



Small Business Assistance Program

Colorado Department of Public Health and Environment
<http://www.cdphe.state.co.us/ap/sbap.asp>

Air Pollutant Emission Notice (APEN) Exemptions for Select Engines and Emergency Generators in Colorado

In Colorado, select stationary internal combustion engines, emergency power generators, and nonroad engines are exempt from air emission reporting and permitting requirements. In addition, Colorado air regulations allow some flexibility for operating engines that are integral to crushers and screens at surface mining operations prior to obtaining an air emission permit. This guidance document provides an overview of the exemptions and special allowances that apply to select engines and generators in Colorado.

Owners or operators of engines and generators that are not specifically exempt from Colorado air emission reporting requirements, may be required to submit an Air Pollutant Emission Notice (APEN) to, or obtain an air permit from, the Air Pollution Control Division at the Colorado Department of Public Health and Environment (CDPHE). Information on air emission reporting and permitting is provided on the APCD Construction Permit Unit webpage at: www.cdphe.state.co.us/ap/conperm.asp. Colorado Regulation No. 3, which contains the APEN exemptions cited herein, is available for download at: www.cdphe.state.co.us/op/regs/airregs.asp.

➤ APEN Exemptions for Select Internal Combustion Engines

Per Colorado Regulation No. 3, select stationary internal combustion engines are not required to submit an APEN or obtain an air permit from the APCD. The exemption found in Regulation No. 3 is provided below:

II. D. Exemptions from Air Pollutant Emission Notice Requirements

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

- i. Less than or equal to 175 horsepower that operate less than 1,450 hours per year; or
- ii. Greater than 175 horsepower and less than or equal to 300 horsepower that operate less than 850 hours per year; or
- iii. Greater than 300 horsepower and less than or equal to 750 horsepower that operate less than 340 hours per year.

➤ APEN Exemptions for Emergency Power Generators

Per Colorado Regulation No. 3, select emergency power generators are not required to submit an APEN to or obtain an air permit from the APCD. The exemption found in Regulation No. 3 is provided below:

II. D. Exemptions from Air Pollutant Emission Notice Requirements

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

- i. Have a rated horsepower of less than 260; or
- ii. Operate no more than 250 hours per year and have a rated horsepower of less than 737; or
- iii. Operate no more than 100 hours per year and have a rated horsepower of less than 1,840.

➤ APEN Exemptions for Select Nonroad Engines

Per Colorado Regulation No. 3, select nonroad engines are not required to submit an APEN or obtain an air permit from the APCD. The exemption is provided in Regulation No. 3, Section II.D.1.dddd and applies only to a nonroad engine that: 1) meets the definition of a nonroad engine and 2) has a manufacturer site-rated horsepower (hp) of less than or equal to 1200 hp. In other words, any engine that does not meet the definition of a nonroad engine OR meets the definition of a nonroad engine and has an hp rating greater than 1200 hp does not qualify for this exemption.

The definition of a nonroad engine provided in Regulation No. 3 is complex. In Table 1 below, this definition is simplified and organized into what a nonroad engine *is* and what it *is not*. Site owners and operators should use the information provided in Table 1 to determine whether an engine fulfills the definition of a nonroad engine.

TABLE 1 DO YOU HAVE A NONROAD ENGINE? (Nonroad Engines rated ≤1200 hp are APEN exempt)	
A Nonroad Engine <i>is</i> an internal combustion engine if....	A Nonroad Engine <i>is not</i> an internal combustion engine if...
...it is in or on a piece of equipment that is self-propelled or serves a dual purpose by propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or	...it is used to propel a motor vehicle or a vehicle used only for competition, or is subject to Title II of the Federal Clean Air Act (Mobile sources); or
...it is in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or	...it is regulated by a federal New Source Performance Standard (NSPS) ¹ ; or
...by itself, or in or on a piece of equipment, it is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability may include wheels, skids, handles, dolly, trailer or platform.	...it remains at a single location for more than 12 consecutive months or is a seasonal source that remains at a single location for at least 2 years and operates approximately 3 months (or 2,190 hours) or more each year. ²

¹NSPS Subpart IIII will be effective September 11, 2006 and affects some stationary compression ignition internal combustion engines that commenced construction after July 11, 2005. In June 2006, EPA also proposed NSPS Subpart JJJJ for stationary spark ignition internal combustion engines. For more information, visit www.gpoaccess.gov/cfr/index.html.

²If another seasonal engine that performs the same function replaces the original engine, the consecutive time period is not interrupted (the consecutive month or seasonal period continues as if the engine had not been replaced).

➤ Flexibility for Engines at Surface Mining Operations

Owners or operators of surface mining operations are typically required to obtain an Initial Approval (IA) permit for process equipment prior to operating the equipment at the site. However, Colorado House Bill 1326 provides some flexibility for reporting and permitting crushers, screens, and the engines that are integral to those crushers and screens. Under House Bill 1326, the owner or operator of a permitted sand and gravel pit or crushed stone quarry may bring a new crusher, screen and associated engine onsite and begin operation of this equipment by submitting an APEN to the APCD.

Submission of an APEN will allow the source to operate the equipment until such time as the APCD is able to process and issue an IA Permit, or for temporary or rented equipment, until the equipment is removed from the site. You must notify the APCD (by adding a note to the APEN form) that you are submitting an APEN under the provisions of House Bill 1326. In cases where you intend to retain ownership of the equipment for the foreseeable future, you must request in writing that the APCD proceed with the permitting process. In cases where you intend to return temporary or rented equipment within a few months, you can avoid unnecessary permitting fees by requesting that the APCD “hold” the APEN until you remove the equipment and submit a cancellation letter to the APCD.

➤ HELP IS AVAILABLE

The Small Business Assistance Program (SBAP) is available to answer questions you may have regarding air emission reporting and permitting requirements for engines at your facility. The SBAP can help you understand the regulations, determine what your company has to do to be in compliance, help you file the required forms, and complete the APEN and permitting process. Our services are always free and confidential.

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Program Contacts:

Joni Canterbury – (303) 692-3175

Margo Griffin – (303) 692-3148