

#### **11-4-660 Certificate of operation – Required.**

(a) Certificate of operation required. No person shall cause or allow the operation of any regulated equipment or area requiring an air pollution control permit under Section [11-4-620](#) of this Code, or a Stage II vapor recovery system, without a valid certificate of operation issued by the commissioner. An application for a certificate of operation shall be made to the department in a form prescribed by the commissioner.

(b) Scope of certificate of operation. A single certificate of operation shall be issued for a facility, which may encompass regulated equipment or areas requiring more than one air pollution control permit.

(c) Posting. Certificates of operation shall be posted in a conspicuous place at the facility for which they are issued.

(d) Duration and renewal. A certificate of operation shall be valid for one year from the date of issuance unless a shorter period is specified by the commissioner, subject to annual renewal as set forth in Section [11-4-690](#).

(e) Exceptions. A certificate of operation shall not be required from the department for facilities operating only the following equipment:

- (1) Emergency or standby generators;
- (2) Boilers or furnaces; or
- (3) Other equipment exempted by the commissioner in accordance with rules and regulations promulgated pursuant to this article.

(Added Coun. J. 10-7-09, p. 73413, § 1)

Editor's note – Coun. J. 10-7-09, p. 73413, § 1, repealed former § 11-4-660, which pertained to required compliance and instruction.

#### **11-4-670 Standards for the issuance of annual certificate of operation.**

(a) The commissioner shall not issue or renew a certificate of operation unless the applicant has certified that it is in compliance with all of the following standards. The applicant must

- (1) operate in a manner that is not detrimental to public health or safety, or to the environment;**
- (2) comply with all substantive standards set forth in Part C of this article or any regulation promulgated pursuant to this article;
- (3) hold an air pollution control permit for all regulated equipment or areas in the facility for which a certificate of operation is sought, and comply with all terms of all air pollution control permits; and
- (4) keep all regulated equipment or areas in good repair and free from operational defects.

(b) **The commissioner shall have authority to impose conditions necessary to achieve the purposes of this article upon any certificate of operation issued pursuant to this section.** Violation of any certificate of operation condition shall be considered to be a violation of this section.

(c) Any person whose application for a certificate of operation is denied, or upon whom certificate of operation conditions are imposed pursuant to paragraph (b) of this section, may appeal to the commissioner for a hearing on the denial or conditions by submitting a written request for a hearing within 15 days of the date of the letter denying the certificate application or imposing the conditions. The commissioner, or the commissioner's designee, shall commence the hearing within 30 days of receiving a hearing request, unless a later date is scheduled with the mutual consent of the parties. Failure to timely request a hearing in accordance with this paragraph shall constitute a waiver of the opportunity for a hearing