



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Adam Bianchi
District Ranger
Dillon Ranger District
White River National Forest

VIA EMAIL

RE: Tony Mine Plan of Operations Project

Dear Adam Bianchi,

The Colorado Department of Public Health and Environment's Air Pollution Control Division (APCD or Division) received a request for an air quality administrative review concerning the proposed Tony Mine Plan project as described in your correspondence dated October 12, 2024. The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly.

APEN and Regulation No. 3

We note that projects similar to this proposal have included the use of engines and/or generators. In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions to the Division by completing an Air Pollutant Emissions Notice (APEN). This is a two in one form for reporting air emissions and to obtain an air permit, if a permit will be required. While only businesses that exceed the AQCC reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with the Colorado AQCC regulations, found here <https://cdphe.colorado.gov/aqcc-regulations>. APEN and permit reporting thresholds are provided at

<https://cdphe.colorado.gov/apens-and-air-permits/apen-and-permit-threshold-table>.

A permit may not be required if it meets the following criteria:¹

- Is a stationary internal combustion engine that is an emergency power generator that operates no more than 250 hrs/year; or
- Is a stationary internal combustion engine with uncontrolled actual emissions less than 5 tons per year for each individual criteria pollutant emitted; or
- Is a stationary internal combustion engine with manufacturer's site-rated horsepower of less than 50

For additional information on exemptions and permitting requirements, please visit <https://cdphe.colorado.gov/apens-and-air-permits/common-apen-or-air-permit-exemptions>.

¹ APEN or Permit Exemptions, CDPHE,

<https://cdphe.colorado.gov/apens-and-air-permits/common-apen-or-air-permit-exemptions>



Land Development

We also note that projects similar to this proposal often involve land development. Under Colorado air quality regulations, 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. Land development activities release fugitive dust, a pollutant regulated by the Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the Division. It is important to note that even if a permit is not required, fugitive dust control measures including the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Please refer to the website <https://cdphe.colorado.gov/apens-and-air-permits> for information on land use APENs and permit forms. Click on “Land Development” to access the land development specific APEN form. Please contact KC Houlden, Construction Permits Unit Supervisor, at 303-692-4092, kenneth.houlden@state.co.us if you have any specific questions about APENs and permit forms.

If you have any other questions or need additional information, please use the contact info listed above, or e-mail or call me directly. Thank you for contacting the Air Pollution Control Division about your project.

Sincerely,
Brendan Cicone
Air Quality and Transportation Planner
General SIP Unit
Air Pollution Control Division
Colorado Department of Public Health and Environment
303-691-4104 // brendan.cicone@state.co.us

