



## **1.0 Purpose**

Land development activities, including but not limited to land preparation such as excavating or grading, generate fugitive dust. Fugitive dust is a pollutant regulated by the Air Pollution Control Division (APCD) at the Colorado Department of Public Health and Environment (CDPHE). This procedure provides an overview of the air pollution reporting and permitting requirements that may apply to land development activities. Reporting and Permitting Requirements for land development activities greater or equal to 25 continuous acres and/or 6 months in duration typically require the submission of an Air Pollutant Emission Notice (APEN) and an air permit (in some cases APENs and air permits are not required due to estimated air emissions below reporting thresholds). When an air permit is specifically required, a Start Up Notice must be submitted to the Division at least 30 days prior to commencing the land development project. The APEN, Start Up Notice, and air permitting process are described below.

## **2.0 Activity/Department**

General Service Administration Public Building Service:  
Ground Maintenance (Team 6)  
Construction Management Group (Team 5)

## **3.0 Forms Used**

Air Pollutant Emission Notice - and - Application for Construction Permit, from CDPHE

## **4.0 References**

Sept. 2004, Air Pollution Control Division, Colorado Department of Public Health and Environment, Air Pollutant Emission Notice - and - Application for Construction Permit

## **5.0 Acronyms, Abbreviations, and Definitions**

APCD	Air Pollution Control Division
APEN	Air Pollutant Emission Notice
CDPHE	Colorado Department of Public Health and Environment
FDCP	Fugitive Dust Control Plan

Fugitive dust: particles lifted into the air caused by man-made and natural activities such as the movement of soil, vehicles, equipment, blasting, and wind.



## **6.0 Exclusions**

Land development activities less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the APCD. For these projects, operators must use appropriate control measures to minimize the release of fugitive dust from the site.

## **7.0 Procedure**

7.1 Determine if an APEN permit is required. If 25 acres or more will be disturbed during land development, a permit must be obtained from the Colorado Department of Public Health and Environment, Air Pollution Control Division. The APEN permit may cover a single land development activity or a series of activities (or project phases) over a defined period of time.

7.1.1 A permit, if required, will specify the type of dust control measures that were included in the Fugitive Dust Control Plan [7.2].

7.2 The Contractor prepares the Fugitive Dust Control Plan (FDCP). The FDCP addresses how dust will be kept to a minimum at the project site. Control measures listed in the plan should be specific to the land development site. It is important to note that even if a permit is not required, fugitive dust control measures in the FDCP must be followed at the site. (You can submit a separate FDCP specific to the site in addition to the APEN but if you do not, the fugitive dust control measures listed on the APEN will be used on the air permit.)

7.3 All developers are required to use reasonable controls such as watering to prevent fugitive emissions.

7.4 If complaints are received about dust coming from smaller parcels, a fugitive dust control plan may be required by this Department. Fugitive dust during high wind events is exempt from these regulations.

7.5 Filing Fees: Each APEN must be submitted with the appropriate APEN filing fee. Permit Processing Fee: Permit processing fees will be assessed at an hourly rate. Once an application is received, all processing time will be charged regardless of whether a permit is issued (unless the project has been determined to be exempt from APEN requirements). Annual Fee: Currently, the Division does not assess annual fees for fugitive dust. Fees are subject to change by the legislature on an annual basis. The party that submits the APEN will be responsible for paying the associated APEN and permitting fees and ensuring compliance with the Fugitive Dust Control Plan and air



permit (if applicable).

- 7.6 Per Colorado air regulations, the Division has up to 90 days to issue a permit once a complete APEN is received. If an incomplete APEN is received, the Division may request additional information and the permit-processing clock will start over. If a permit is required for your land development project, site operations cannot commence until the air permit has been issued. You must plan ahead!

The Start Up Notice for a permitted land development project must be submitted to the Division at least 30 days prior to commencing operation of the source. As with the APEN, you must plan ahead. The Start Up Notice is available through the Division.

- 7.7 No monitoring requirements are necessary other than visual inspection of wind blown particulates; fugitive dust.
- 7.8 Land development activities may be considered complete when all disturbed areas are stabilized from dust emissions. If an extension or modification to the air permit is required, contact the Division to discuss the change and determine whether a new APEN is required. If a project is cancelled, notify the Division in writing immediately.

## **8.0 Records**

Air Pollutant Emission Notice (APEN) - and - Application for Construction Permit, from CDPHE  
Fugitive Dust Control Plan for Land Development



**- LAND DEVELOPMENT -**

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

New Facility     Transfer of Ownership \*     Change in Production     No Change (APEN Update Only)

All sections of this APEN and application must be completed prior to submittal to the Division for both new and existing facilities. An application with missing information may be determined incomplete and may result in longer engineer processing times.

\* Note: For transfer of ownership or company name change of a permit, you must also submit a Construction Permit Application form.

**Permit Number** \_\_\_\_\_ **AIRS Number** \_\_\_\_\_

Company Name: \_\_\_\_\_

Billing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_

Person to Contact: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

\_\_\_\_\_

**Please provide description of the activity: (Also, please provide a site map)**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Project Name & Location: \_\_\_\_\_

County: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Total area of land in project: \_\_\_\_\_ Acres

Date earthmoving will – Commence: \_\_\_\_\_ Stop: \_\_\_\_\_

Total area subject to earthmoving: \_\_\_\_\_ Acres

Total disturbed area at any one time: \_\_\_\_\_ Acres

Area to be paved (roads, parking lots): \_\_\_\_\_ Acres

Date paving will be completed: \_\_\_\_\_

Estimated time to complete entire project (includes buildings) \_\_\_\_\_

List any known or suspected contaminants in the soil: \_\_\_\_\_

Brief description of how the project development will occur (attach an additional page if necessary):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**FUGITIVE DUST CONTROL PLAN FOR LAND DEVELOPMENT**

(This must be submitted with the Air Pollutant Emission Notice-and-Application for Emission Permit)

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 in minimizing emissions a revised control plan may be required. The control plan (if acceptable to the Division) will be used for enforcement purposes on the sources.

Please check the dust control measures which you propose for your activity. The Division will enforce the control measures checked. Use separate sheets if more space is needed. Also note items with an asterisk (\*). This indicates those measures which will probably be required. *Form has been expanded from original CDPHE form.*

Name of Owner of Property: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Project Location: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Describe type of activity: \_\_\_\_\_  
 \_\_\_\_\_

Estimated Starting Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_  
 Work Schedule: \_\_\_\_\_ Hrs/day \_\_\_\_\_ days/week \_\_\_\_\_ weeks/year

**I. Control of Unpaved Roads on Site**

- Watering
  - Frequent (Watering Frequency of 2 or More Times Per Day): \_\_\_\_\_ times/day
  - As Needed
  - Method \_\_\_\_\_ (i.e.: flusher truck)
- Application of Chemical Stabilizer; identify chemical \_\_\_\_\_
- Vehicle Speed Control  
 Speeds limited to \_\_\_\_\_ mph maximum. Speed limit signs must be posted.  
 (Generally 30 mph is maximum approvable speed on site.)
- Graveling

**II. Control of Disturbed Surface Areas on Site**

- Watering
  - Frequent (Watering Frequency of 2 or More Times Per Day) : \_\_\_\_\_ times/day
  - As Needed
  - Method \_\_\_\_\_ (i.e.: flusher truck)
- Application of Chemical Stabilizer; identify chemical \_\_\_\_\_
- Vehicle Speed Control  
 Speeds Limited To \_\_\_\_\_ MPH Maximum. Speed Limit Signs Must Be Posted.
- Revegetation (Revegetation Must Occur Within One Year of Soil Disturbance)
  - Scheduled revegetation \_\_\_\_\_
  - Seeding with mulch
  - Seeding without mulch
- Furrows at right angle to prevailing wind  
 Depth of furrows \_\_\_\_\_ Inches (must be greater than 6")



**FUGITIVE DUST MANAGEMENT**  
*DFC Environmental Management System*

- Compaction Of Disturbed Soil On A Daily Basis To Within 90 % Of Maximum Compaction (As determined by a Proctor Test).
  - Foundation areas only; or
  - All disturbed soil.
- Wind Breaks (must be in place before work begins)
 

Type: \_\_\_\_\_ (Example: Snow Fence, Silt Fence, etc.)

Location \_\_\_\_\_

: \_\_\_\_\_
- Synthetic Or Natural Cover For Steep Slopes.
 

Type: \_\_\_\_\_ (Netting, Mulching, etc.)

**III. Prevention of Mud and Dirt Carried Out Onto Paved Surfaces.**

- Prevention:
  - Gravel Entry Ways
  - Washing Vehicle Wheels
  - Other: \_\_\_\_\_
- Cleanup of Paved Areas                      Frequency: \_\_\_\_\_ Times Per Day
- Method:
  - Street Sweeper
  - Hose With Water
  - Other: \_\_\_\_\_

**Additional Sources of Emissions**

List any other sources of emissions or control methods

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
 Name (please print)                      Title

**Check the appropriate box if you want:**

- Copy of the Preliminary Analysis conducted by the Division
- To review a draft of the permit prior to issuance



**FUGITIVE DUST MANAGEMENT**  
*DFC Environmental Management System*

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(Checking any of these boxes may result in an increased fee and/or processing time)

Send this form along with appropriate  
payment to:  
Telephone: (303) 692-3150

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

**Small Business Assistance Program**

(303) 692-3148

**Small Business Ombudsman**

(303) 692-2135