



Air Pollution Control Division

Small Business Assistance Program

Fact Sheet - Air Quality Requirements For Autobody Shops

Autobody shops in Colorado are subject to a variety of air, waste, and water regulations. This fact sheet provides an overview of air quality requirements and includes recent (2014) changes in reporting and permitting requirements.

Recent Actions

On February 23, 2014, Colorado's Air Quality Control Commission removed the so-called "catchall provisions" from Regulation 3. No longer are sources subject to a federal New Source Performance Standard ("NSPS") or National Emission Standard for Hazardous Air Pollutants ("NESHAP") subject to reporting and permitting *solely due* to being subject to that NSPS or NESHAP. All sources now only trigger reporting and permitting if the source's emissions exceed the reporting (*Table 1*) and permitting thresholds (*Table 2*).

8-Hour Ozone Nonattainment Area

Air emission reporting and permitting requirements in Colorado vary based on whether a business is located in an "attainment/attainment maintenance" area or a "nonattainment" area of Colorado. In general, air regulations are more stringent in "nonattainment" areas because these areas exceed the National Ambient Air Quality Standards for regulated pollutants.

Colorado's 8-Hour Ozone Nonattainment Area:

To determine if your business is located in an attainment or nonattainment area, visit the Divisions Ozone information page at: www.colorado.gov/pacific/cdphe/ozone-information

Volatile Organic Compounds

Ground level ozone is formed when hydrocarbons or volatile organic compounds (VOCs) and oxides of nitrogen (NOx) chemically react in the presence of sunlight and warm temperatures to form smog. High levels of ozone can be detrimental to human health and the environment. Paints, coatings, thinners, and cleaning solvents used in your autobody shop can evaporate into the outside air and contribute to the formation of smog. If your shop is in the 8-hour ozone nonattainment area, more stringent reporting and permitting requirements will apply (for VOCs and NOx as ozone precursors). Table 1 lists attainment and nonattainment area reporting thresholds.

Hazardous Air Pollutants

Hazardous Air Pollutants (HAPs) are chemicals that have been included on the EPA's list of chemicals that can have detrimental effects on humans and the environment. HAPs may be reportable. The HAP (a.k.a, non-criteria reportable pollutants) list is available in Regulation No. 3 online at www.colorado.gov/pacific/cdphe/aqcc-regs. If your shop emits a HAP (pounds per year) that equals or exceeds 250 lbs, you must submit the form titled, "APEN Addendum for

Non-Criteria Reportable Pollutants" along with the APEN form and application fee.

Calculating VOC and HAP Emissions

It is important for you to evaluate your facility's emissions of VOCs and HAPs. Your actual uncontrolled VOC and HAP emissions will determine what Colorado air regulations will apply to your facility. The guidance document, "A Simple Guide to Calculating and Reporting your VOCs and HAPs" provides an overview of this process. This document is available online at www.colorado.gov/pacific/cdphe/apen-and-permitting-guidance

Air Pollutant Emission Notices (APENs)

An APEN is a form used to report a facility's emissions. Operators of autobody shops are required to submit an APEN to the Air Pollution Control Division if air emissions exceed the Reporting thresholds presented in Table 1. The APEN form is titled, "Spray Paint Operations - Specialty APEN" and is available through the APCD and online at: www.colorado.gov/pacific/cdphe/specialty-apens

Sources emitting VOCs and NOx (precursors to ozone formation) in nonattainment areas will be required to follow the more conservative reporting levels. Contact the APCD if you have already obtained an APEN exemption and your emissions now exceed the reportable levels listed in Table 1.

Table 1
APEN Reporting Thresholds

	Attainment (Ton per year)	Nonattainment (Ton per year)
Criteria Pollutants (NOx, Ozone)	2 (~500 gallons*)	1 (~280 gallons*)
Other Criteria Pollutants (CO, SOx, PM, PM-10, etc.)	2	1
Non-Criteria Pollutant (HAPs & other reportable pollutants)	≥ 250 pounds per year of any individual non-criteria reportable pollutant	

*Note: the number of gallons in Table 1 is based on an average density of 7.0 pounds per gallon of VOC (ozone precursor).

Once submitted, the APEN is valid for five years. A fully completed APEN form must be submitted to the APCD at least 30 days prior to expiration of the five-year term on the current APEN.

If you change equipment (e.g., a paint booth or drying oven), process, ownership, or emissions, you will be required to file a revised APEN; this includes emissions control equipment.

Air Permits

All autobody shops must submit an APEN form and obtain an air permit if VOC emissions are equal to or greater than reporting levels listed in Table 2. Contact the APCD if you have received an exemption from air permit requirements and your emissions now exceed the reportable levels listed in Table 2.

Table 2
AIR PERMIT Reporting Thresholds

Pollutant	Uncontrolled Actual Emissions (tons per year)	
	Attainment Area	Non-attainment Area
VOC	5	2
PM 10, PM 2.5	5	1
TSP, CO, SO _x , NO _x	10	5
Non-Criteria Pollutant (HAP)	10 per each pollutant	

Your air permit defines the type of air pollution control measures that will be used, sets air pollutant emission limits (such as VOC and HAP emission limits), includes recordkeeping requirements, and requires you to mark the air permit number on each piece of equipment subject to the air permit. Take the time to review your air permit and be familiar with your regulatory requirements.

In Colorado, Construction Permits are issued in two phases: "Issuance 1" and "Final Approval to Operate".

- Issuance 1 of a permit allows the plant to be constructed and begin operation. The source must self-certify to Issuance 1 of the permit once in operation within 180 days of receiving the first issued permit.
- After the owner certifies that the operation is in compliance with the conditions of Issuance 1 of the permit, the Division issues a "Final Approval to Operate" letter to operate under the conditions of Construction Permit Issuance 1. This letter confirms the completion of the self-certification requirements of that permit. The source is issued an invoice for processing time for this letter, and must pay the invoice within 30 days of receipt. Please note that if the permit processing fee is not paid within 30 days of receipt, you will be in violation of your permit conditions and may result in revocation of the permit.
- If the source modifies an existing permit, the source will be issued Construction Permit Issuance 2 (Issuance number determined by modification sequence). The source may have to self-certify to the new Issuance if required by the permit.

A permit describes key areas that an operator needs to address. The permit defines the type of air pollution control measures to be used, limits the annual production at the site, provides guidelines for opacity (how dense the visible emissions are allowed to be), and includes recordkeeping requirements.

The final approval air permit is valid for the life of the equipment. In the event of a change of ownership or equipment, a revised APEN form must be filed and will result in a new Issuance number.

➤ Regulation No. 7 Requirements

Colorado Regulation No. 7 limits VOC emissions from all businesses in Colorado. Regulation No. 7 requires businesses in nonattainment areas to reduce VOC emissions using Reasonably Available Control Technology (RACT). These requirements may include using low VOC or high performance coatings, High Volume Low Pressure (HVLP) spray guns, or other technology that will achieve a high

degree of emission control for your operations. RACT should be included with your APEN submission. RACT requirements will be included in your air permit. A RACT Analysis may include the following information:

1. Actual (uncontrolled) and Requested (considering growth) VOC emissions (tons per year).
2. Types of controls (e.g., use of low VOC products, high transfer efficiency equipment such as HVLP or air-assisted airless spray guns, carbon filters, or a thermal oxidizer).
3. Cost of controls - ranked on a cost per ton basis.

➤ Federal Standards for Surface Coating

In addition to state regulations, most autobody shops are subject to the federal standard for surface coating called, "National Emission Standard for Painting Stripping and Miscellaneous Surface Coating Operations at Area Sources" (40 CFR Part 63, Subpart HHHHHH). The final rule was posted in the federal register on January 9, 2008. A copy of the final rule is available online at www.epa.gov/ttn/atw/6h/6hpg.html. A fact sheet that outlines the final rule requirements is available online at www.colorado.gov/pacific/sites/default/files/AP_Surface-Coating-Standards.pdf.

➤ Recordkeeping Requirements

Your shop may be required to maintain air emission records for VOCs and HAPs and/or other air pollutants as specified in your air permit. These records must be available for inspection upon request. You should maintain a copy of the most recent APEN, APEN fee, air permit, air emissions calculations, RACT determinations, and other documentation as required by your air permit. The air permit number must be permanently affixed on each piece of equipment subject to the air permit, including control equipment.

☐ Air Emission and Permitting Fees

APEN Fee: A filing fee is required for each APEN submitted. This includes APENs submitted for administrative changes (e.g., change in ownership, change in location). Fees are subject to change by the legislature on an annual basis.

Annual Fee: All sources required to file APENs must pay annual fees. The Division bills each source subject to an APEN filing fee per ton of criteria pollutants emitted and per ton of non-criteria (hazardous air pollutants) emitted. The Division mails invoices for these fees in May or June of each year (these fees account for the emissions from the previous year's operation). Fees are subject to change by the legislature on an annual basis.

Permit Processing Fee: In addition to the APEN filing fee, permit-processing fees will be assessed at an hourly rate. If the total processing time is anticipated to be more than 30 hours the Division will contact the applicant in writing and provide an estimate of the projected processing time. The applicant can waive this notice by submitting a letter making this request when the application is submitted.

Current fee information is available online at: www.colorado.gov/pacific/cdphe/emissions-and-permitting-fees

If you will no longer be operating your paint booth or surface coatings operations, please submit a cancellation form to the APCD or a letter on company letterhead requesting that the APEN or air permit be cancelled.

If you are selling your shop, you may transfer the current air permit to the new owner. A new APEN form and application fee must be filed for a transfer of ownership. Proof of the transfer of ownership will be required (e.g., a copy of a bill of sale or the previous owner's signature on the construction permit application form).

➤ **Questions**

Contact the Small Business Assistance Program (SBAP) at (303) 692-3175 or 3148 or visit our website at

www.colorado.gov/pacific/cdphe/small-business-assistance-program-sbap.