

# Air Pollutant Emission Notice Application and Permit



# Land Development APEN Form APCD-223

## Air Pollutant Emission Notice (APEN) and Application for Construction Permit

All sections of this APEN and application must be completed for both new and existing developments, including APEN updates. Incomplete APENs will be rejected and will require re-submittal. *Your APEN will be rejected if it is filled out incorrectly, is missing information, or lacks payment for the filing fee. The re-submittal will require payment for a new filing fee.*

This APEN is to be used for land development activities only. If your activity does not fall into this category, there may be a more specific APEN for your source. In particular, if your activity features excavation of commercially-sold material, you must use the Mining Operations APEN (Form APCD-222). If a specialty APEN is not available or does not satisfy your reporting needs, the General APEN (Form APCD-200) is available. A list of all available APEN forms can be found on the Air Pollution Control Division (APCD) website at: [www.colorado.gov/cdphe/apcd](http://www.colorado.gov/cdphe/apcd).

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Permit Number: \_\_\_\_\_ AIRS ID Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
[Leave blank unless APCD has already assigned a permit # and AIRS ID]

### Section 1 - Administrative Information

|  |                                |                               |                                   |
|--|--------------------------------|-------------------------------|-----------------------------------|
| Company Name <sup>1</sup> :            | <u>Mortenson</u>               | Contact Person:               | <u>Charles Root</u>               |
| Mailing Address:<br>(Include Zip Code) | <u>700 Meadow Lane</u>         | Phone Number:                 | <u>760-457-5606</u>               |
|  | <u>Golden Valley, MN 55422</u> | E-Mail Address <sup>2</sup> : | <u>charlie.root@mortenson.com</u> |

<sup>1</sup> Use the full, legal company name registered with the Colorado Secretary of State. This is the company name that will appear on all documents issued by the APCD. Any changes will require additional paperwork.

<sup>2</sup> Permits, exemption letters, and any processing invoices will be issued by the APCD via e-mail to the address provided.

### Section 2 - Requested Action

- ☒ **NEW land development construction permit (and check one below)**
- ☐ Request coverage under construction permit      ☒ Request coverage under General Permit GP03
- If General Permit coverage is requested, only pages 1-2 are required, and the General Permit registration fee of \$62.50 must be submitted along with the APEN filing fee.
- OR -
- ☐ **MODIFICATION to existing permit (check each box below that applies)**
- ☐ Increase size of project      ☐ Increase duration of project
- OR -
- ☐ **APEN submittal for update only (Blank APENs will not be accepted)**

Additional Info & Notes: \_\_\_\_\_

Permit Number: \_\_\_\_\_

AIRS ID Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

### Section 3 - General Information

Project Name: Grazing Yak Solar Project

General description of land development project: See attached

Street Address (if applicable): 31275 Washington Street

County: El Paso County Section: 20, 29 Township: 12 South Range: 61 West

#### Project Timeline

Date earthmoving will commence: June 1, 2019 Date earthmoving will stop: November 1, 2019

Estimated time to complete entire project (includes buildings): 6 months

#### Project Area

Total area of project subject to earthmoving: 87 acres

Maximum disturbed area at any one time: 87 acres

#### Paving

☒ Check box if no paving will be completed at this location.

Area to be paved: \_\_\_\_\_ acres

Date paving to be completed: \_\_\_\_\_

List any known or suspected contaminants in the soil:

There are no suspected contaminants in the soil.

NOTE: Contaminated soil will prevent your project from being covered by the General Permit GP03.

Brief description of how project development will occur:

(May consist of timeline, project phases, etc. Attach additional pages if necessary.)

See attached

**IF YOU HAVE REQUESTED COVERAGE UNDER GENERAL PERMIT GP03, AN AUTHORIZED SIGNATURE IS REQUIRED IN SECTION 4. IF YOU HAVE REQUESTED COVERAGE UNDER A CONSTRUCTION PERMIT, AN AUTHORIZED SIGNATURE IS REQUIRED IN SECTION 6 (SEE PAGE 4).**

### Section 4 - Applicant Certification (GP03 Coverage Only)

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct. I further certify that this source is and will be operated in full compliance with each condition of General Permit GP03.

Charles Root

Signature of Legally Authorized Person (not a vendor or consultant)

4/25/2019

Date

Charles Root

Name (print)

Project Manager

Title



Permit Number: \_\_\_\_\_

AIRS ID Number: \_\_\_\_\_

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

**Section 5 - Fugitive Dust Control Plan for Land Development**

If coverage under a construction permit is requested, this plan must be submitted with the APEN. DO NOT complete the rest of this form if you have requested coverage under General Permit GP03.

Regulation No. 1 requires that a fugitive dust control plan be submitted by applicants whose source/activity results in fugitive dust emissions. The control plan must enable the source to minimize emissions of fugitive dust to a level that is technologically feasible and economically reasonable. If the control plan is not adequate for minimizing emissions, a revised control plan may be required. The control plan (if acceptable to the division) will be used for inspection and enforcement purposes on the sources.

Check the boxes for dust control measures which you propose for your activity. You are required to apply the control measures as listed in the control plan. You may be subject to penalties if you fail to apply the control measures as reported. Use separate sheets if more space is needed.

**Section 5A - Control of Unpaved Roads On-Site**

Watering: ☐ None ☐ As needed ☐ Frequent<sup>3</sup>: \_\_\_\_\_ times/day

Surface is graveled: ☐ No ☐ Yes

Chemical stabilizer applied: ☐ No ☐ Yes Type: \_\_\_\_\_  
(e.g. mag chloride, resin, etc.)

Vehicle Speed Limits: ☐ No ☐ Yes Posted speed limit on haul road: \_\_\_\_\_ mph

<sup>3</sup> If "Frequent" is selected, your permit may include a requirement to water roads as often as listed in this APEN.

**Section 5B - Control of Disturbed Surface Areas On-Site**

- ☐ Watering (choose one option from below)
- ☐ Frequent (2 or more times per day)
  - ☐ As needed
- ☐ Chemical stabilizer
- ☐ Vehicle speed limited to \_\_\_\_\_ mph maximum. Speed limit signs must be posted.
- ☐ Revegetation (must occur within one year of site disturbance)
- ☐ Seeding with mulch
  - ☐ Seeding without mulch
- ☐ Furrows at right angle to prevailing wind
- Depth of furrows \_\_\_\_\_ inches (must be greater than 6")
- ☐ Compaction of disturbed soil<sup>4</sup> (choose one option from below)
- ☐ Foundation areas only
  - ☐ All disturbed soil
- ☐ Wind breaks
- Type: \_\_\_\_\_ (e.g. snow fence, silt fence, etc.)
- ☐ Synthetic or natural cover for steep slopes
- Type: \_\_\_\_\_ (e.g. netting, mulching, etc.)
- ☐ Other (specify) \_\_\_\_\_

<sup>4</sup> Compaction must occur on a daily basis, and it must be to within 90% of maximum compaction, as determined by a Proctor test.

Permit Number: \_\_\_\_\_

AIRS ID Number: \_\_\_\_\_

/ /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

**Section 5C - Prevention of Fugitive Dust from Paved Surfaces**

Gravel entryways: ☐ No ☐ Yes

Washing of vehicle wheels: ☐ No ☐ Yes

**Section 5D - Cleanup of Fugitive Dust from Paved Surfaces**

Frequency: \_\_\_\_\_ times per day

Street sweeping: ☐ No ☐ Yes

Hose with water: ☐ No ☐ Yes

List any additional source of emissions or control methods:

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**Section 6 - Applicant Certification (Construction Permit Coverage Only)**

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct.

\_\_\_\_\_  
Signature of Legally Authorized Person (not a vendor or consultant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

**Check the appropriate box to request a copy of the:**

☐ Draft permit prior to issuance

(Checking this box may result in an increased fee and/or processing time)

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Send this form along with \$191.13 and the General Permit registration fee of \$62.50, if applicable, to:

**Colorado Department of Public Health and Environment  
Air Pollution Control Division  
APCD-SS-B1  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530**

For more information or assistance call:

**Small Business Assistance Program  
(303) 692-3175 or (303) 692-3148**

**APCD Main Phone Number  
(303) 692-3150**

Make check payable to:

**Colorado Department of Public Health and Environment**

Or visit the APCD website at:

<https://www.colorado.gov/cdphe/apcd>

# STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
AIR POLLUTION CONTROL DIVISION  
TELEPHONE: (303) 692-3150



## GENERAL CONSTRUCTION PERMIT

### Land Development Projects

PERMIT NO: GP03

FINAL APPROVAL  
Modification 1

R K Hancock III, P.E.  
Permitting Section Supervisor

November 10, 2009  
Date Issued

**Note:** See the Land Development General Permit Guidance document available through the Division's Small Business Assistance Program for further information on demonstrating compliance with the requirements of this permit.

#### I. General Permit Applicability

- I.A. The owner or operator of any land development activity that can comply with all of the operating conditions described in Section II of this permit and meet all requirements of this Section I may register for this general permit.
- I.B. Land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial, or industrial development, or oil and gas exploration and production. Land development does not include mining operations or the disturbance of contaminated soils.
- I.C. Land development activities that are less than 25 contiguous acres and less than 6 months in duration are exempt from permitting and do not need to report air emissions to the Division. For these projects, operators must use appropriate control measures to minimize the release of fugitive dust from the site.

#### II. Operating Terms and Conditions

##### II.A. Emission Limitations

- II.A.1. Project will not exceed 1850 acres in size. Any project over 1850 acres will be subject to a Construction Permit and Public Notice proceedings.

##### II.B. General Operating Conditions

##### II.B.1. Particulate emissions Control Plan

- II.B.1.a. THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES SHALL BE USED FOR ENFORCEMENT PURPOSES ON THE SOURCES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NO 1. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

II.B.1.a.(i) All Activities - Visible emissions not to exceed 20%, no off-property transport of visible emissions.

II.B.1.a.(ii) Haul Roads - No off-property transport of visible emissions shall apply to on-site haul roads, the nuisance guidelines shall apply to off-site haul roads.

II.B.1.a.(iii) Haul Trucks - There shall be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There shall be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

II.B.1.b. Control Measures

II.B.1.b.(i) All unpaved roads and other disturbed surface areas on site must be watered as necessary to prevent off-property transport of visible fugitive particulate emissions.

II.B.1.b.(ii) Vehicle speed on all unpaved roads and disturbed areas shall not exceed a maximum of 30 mph. Speed limit signs shall be posted.

II.B.1.b.(iii) No earthwork activities shall be performed when the wind speed exceeds 30 miles per hour.

II.B.1.b.(iv) All disturbed surface areas shall be revegetated within one year and according to the information submitted by the applicant with the permit application.

II.B.1.b.(v) Gravel entryways shall be utilized to prevent mud and dirt carryout onto paved surfaces. Any mud and dirt carryout onto paved surfaces shall be cleaned up daily.

II.B.1.c. Other control measures *recommended* by the Division, but *not required* for general permitting

II.B.1.c.(i) Foundation soil shall be compacted on a daily basis to within 90% of maximum compaction.

II.B.1.c.(ii) Silt fencing shall be installed prior to overlotting along all property borders that are adjacent to developed areas.

II.B.1.c.(iii) Surface area disturbed shall be minimized as described in the information submitted by the applicant with the permit application.

**III. General Recordkeeping**

III.A. The records in this section shall be maintained on site.

III.B. The current version of this general construction permit.

III.C. The most recently submitted Air Pollutant Emission Notice (APEN).

III.D. The general permit registration approval letter.

**IV. General Permit Terms and Administration**

IV.A. General Terms

IV.A.1. Land development owner/operator agreement to Particulate Emissions Control Plan (II.B.1) will result in issuance of general permit approval letter.

IV.A.2. A land development general permit will be valid for five (5) years from the initial date of the approval letter issuance. Any project exceeding five years will be required to file an APEN update after five years.

IV.A.3. One APEN will be submitted per project. Multiple phases may be covered under a single APEN provided that the entire project is less than the 1850 acres.

IV.A.4. APEN and General Permit Fees

IV.A.4.a. Total fees for a land development APEN and General Permit will be \$202.90. These fees will arise from two sources:

IV.A.4.a.(i) An APEN filing fee in the amount of \$152.90 per APEN filed (Please note that the APEN filing fee is subject to change by the Colorado State Legislature) and

IV.A.4.a.(ii) A general permit fee of \$50.00 for each APEN filed.

IV.A.5. A revised Air Pollutant Emission Notice (APEN) shall be filed: (Reference: Regulation No. 3, Part A, Section II.C.)

IV.A.5.a. Whenever there is a change in the owner or operator of any facility, process, or activity; or

IV.A.5.b. No later than 30 days before the five-year term of the existing APEN expires.

IV.A.6. This permit is granted subject to all rules and regulations of the Colorado Air Quality Control Commission and the Colorado Air Pollution Prevention And Control Act C.R.S. (25-7-101 et seq), to those general and specific terms and conditions included in this document.

IV.A.7. Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.

IV.A.8. Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of, a condition hereof shall constitute a rejection of the entire permit and upon such occurrence, this permit shall be deemed denied ab initio.

IV.A.9. Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.

IV.A.10. Registration under this permit is approved in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity specifically identified on the general permit registration.

IV.B. Registration Certification

IV.B.1. Conditional certification of a registration under this general permit is effective from the date the complete registration request is received by the Division. A complete registration request consists of all General Permit application materials required by the Division including, but not limited to, an impact analysis that demonstrates, that the APEN requested emissions from the proposed source or modification will not cause or contribute to concentrations of air pollutants in ambient air in violation of any applicable state or national ambient air quality standard. The owner or operator may commence construction and operation of the land development project as represented in the registration upon submission of the completed registration request. In the



event the land development project does not qualify for registration under the general permit or is demonstrated to violate an applicable ambient air quality standard, the owner or operator accepts the liability of commencing these activities.

**IV.C. Registration Modification**

IV.C.1. In order to modify operations under the general permit, the owner or operator must submit a new general permit application and APEN to the Division. This application will detail the changes being made to the project. Reasons for submitting a modification include, but are not limited to:

IV.C.1.a. Increase in project size resulting in greater emission.

IV.C.1.b. Increase in the duration of the project resulting in fugitive particulates being released longer than initially reported.

IV.C.1.c. An increase in the amount of paving being performed on the site.

IV.C.1.d. A decrease in dust control measures being implemented from those initially reported.

**IV.D. Registration Revision / Termination**

IV.D.1. The Division may deny or revoke registration under the general permit under the circumstances specified in Regulation No. 3, Part B, Section III.I.3.c.

IV.D.2. A registration under this general permit may be reissued to a new owner by the Division as provided in Regulation No. 3, Part B, Section II.B. upon a request for transfer of ownership and the submittal of a revised APEN and the required fees.

IV.D.3. Registration under this general permit is voluntary. The permittee may withdraw or cancel a registration under this general permit at any time by notifying the Division in writing.

**IV.E. General Permit Revision / Termination**

IV.E.1. This general permit remains in effect until revised or terminated by the Division in accordance with the provisions of Regulation No. 3.

IV.E.2. After public notice and comment as provided by Regulation No. 3, Part B, Section III.I.7., the Division may revise this general permit in order to add or delete requirements or limitations to the permit. This public notice shall be conducted in a manner consistent with the provisions of Regulation No. 3, Part B, Section III.C.4.

IV.E.3. If a revised general permit is issued by the Division, any existing registration to use the general permit will be automatically converted to a registration to use the revised general permit, provided that the permittee continues to meet all requirements of the revised general permit. Persons not wishing to continue coverage under the revised general permit shall have the option of applying for an individual permit as required by Regulation No. 3, Part B.

IV.E.4. If the Division terminates this general permit, it will provide written notice to affected registrants prior to the termination of the general permit. The notice will advise registrants that they must apply for an individual permit as required by Regulation No. 3, Part B.

**Permit History**

Final Approval issued October 17, 2008.

Modification 1: Removal of requirement that owner or operator receive Division approval prior to commencement of project.

Colorado Discharge Permit System  
General Permit COR 400000



**COLORADO**  
Department of Public  
Health & Environment

**CERTIFICATION TO DISCHARGE  
UNDER  
CDPS GENERAL PERMIT COR400000  
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

Certification Number: **COR405413**

**This Certification to Discharge specifically authorizes:**

**Owner NextEra Energy Resources, LLC  
Operator M.A. Mortenson  
to discharge stormwater from the facility identified as**

**Grazing Yak Solar Project**

**To the waters of the State of Colorado, including, but not limited to:**

**«ImmediateWater» - Horse Creek, Arkansas River, Receiving\_Water\_Name\_2, Receiving\_Water\_Name\_3,  
Receiving\_Water\_Name\_4**

**Facility Activity :** other Solar  
**Disturbed Acres:** 87 acres  
**Facility Located at:** 31275 Washington Road Calhan CO 80808  
El Paso County  
Latitude Longitude

**Specific Information  
(if applicable):**

**Certification is issued and effective:** 4/30/2019 12:00:00 AM  
**Expiration date of general permit :** 3/31/2024

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

This certification was approved by:  
Meg Parish, Section Manager  
Permits Section  
Water Quality Control Division

