.

- B. Do you have a mailing list for Title V public participation for implementation of 40 CFR 70.7(h)(1)? If so, please provide it.

Interested persons may subscribe to the Division's public notice announcements to receive notifications when permits are posted.

- C. Is there a policy which outlines the response to comments procedure or process, such as which comments are responded to, the time-frame for responding, how the permitting authority will respond, to whom, etc.?

1. If written, can you provide a copy? If not written, could you describe the policy?

No written policy other than PS Memo 99-06. The Division plans to respond to all comments received during the public notice period and public hearing. The Division has no established time-frame to respond to comments.

<https://www.colorado.gov/pacific/cdphe/permitting-guidance-memos>

IV. Petitions

A. Since the third round program review, to what extent have Title V petitions:

1. Changed how permits are written;

None – Colorado’s only petition received during this time was denied by EPA.

2. Resulted in re-openings of other permits;

None.

3. Resulted in an amended permitting process, to address any issues settled through petitions granted in full or in part?

None.

V. EPA Relationship

A. Is there any EPA policy, on Title V, that is causing problems or confusion?

NOTE: Answer may or may not be the same as I.E.2.

See I.E.2.

B. Has the state developed any tools, strategies, or best practices that have assisted in the inclusion of MACT subparts in Title V permits?

The Division is focusing efforts on appropriate oil & gas MACT permit language that balances the needs of the permit writers, inspectors, interested parties, and permittees. The Division is focused on oil & gas since most of the new permits triggered by the Serious Ozone Nonattainment are designation will be from the oil & gas industry.

C. Is the issue of startup-shutdown-malfunction (SSM) emissions causing problems or confusion in Title V permit writing?

No.

1. Has the state developed any tools, strategies, or best practices that have alleviated problems or confusion if either exist?

No.

D. Do you have any unaddressed training needs? What can EPA do to help?

The Division is interested in having the EPA 45-day review concurrent with the 30-day public notice period.

Attachment 2
State/local Title V Program Fiscal Tracking Evaluation
Document

State/local Title V Program Fiscal Tracking Evaluation Document

<p>Basic Questions for All Permitting Authorities</p>	<p>More Detailed Questions -- Factors to Support a Permitting Authority's Answer to the Basic Questions (Note: these are not all-inclusive, and some ideas will not apply in all cases)</p>	<p>Possible Resources Available</p>
<p>1. Title V Fee Revenue</p>		
<p>Can the Permitting Authority show that sources are being billed in accordance with its fee requirement(s), and that sources are paying fees as required?</p>	<p>Where are the fee collection authority and the fee rate(s) specified? C.R.S 25-7-114.1(6) and 25-7-114.7.</p> <p>Is the Permitting Authority including reference to these fee requirements in its Title V permits? Yes. General Condition #8.</p> <p>List the fee rate(s) formulae applicable for the time period being reviewed. (Include emission based fees, application fees, hourly processing fees, etc.)</p> <p>Prior to November 2018: Annual: \$22.90/ton criteria pollutants (except CO and fugitive dust), \$152.90/ton HAPs and CFC's. APEN: \$152.90/APEN</p> <p>November 2018 or after: Annual: \$28.63/ton criteria pollutants (except CO and fugitive dust), \$191.13/ton HAPs and CFC's. APEN: \$152.90/APEN</p> <p>Hourly: \$76.45 /hour (Prior to July 1, 2018) Hourly: \$95.56 /hour (after July 1, 2018)</p> <p>Does the Permitting Authority anticipate any significant changes to its fee structure? No.</p>	<p>Req's/Auth.: State/local Title V program legislation & regulations</p> <p>Permit ref's: Permits state has written/submitted to EPA</p> <p>Fee Rate(s): State/local Title V program submittal, and then verify w/ Permitting Authority that info is up-to-date</p> <p>Billing/Payments: Permitting Authority records. Emission data may be in AIRS. If some fees are hourly, there should be some direct labor tracking mechanism (see accounting system, below).</p>

What is the current status in States/locals with requirements to balance income & expenditures of the Title V program annually (i.e., must rebate any overage of fees, etc.)? **There is no requirement to balance income and expenditures of the Title V program annually.**

1. Title V Fee Revenue – Continued

Examine documentation of how the annual fees for sources are determined. Audit several sources' bills for accuracy.

- Are appropriate (actual or potential) emission records used for \$/ton based fees? How are the Permitting Authority and its sources determining actual emissions for fee purposes?

Annual emission fees are generated based on actual emission data received from the source. The emission totals that are used for annual fees are the emissions that a source emits after control measures have been taken. The emission data is reported to us via Air Pollutant Emission Notices (APENs) by the source.

“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.”(Reg No. 3, Part A, §II.B.1.)

“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:

Mass balance calculations or a published, verifiable emission factor, whichever is best applied to the source; or other engineering calculations.”

(Reg No. 3, Part A, §II.B.1.)

- Are records kept (and used) for any hourly based fees?

Yes records are kept for hourly-based fees. Each Title V engineer tracks the amount of time spent on each permit processed. Administrative (e.g. public comment processing) and technical review time by other staff is tracked on a Tracking Sheet that circulates with the draft permit. Modeling staff generates a modeling summary memo, which includes amount of chargeable time spent.

Title V engineers enter hourly time into a tracking database called

OPIE. This time is billed to permit applicants on a quarterly basis.

- Review similar documentation for other types of fee mechanisms.

When a source submits an APEN, we enter all of the throughput and emission information into our inventory database, which is known as CACTIS. CACTIS maintains many different records for sources, including throughputs, emission factors and control methods for each data year in which emission information is submitted. It is the emission data in CACTIS that is called upon to generate annual fee invoices in our billing system. Electronic records of all annual fee invoices are also kept in our billing system including invoice amounts, payments received and any adjustments that were made to an invoice.

Billing...

- How is the Permitting Authority notifying sources of the fees owed and due dates for payment?

The Division generates quarterly fee bills for each source if they are above a de minimis level (\$400). However, the quarterly billing in June includes all hourly fees owed (even if below \$400) to close out our fiscal year. Fiscal staff email out the invoices to the identified Title V billing contact. Late notices are also emailed and any final notice is both emailed and mailed via USPS. Invoices contain the amount due and due date.

Emission fees are billed on an annual basis and include a due date.

- Discuss how incoming payments are recorded to the appropriate accounts (receiving's tracking). The accounting department receives checks and posts the payments to the invoices. Fiscal staff in APCD do a weekly interface of payments received for invoices. Payments and invoices are logged on a spreadsheet for Title V permit invoices.

1. Title V Fee Revenue – Continued

Payments...

- Are the sources paying the total fees charged each year? **When payments are received, the invoices are paid in full.**

- Are they paying on time? **The majority of invoices are paid in a timely manner. Very few late and final notices are sent to customers.**

- If there's a collection problem, how is the Permitting Authority addressing it? **If a final notice is sent, fiscal staff contacts the engineer in Title V and they reach out to their customer. Accounting refers accounts to the state collection agency when they become 120 days past due.**

- Are late fees being assessed? If so, are the late fees being credited to the Title V accounts? **No late fees are charged.**

2. Title V Expenditures

Is the Permitting Authority identifying division of expenses between Title V and non-Title V programs? **Yes.**

- What matrix is the Permitting Authority using to differentiate Title V activities from non-Title V activities? **We identify Title V activities using KRONOS codes. KRONOS is the State's employee timekeeping system.**

Direct labor:

- If used by State/local program, review time sheets and instructions given to employees as to how to code information into the time sheet. If time sheets are not used, investigate method that State/local program uses to differentiate Title V and non-Title V direct labor.
- Ensure that accounting system is set up to utilize the various coding information.
- Analyze time sheets/instructions (and/or other direct labor differentiation method) for conformance with the matrix of acceptable Title V activities.

If used by State/local program, sample time sheets and instructions given to employees; equivalent records for alternate direct labor differentiation methods.

Accounting system records showing that administrative/ clerical personnel costs are accounted for in the Title V program

Accounting system records showing that non-labor costs (travel, equipment, office space costs, etc.) are accounted for in some fashion and a portion is billed to Title V.

EPA Guidance includes: "Matrix of Title V-Related and Air Grant-Eligible Activities, Information Document," Office of Air & Radiation, May 31, 1994

2. Title V Expenditures – Continued

Direct non-labor:

- Does the Permitting Authority utilize an allocation system that separates travel and equipment costs for Title V and non-Title V functions? **Yes.**

- If so, are the allocations in accordance with the Permitting Authority's Title V/ non-Title V activity separation? **Yes.**

- If not, are these included as part of indirect costs? (Direct non-labor needs to be addressed somewhere.)

Indirect labor & non-labor:

- How are indirect labor & non-labor costs apportioned between Title V vs. non-Title V accounts? (Indirect costs include parts of secretarial & managerial overhead, paper & supplies, space, utilities, generalized computers, etc., that is not addressed as direct labor/non-labor) **Indirect is applied accordingly to all costs using our approved U.S. Dept. of Health & Human Services indirect rate.**

3. Accounting System (i.e., the system that provides for analysis of the Title V program revenue and expenditure information gathered above)

Has the Permitting Authority integrated features into its accounting/financial management system which will:

- identify Title V fee revenues separate from other funding?
- identify Title V expenditures separate from other expenses?
- produce management reports, periodically and as requested, which the Permitting Authority will be able use to certify as to the disposition of Title V funds?

Describe the accounting structure that the Permitting Authority uses to differentiate Title V \$ from other funds. [i.e., govt. fund, enterprise fund, etc. -- for more detail on options, see the U of MD report.] **We use unique identifiers called “unit codes” to differentiate Title V from other funding sources.**

Does the accounting system have separate categorization for Title V and non-Title V funding and expenses? **Yes.**

If yes, are these features being used to track Title V monies separate from non-Title V monies? **Yes.**

If no, does the Permitting Authority keep any separate records that identify Title V monies separate from non-Title V monies? Could such information potentially be integrated into an accounting/financial management system?

Review sample reports/specific reports for the time period being reviewed.

For background: Overview of CLEAN AIR Title V Financial Management and Reporting, A Handbook for Financial Officers and Program Managers, Environmental Finance Center, Maryland Sea Grant College, University of Maryland, 0112 Skinner Hall, College Park, MD 20742, January 1997, [Publication Number UM-SG-CEPP-97-02]

4. Separation of Title V from §105 grant and grant match funding

Can the Permitting Authority confirm that the Title V fees collected from sources are used to pay for the entire Title V program, and that no Title V fees are used as match to the CAA section 105 Air Program grant? **Yes.**

Determine the federal §105 grant award received, and the amount of state/local funds used during the time period being reviewed.

Determine the Title V fees collected (and Title V funds available, if carryover of Title V fees is allowed by state/local regulations) during the time period being reviewed. **\$4,192,247 was collected in FY18**

Determine Title V expenditures during the time period being reviewed. **\$3,813,185 was expended in FY18**

Ensure that adequate non-Title V state/local funds were available to provide required match to the federal grant.

Ensure that sufficient Title V funds were available to pay for the Title V program (i.e.--Title V program is self supporting)

Grant files -- FSR's for applicable years. (See appropriate EPA Region grant & project manager staff)

Permitting Authority accounting system reports showing revenue and expenditure summaries for Title V, grant, and other activities

Attachment 3
Title V Program Evaluation: Updated Draft Application
Forms



Title V Operating Permit Application Form

This form must be included with any application submittal to the Title V Operating Permit Unit

Title V Operating Permit Number:

Enter Permit Number

Plant AIRS ID Number:

XXX - XXXX

1. Instructions
Included on the Colorado Air Pollution Control Division Website is an instruction sheet (Form OP-50A) for this application form. Refer to the instruction sheet or contact the Division with questions. Attach a cover letter describing the purpose of the application package if more room is needed. Any form with missing information may be determined administratively incomplete and may result in inability to grant the application shield of Regulation No. 3, Part C, Section II.B.

2. Permit Application Type (check all that apply)	
<input type="checkbox"/> Initial	<input type="checkbox"/> Renewal - Identify any requested changes below or in a cover letter.
<input type="checkbox"/> Significant Modification	<input type="checkbox"/> Administrative Modification (e.g. transfer of ownership, correct typographical error, etc.)
<input type="checkbox"/> Minor Modification - The Minor Modification worksheet (Form OP-201) must also be completed if a source wishes to use the procedures under Colorado Regulation No. 3, Part C, Section X.	
<input type="checkbox"/> Notification of Construction Permit Exempt Unit (APCD PS Memo 09-01, Scenario #7)	<input type="checkbox"/> Title V Billing Contact Update
<input type="checkbox"/> Responsible Official Update	<input type="checkbox"/> Supplemental Information (describe): Click here to enter text.
<input type="checkbox"/> Other (describe): Click here to enter text.	

3. General Description - Include brief description describing the purpose of the application package. If more detail is needed, provide in cover letter.	
General Description of package	Click here to enter description.



4. Additional Information
<p>A. Initial and Renewal Applications</p> <p><input checked="" type="checkbox"/> Check this box if you are submitting an initial or renewal application. For all other application types, proceed to Section 4.B.</p> <p>If you are submitting an initial or renewal application, provide the application due date. See Colorado PS-Memo 09-01 for help with Title V Operating Permit application due dates.</p> <p>Application Due Date: Click here to enter text.</p> <p>Basis for Application Due Date (Initial Permits Only): Click here to enter text.</p>
<p>B. APEN Attachments</p> <p>Enclose a copy of the most current complete Air Pollution Emission Notice(s) (APENs) on file with the Division. New/revised APENs are required if the facility is requesting a modification that requires a new APEN or changes information on a previously submitted APEN.</p> <p><input type="checkbox"/> New or Revised APENs have been included with this submittal (filing fees must be included)</p> <p><input type="checkbox"/> Required - Copies of all applicable APENs have been included (no filing fees are needed for these APEN copies).</p>
<p>C. Confidential/Trade Secret Information</p> <p>Check the following box if any confidential/trade secret information has been submitted with this application. The pages including confidential information must clearly be labeled as confidential.</p> <p>See PS Memo 98-01 for acceptable confidential information submittals.</p> <p><input type="checkbox"/> This application includes confidential information on the following pages: Click here to enter text.</p>
<p>D. Submittal</p> <p>The Division is requiring one hardcopy submittal mailed to the APCD (with any wet signatures required; see instruction documents for details) and one electronic copy submittal emailed to APCD. The electronic submittal MUST be submitted in word format (either .doc or .docx) to cdphe_apcd_title_V@state.co.us. For legal purposes, the date the signed hardcopy is received by the Division is considered the date received, <u>not</u> when the electronic copy is emailed.</p>
<p>E. Oil and Gas Sources</p> <p>If this facility is associated with Oil & Gas activities, Form OP-202 must be completed if the facility is submitting an initial application or the facility is requesting changes to oil and gas equipment and must be submitted for the application to be considered complete. Oil and Gas SIC codes include, but are not limited to, 1311, 1321, and 4922.</p> <p><input type="checkbox"/> Form OP-202 has been included with this application.</p> <p><input type="checkbox"/> This facility is not an oil and gas facility, and/or the facility is not requesting any changes to the oil and gas equipment.</p>
<p>F. Modeling</p> <p>If an emission unit will have to go through modeling as part of a permit action, OP-204 must be completed and attached to the corresponding OP-300 series form. If the applicant has already filled out the optional air quality modeling form as part of the modeling process, the applicant may attach that form in lieu of OP-204. For information about the modeling process, see the page titled "Air Quality Modeling Guidance for Permits" on the Division webpage.</p> <p><input type="checkbox"/> Form OP-204 has been completed and attached.</p> <p><input type="checkbox"/> A copy of the optional air quality modeling form has been attached.</p> <p><input type="checkbox"/> This facility did not trigger modeling requirements.</p>



5. Signature of Responsible Official

A. Statement of Completeness

I have reviewed this application in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this application are true, accurate and complete.

B. Certification of Facility Compliance Status With Federal and State Enforceable Conditions

I certify that the facility described in this air pollution permit application is fully in compliance with all applicable requirements, including compliance certification requirements and any applicable compliance assurance monitoring.

I certify that the facility described in this air pollution permit application is fully in compliance with all applicable requirements, except for the following emissions unit(s) identified below:
 Click here to enter text.

C. Certification of Facility Compliance Status With State-Only Enforceable Conditions

I certify that the facility described in this air pollution permit application is fully in compliance with all applicable requirements.

I certify that the facility described in this air pollution permit application is fully in compliance with all applicable requirements, except for the following emissions unit(s) identified below:
 Click here to enter text.

WARNING: Any person who knowingly, as defined in § 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in, or omits material information from this application is guilty of a misdemeanor and may be punished in accordance with the provisions of § 25-7 122.1, C.R.S.

Responsible Official Name or Other ¹	Click here to enter text.
Title	Click here to enter text.
Signature ²	
Date	Click here to enter text.

¹For the following applications, a signature of a Legally Authorized Person (not a vendor or consultant) is acceptable: Notification of Construction Permit Exempt Unit, Billing contact update, Responsible Official update, and Supplemental Information submittal. **For these application types, a Legally Authorized Person must only certify with Section 5.A (5.B and 5.C certifications are not needed).**

²This document requires a “wet signature,” electronic signatures will not be accepted.

SEND MATERIALS TO:

Colorado Dept. of Public Health & Environment
 APCD-SS-B1
 ATTN: Title V Unit Supervisor
 4300 Cherry Creek Drive South
 Denver, CO 80246-1530
 cdphe_apcd_title_V@state.co.us



General Facility & Contact Information Form

Title V Operating Permit Number:

Enter Permit Number

Plant AIRS ID Number:

XXX - XXXX

1. Instructions
Included on the Colorado Air Pollution Control Website is an instruction sheet (Form OP-100A) for this application form. Refer to the instruction sheet or contact the Division with questions. Any form with missing information may be determined administratively incomplete and may result in inability to grant the application shield of Regulation No. 3, Part C, Section II.B.

2. Facility Name and Physical Address	
Company Name	Enter Company Name.
Facility Name	Enter Facility Name.
Address 1	Enter the facility physical address (No PO Boxes).
Address 2	Enter facility address line 2, if applicable.
City	Enter City.
County	Enter County.
State and Zip Code	Enter State and Zip Code.

3. Parent Company Name and Mailing Address	
Name	Enter Company Name.
Address 1	Enter Parent Facility Address.
Address 2	Enter Parent Facility Address line 2, if applicable.
City	Enter City.
State and Zip Code	Enter State and Zip Code.

4. Billing/Accounts Payable for Title V Operating Permit Fees	
Invoices are issued quarterly to recover costs associated with processing Title V Operating Permit applications. The Division may send invoices via email and/or US Mail. Update the contact information immediately upon any change to avoid additional penalties due to nonpayment. Billing contact information for other Division fees can be updated via an Air Pollution Emission Notice (for hourly fees associated with construction permit processing) or by following the instructions on the annual emission fee invoice for fees associated with annual pollutant emissions.	
Contact Name	Enter Billing Contact Name.
Title	Enter Billing Contact Title.
Email	Enter Billing Contact Email Address.
Telephone	Enter Billing Contact Phone Number.
Address	Enter Billing Contact Address.



5. Responsible Official - See instruction sheet for information on Responsible Official requirements.	
Name	Enter Responsible Official Name.
Title	Enter Responsible Official Title.
Email	Enter Responsible Official Email Address.
Telephone	Enter Responsible Official Phone Number.
Address	Enter Responsible Official Address.

6. Permit Contact Person	
Name	Enter Permit Contact Name.
Title	Enter Permit Contact Title.
Email	Enter Permit Contact Email Address.
Telephone	Enter Permit Contact Phone Number.
Address	Enter Permit Contact Address.

7. Correspondence Options - Select the correspondence option associated with the processing of the Title V Operating Permit for the facility.	
<input type="checkbox"/> Permit Contact Person Only <input type="checkbox"/> Copy Responsible Official (formal letters only) <input type="checkbox"/> Copy Responsible Official (include all files, draft permits, etc.) <input type="checkbox"/> Provide additional copies to others (attach contact information, including email addresses)	

8. Facility Information			
A. Business Activity of facility:	Click here to enter text.		
B. SIC Code:	Click here to enter text.	C. NAICS Code:	Click here to enter text.
D. Is the facility located in a nonattainment area?	<input type="checkbox"/> Yes <input type="checkbox"/> No	E. If yes on D, check the designated nonattainment pollutant(s)	<input type="checkbox"/> CO <input type="checkbox"/> Ozone <input type="checkbox"/> PM ₁₀ <input type="checkbox"/> Other (specify): Click here to enter text.
F. Is this facility subject to the provisions governing prevention of accidental release of hazardous air pollutants contained in section 112(r)(7) of the Clean Air Act?:			<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, has a RMP been registered? <input type="checkbox"/> Yes <input type="checkbox"/> No
G. Is the facility subject to the Acid Rain Provisions of Title IV?	<input type="checkbox"/> Yes <input type="checkbox"/> No	H. If yes on G, is a complete new or renewal Acid Rain permit application included?	<input type="checkbox"/> Yes <input type="checkbox"/> No



10. Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NANSR)	
A. Is this facility a listed source for the purposes of Prevention of Significant Deterioration (PSD) for which the source would be considered major at 100 tons per year? (See Colorado Regulation 3 Part A Section II.A.25.a.(i))	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: Click here to enter text.
B. Is this facility a major stationary source for the purposes of the Prevention of Significant Deterioration (PSD) program? (Potential to Emit ≥ 250 Tons/Year or 100 Tons/Year if listed source)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter pollutants: Click here to enter text.
C. Is this facility a major stationary source for the purposes of the Non-Attainment New Source Review (NANSR) program? (Potential to Emit above thresholds listed in Colorado Regulation 3, Part D, Section II.A.25.b)	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter pollutants: Click here to enter text.

11. Reporting
<p>Facilities are required to submit semiannual Monitoring and Deviation reports and annual Compliance Certifications (these reports are included as appendices in the operating permit). For the calendar year reporting period (see below), reports are required by the end of the month following the end of the semiannual or annual periods respectively; e.g., Monitoring and Deviation reports would be due on July 31 and January 31, and the Compliance Certification would be due on January 31. The applicant may elect to alter the reporting date ranges below. Note that the requested reporting periods must be every 6 months for the Monitoring and Deviation report, and every 12 months for the compliance certification.</p> <p><input type="checkbox"/> *Calendar year periods as follows: Monitoring and Deviation report: January 1 - June 30, July 1 - December 31 Compliance Certifications: January 1 - December 31</p> <p><input type="checkbox"/> Reporting periods will align with issued permit i.e. if the operating permit is issued in May, annual compliance period will be May 1 - April 30</p> <p><input type="checkbox"/> *Alternate reporting period (specify): Click here to enter text.</p>

*Note that if the applicant selects one of these options and the permit is issued on any month other than January or July, there will be shortened reporting periods to “catch up” to the default period. The applicant will be informed of any shortened periods with the issuance letter.



Title V Minor Modification Application

Title V Operating Permit Number:

Enter Permit Number

Plant AIRS ID Number:

XXX - XXXX

1. Instructions

This minor modification application form must be filled out and submitted along with the OP-50 Application form for any minor modification request to the Division. Contact the Division with questions.

As specified in Colorado Regulation No. 3, Part C, Section X.I, “a source shall be allowed to make the changes proposed in its application for minor permit modification immediately after it files such [complete] application”. This form is required for each minor modification application.

If a specific emission unit is being directly modified in this requested revision to the Title V operating permit, the appropriate OP-300 series Emission Unit Form(s) must be attached to this application.

2. General Information

Provide a detailed description of the requested revision to the Title V operating permit.

[Click here to enter text.](#)

3. Draft Permit

For the draft operating permit, it is sufficient to send the Division an annotated/redlined version of the relevant sections of the current operating permit.

- A draft operating permit **has not** been attached to this application.
 I am hereby requesting that the Division develop the draft operating permit. I understand the application will not be considered complete and I cannot make the proposed changes until the draft operating permit is developed and agreed upon by the applicant and the Division. Upon agreement of the draft permit, the application will be considered complete.
- A draft operating permit that incorporates all of the requested changes **has** been attached to this application.
 The attached draft includes all applicable requirements associated with the permit revision including associated monitoring, recordkeeping, and reporting requirements. I understand the Division reserves





the right to make changes to the submitted draft, as appropriate.

4. Regulatory Applicability

Applications for minor modifications must include information and data required by the Division to evaluate the minor modification including, but not limited to:

- Any new applicable requirements that will apply if the change occurs (X.D.1)
- Data necessary to allow the Division to determine whether the source complies with:
 - All applicable emission control regulations (X.D.5.a)
 - Applicable regulations for the control of hazardous air pollutants (X.D.5.b)
 - Requirements of the nonattainment and attainment programs (Sections V. and VI. of Part D of this regulation) (X.D.5.c), and
 - Any applicable ambient air quality standards and all applicable regulations. When the data includes modeling, the model used shall be an appropriate one given the topography, meteorology, and other characteristics of the region, which the source will impact;

- All information and data required is included in the forms associated with this application
- Additional information and/or data is also included below or as an attachment to this application: [Click here to enter text.](#)

5. Change in Operating Permit Facility-Wide Emissions

Check if the proposed modification does not result in any emission changes, and proceed to Section 6

Modified Emission Unit(s)	Click here to enter emission units.
---------------------------	---

Provide the emissions resulting from the proposed modification. Note that in some cases, additional emission information should be provided. For example, Colorado Regulation No. 3, Part D, Section I.B requires emission projection calculations for certain projects at major stationary sources. Additionally, providing more detailed information (such as a unit-by-unit breakdown of uncontrolled and controlled emissions) will assist the Division to process the application faster. If there is no change in emissions, enter "0" for that pollutant.

Pollutant	Change in Emissions (+/-, tpy)
PM	Click here to enter change in emissions.
PM ₁₀	Click here to enter change in emissions.
PM _{2.5}	Click here to enter change in emissions.
SO ₂	Click here to enter change in emissions.
NO _x	Click here to enter change in emissions.
VOC	Click here to enter change in emissions.
CO	Click here to enter change in emissions.
Lead	Click here to enter change in emissions.
Enter Pollutant	Click here to enter change in emissions.
Enter Pollutant	Click here to enter change in emissions.
Enter Pollutant	Click here to enter change in emissions.



6. Certification	
Minor permit modification procedures may only be used for permit modifications that:	
6.a	Do not violate any applicable requirements (Colorado Regulation No. 3, Part C, Section X.A.1).
6.b	Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in a permit (Reg 3, Part C, Section X.A.2).
6.c	Do not require or change a case-by-case determination of an emission limitation or other standard or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis (Reg 3, Part C, Section X.A.3).
6.d	Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include: <ul style="list-style-type: none"> 6.d.1 A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Federal Act, including but not limited to modifications under Part 2 of the state Act (prevention of significant deterioration), Part 3 of the state Act (attainment), or New Source Performance Standards (Regulation Number 6; (Reg 3, Part C, Section X.A.4.a) 6.d.2 An alternative emissions limit approved pursuant to regulations promulgated under Colorado Revised Statute Section 25-7-109.3 or Section 112(i)(5) of the federal Act (Regulation Number 8); (Reg 3, Part C, Section X.A.4.b)
6.e	Are exempted from the definition of permit modification in Section I.A.3. of Part C (Reg 3, Part C, Section X.A.5).
6.f	Are not otherwise required by the Division to be processed as a significant modification (Reg 3, Part C, Section X.A.6). The following scenarios cannot be processed as minor modifications: <ul style="list-style-type: none"> • The federally enforceable potential-to-emit (prior to permitting), or change in PTE, exceeds the significance levels of Regulation No. 3, Part D, Section II.A.44; • Allows any relaxation of reporting or record keeping permit terms or conditions.
Statement of Certification	
<input type="checkbox"/> I certify this modification qualifies as a minor modification under the provisions in Regulation 3, Part C, Section X.A as listed above. I am requesting that the minor modification procedures in Regulation 3, Part C, Section X be used to process this modification.	
Responsible Official Name	Click here to enter text.
Title	Click here to enter text.
Signature	
Date	Click here to enter text.

7. Attachment Checklist	
The following documents have been attached to this form:	
Draft Revised Operating Permit	<input type="checkbox"/> Yes <input type="checkbox"/> I am requesting the Division to develop the draft
Source Emission Calculations	<input type="checkbox"/> Yes <input type="checkbox"/> Not applicable or all emissions are covered in Section 5



Emission Unit OP-300 Series Form(s)
and other applicable forms as
necessary

- Yes
- Not applicable





Boiler, Furnace, and Process Heater Operation

Title V Operating Permit Number:

Enter Permit Number

AIRS ID Number: XXX - XXXX - XXX

1. Instructions

Included on the Colorado Air Pollution Control Website is an instruction sheet (Form OP-301A) for this boiler/furnace form. Refer to the instruction sheet or contact the Division with questions. Any form with missing information may be determined administratively incomplete and may result in inability to grant the application shield of Regulation No. 3, Part C, Section II.B. Renewal and modification applications for equipment already included in the Title V permit are allowed to only complete portions of the form affected by the modification.

2. Unit Information

Facility Identifier (example: S001)	Click here to enter optional facility identifier.		
Boiler, Furnace, or Heater Information	Manufacturer	Model	Serial Number
	Click here to enter manufacturer.	Click here to enter model.	Click here to enter S/N.
Dates	Date commenced construction: Click here to enter text. Date commenced operation: Click here to enter text. Date last modified/reconstructed: Click here to enter text.		
Underlying Construction Permit	<input type="checkbox"/> Yes <input type="checkbox"/> No Permit Number: Click here to enter a permit number.		
Exemptions	List any state exemptions that apply to this boiler/furnace (See Instruction Sheet for more information): Click here to enter text.		

3. Unit Characteristics

General Description of Equipment	Click here to enter description.
Hours of Operation	<input type="checkbox"/> 8,760 hours per year (Default) <input type="checkbox"/> Other (describe): Enter hours.
Purpose of Equipment	<input type="checkbox"/> Electrical Generation <input type="checkbox"/> Cogeneration <input type="checkbox"/> Comfort Heating <input type="checkbox"/> Process Heating <input type="checkbox"/> Process Steam <input type="checkbox"/> Melting and/or Refining <input type="checkbox"/> Annealing and/or Heat Treatment <input type="checkbox"/> Heat Exchanger <input type="checkbox"/> Other (describe): Click here to enter text.
Design Heat Input Rating	Maximum Continuous Heat Input Rating (MMBtu/hr): Click here to enter heat rate.
Design Information (Check all that apply)	<input type="checkbox"/> Low-NOx Burners <input type="checkbox"/> Ultra Low-NOx Burners <input type="checkbox"/> Flue Gas Recirculation <input type="checkbox"/> Tangential-Fired <input type="checkbox"/> Wall-Fired <input type="checkbox"/> Stoker-Fired <input type="checkbox"/> Staged Combustion <input type="checkbox"/> Reduced Air Preheating <input type="checkbox"/> Fluidized Bed <input type="checkbox"/> Oxy-Fuel <input type="checkbox"/> Other (describe): Click here to enter text.



4. Primary Fuel Information				
Type of Primary Fuel (See Below for Secondary Fuels)	<input type="checkbox"/> Coal	<input type="checkbox"/> Natural Gas	<input type="checkbox"/> Fuel Oil	<input type="checkbox"/> Other (specify): Enter fuel.
Fuel Information	Fuel Heat Content (Btu/lb coal): Heat Content.	Fuel Heat Content (Btu/scf): Heat Content.	Fuel Heat Content (Btu/gal): Heat Content.	Click here to enter additional information that may be helpful in the permitting process.
	% Ash content: Ash Content. % Sulfur content: Sulfur Content.	% Sulfur content: Sulfur Content.	% Sulfur content: Sulfur Content.	
	Type of Coal: <input type="checkbox"/> Anthracite <input type="checkbox"/> Bituminous <input type="checkbox"/> Subbituminous <input type="checkbox"/> Lignite	Type of Natural Gas: <input type="checkbox"/> Pipeline Quality <input type="checkbox"/> Field Quality <input type="checkbox"/> Other	Grade of Fuel Oil: Grade of Oil.	
Permit Throughput Limitation	Click here to enter throughput and specify units.			

5. Secondary Fuel Information				
<input type="checkbox"/> Check this box if the unit does not have a secondary fuel and leave this section blank.				
Type of Secondary Fuel	<input type="checkbox"/> Coal	<input type="checkbox"/> Natural Gas	<input type="checkbox"/> Fuel Oil	<input type="checkbox"/> Other (specify): Enter fuel.
Fuel Information	Fuel Heat Content (Btu/lb coal): Heat Content.	Fuel Heat Content (Btu/scf): Heat Content.	Fuel Heat Content (Btu/gal): Heat Content.	Click here to enter additional information that may be helpful in the permitting process.
	% Ash content: Ash Content. % Sulfur content: Sulfur Content.	% Sulfur content: Sulfur Content.	% Sulfur content: Sulfur Content.	
	Type of Coal: <input type="checkbox"/> Anthracite <input type="checkbox"/> Bituminous <input type="checkbox"/> Subbituminous <input type="checkbox"/> Lignite	Type of Natural Gas: <input type="checkbox"/> Pipeline Quality <input type="checkbox"/> Field Quality <input type="checkbox"/> Other	Grade of Fuel Oil: Grade of Oil.	
Permit Throughput Limitation	Click here to enter throughput and specify units.			
Additional Information	Indicate when secondary fuels are used (i.e. startup, backup, etc.): Click here to enter text.			



6. Processing Information	
<input type="checkbox"/> Check this box if the unit is not a processing operation and leave this section blank.	
Permit Throughput and/or Hours Limitation (specify units)	Raw Material (if applicable): Click here to enter throughput. Finished Products (if applicable): Click here to enter throughput. Hours Limitation (if applicable): Click here to enter hours.
Design Process Rate (specify units)	Click here to enter process rate.
Additional Process Information	Click here to provide any additional information.

7. State and Federal Regulations		
Rule	Applicability	How will you comply with this Regulation?
40 CFR Part 63 Subpart DDDDD	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 63 Subpart JJJJJ	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 63 Subpart UUUUU	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 60 Subpart D	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 60 Subpart Da	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 60 Subpart Db	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 60 Subpart Dc	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
Colorado Regulation No. 7 Section XVI	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
40 CFR Part 75 Acid Rain Program Provisions	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
Reasonably Available Control Technology (RACT)	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Click here to enter text.
	Note that the applicant may be asked to provide a RACT analysis if new or modified equipment in a nonattainment or attainment/maintenance area.	
Compliance Assurance Monitoring (CAM)	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	If subject, attach Form OP-203 CAM unless CAM has already been addressed in the permit or a CAM plan is not due yet.
Colorado Regulation No. 1	<input type="checkbox"/> Subject	These requirements are identified in Form OP-400.



Opacity Requirements	<input type="checkbox"/> Not Subject	
Other (specify)	Click here to enter text.	
Colorado Regulation No. 1 PM Requirements	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Colorado Regulation No. 1 SO2 Requirements
Colorado Regulation No. 6 PM Requirements	<input type="checkbox"/> Subject <input type="checkbox"/> Not Subject	Colorado Regulation No. 6 SO2 Requirements

8. Control Device Information									
Is any emission control equipment or practice used to reduce emissions? <input type="checkbox"/> Yes <input type="checkbox"/> No									
If yes, describe control device(s) below:									
Control Device Description	Click here to describe control device.								
Pollutant	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	VOC	CO	Lead	Enter Other
Control Efficiency	Text	Text	Text	Text	Text	Text	Text	Text	Text
Controlled Individual HAP:	All HAP	Enter HAP	Enter HAP	Enter HAP	Enter HAP	Enter HAP	Enter HAP	Enter HAP	Enter HAP
Control Efficiency	Text	Text	Text	Text	Text	Text	Text	Text	Text

9. Primary Fuel Criteria Pollutant Emission Information						
Pollutant	Uncontrolled Emission Factors	Controlled Emission Factors	Emission Factors Units	Emission Factor Source (e.g. AP-42, manufacturer, source test, etc.)	Uncontrolled Potential-to-Emit (tpy)	Permitted Limitation (tpy)
PM	EF	EF	EF Units	EF Source	PTE	Limit
PM ₁₀	EF	EF	EF Units	EF Source	PTE	Limit
PM _{2.5}	EF	EF	EF Units	EF Source	PTE	Limit
SO ₂	EF	EF	EF Units	EF Source	PTE	Limit
NO _x	EF	EF	EF Units	EF Source	PTE	Limit
VOC	EF	EF	EF Units	EF Source	PTE	Limit
CO	EF	EF	EF Units	EF Source	PTE	Limit
Lead	EF	EF	EF Units	EF Source	PTE	Limit
Enter Pollutant	EF	EF	EF Units	EF Source	PTE	Limit

10. Primary Fuel Hazardous Air Pollutant (HAP) Emission Information						
Pollutant	Uncontrolled Emission Factors	Controlled Emission Factors	Emission Factors Units	Emission Factor Source (e.g. AP-42,	Uncontrolled Potential-to-Emit (tpy)	Permitted Limitation (tpy)



				manufacturer, source test, etc.		
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit

11. Secondary Fuel Criteria Pollutant Emission Information

Check this box if the unit does not have a secondary fuel and leave this section blank.

Pollutant	Uncontrolled Emission Factors	Controlled Emission Factors	Emission Factors Units	Emission Factor Source (e.g. AP-42, manufacturer, source test, etc.)	Uncontrolled Potential-to-Emit (tpy)	Permitted Limitation (tpy)
PM	EF	EF	EF Units	EF Source	PTE	Limit
PM ₁₀	EF	EF	EF Units	EF Source	PTE	Limit
PM _{2.5}	EF	EF	EF Units	EF Source	PTE	Limit
SO ₂	EF	EF	EF Units	EF Source	PTE	Limit
NO _x	EF	EF	EF Units	EF Source	PTE	Limit
VOC	EF	EF	EF Units	EF Source	PTE	Limit
CO	EF	EF	EF Units	EF Source	PTE	Limit
Lead	EF	EF	EF Units	EF Source	PTE	Limit
Enter Pollutant	EF	EF	EF Units	EF Source	PTE	Limit

12. Secondary Fuel Hazardous Air Pollutant (HAP) Emission Information

Check this box if the unit does not have a secondary fuel and leave this section blank.

Pollutant	Uncontrolled Emission Factors	Controlled Emission Factors	Emission Factors Units	Emission Factor Source (e.g. AP-42, manufacturer, source test, etc.)	Uncontrolled Potential-to-Emit (tpy)	Permitted Limitation (tpy)
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit



Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit
Enter HAP	EF	EF	EF Units	EF Source	PTE	Limit

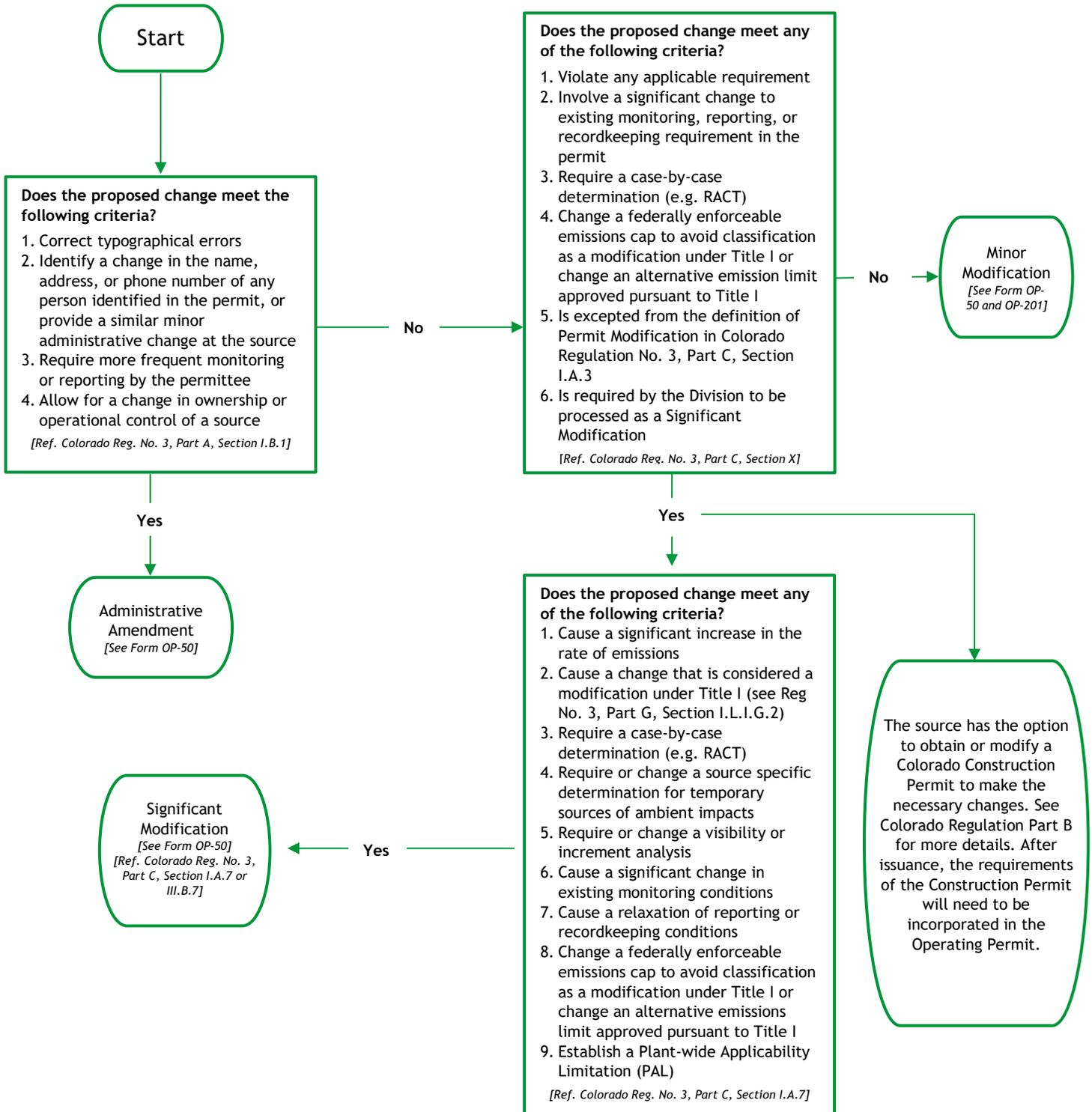
13. Compliance and Monitoring
I have filled out and attached Form OP-400 Compliance and Monitoring with all known applicable requirements for this emission unit: <input type="checkbox"/> Yes <input type="checkbox"/> No

14. Required Attachments
The following must be attached in order for the application to be considered administratively complete (unless previously submitted):
<input type="checkbox"/> Emission Calculations
<input type="checkbox"/> Manufacturer Specifications or Contract Guarantee for Control Equipment (if applicable)



Title V Permit Revision Flowchart

The following flowchart is intended to provide a simplified means for determining what type of Title V permit revision is necessary. Follow the flowchart to determine whether the revision is an administrative amendment, minor modification, or significant modification and see which forms are required for each type of permit revision. Contact the Division with additional questions.



Attachment 4
Supplemental Timeliness Report

Title V Permitting Metrics: Permits issued over 18 Month Period Ending 09/06/2019

Type	Total Issued	# issued before deadline	# issued after deadline	Median # days over/below deadline	% Issued before deadline
Admin	12	3	9	601	25%
Significant	31	14	17	99	45%
Minor	55	7	48	341	13%
Reopening	1	0	1	2526	0%
Initial	13	1	12	2573	8%
Renewal	50	9	41	438	18%

Median: 0 is exactly on time, negative is early, positive is late

Current In-House		%
Overdue Initials/Renewals	77	26%
Overdue Mods	173	59%
Not Overdue	43	15%
Total	293	