

**Southern Ute Indian Tribe  
Environmental Programs Division  
Air Quality Program  
71 Mike Frost Way  
Ignacio, Colorado 81137**



**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE**

In accordance with the provisions of Title V of the Clean Air Act (42 U.S.C. 7661-7661f) and Part 1, Article II of the Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code (RAC) and applicable rules and regulations,

**BP America Production Company  
Florida River Central Delivery Point**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the conditions listed in this permit.

This source is authorized to operate at the following location:

**Southern Ute Indian Reservation  
Section 25, T34N R9W  
La Plata County, Colorado**

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the Tribe and citizens under the Clean Air Act.

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Brenda Jarrell, Air Quality Program Manager  
Environmental Programs Division  
Southern Ute Indian Tribe



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## Abbreviations and Acronyms

4SLB	Four-Stroke Lean-Burn
4SRB	Four-Stroke Rich-Burn
AFS	Air Facility System database
AQP	Southern Ute Indian Tribe's Air Quality Program
bbbl	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EPA	United States Environmental Protection Agency
gal	Gallon
GPM	Gallons per minute
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lbs	Pounds
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
MMSCFD	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppbvd	Parts per billion by volume, dry
ppm	Parts per million
ppmvd	Parts per million by volume, dry
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RAC	Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scf	Standard cubic feet
scfm	Standard cubic feet per minute
SI	Spark Ignition
SO <sub>2</sub>	Sulfur Dioxide
SUIT	Southern Ute Indian Tribe
tpy	Ton(s) Per Year
Tribe	Southern Ute Indian Tribe
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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## **I. Source Information and Emission Unit Identification**

### **I.A. Source Information**

**Parent Company Name:** BP America Production Company

**Plant Name:** Florida River Central Delivery Point

**Plant Location:** Section 25, T34N R9W  
Latitude: N 37.156305  
Longitude: W 107.78052

**State:** Colorado

**Reservation:** Southern Ute Indian Reservation

**County:** La Plata County

**Responsible Official:** Onshore Site Manager

**SIC Code:** 1311

**AFS Plant Identification Number:** 08-067-U0025

**Other Clean Air Act Permits:** This permit replaces the facility's EPA-issued part 71 permit (V-SU-000022-2005.01). There are no other CAA permits issued to this facility.

#### **Description of Process:**

According to BP, the Florida River CDP processes coal bed methane gas to reduce the CO<sub>2</sub> and water content to within pipeline specifications, and compress this gas for delivery into interstate pipeline systems. The plant has four medium pressure gas inlets (Area 6, ECBM, MPP, Red Cedar) and two low pressure gas inlets (Area 1 East, Area West).

Current plant throughput averages 275 million standard cubic feet per day (MMscf/day) with plant process capacity around 400 MMscf/day. Low pressure gas (about 85 MMscf/day) enters the plant through an inlet separator to remove free liquids after which it is compressed from 50 to 300 psig. Initial compression of low pressure gas is done by two electric driven, glycol/fin fan cooled screw compressors and two electric driven reciprocating compressors. The low pressure gas is then commingled with medium pressure gas and treated by MethylDiethanolAmine (MDEA) sweetening, to remove CO<sub>2</sub>, followed by Triethylene Glycol (TEG) dehydration to remove water vapor from the gas; the CO<sub>2</sub> and water vapor are vented to the atmosphere. The gas is then compressed to 800 psig and sent to El Paso, Transwestern, or Northwest Pipeline for transport to market via interstate pipeline.

Gas from Area 6, ECBM and Red Cedar (about 75 MMscf/day) enters the plant at 300 psig, goes directly to the treating processes, and is then compressed to 800 psig and sent to market. Gas from the medium pressure pipeline enters the plant already low in CO<sub>2</sub> and previously dried at upstream compression. The gas is commingled with the processed gas and compressed for transport via pipeline. The treating processes include two MDEA trains to remove CO<sub>2</sub> and three TEG dehydration units.

Gas fired heaters are utilized to heat Ethylene Glycol (EG) which is used as the heat medium to regenerate lean MDEA from CO<sub>2</sub> saturated (rich) MDEA and for heating some tanks in the plant. The dehydrators are fired on natural gas to evaporate water from rich TEG. Post treatment compression consists of three electric driven centrifugal compressors and two natural gas fired Solar Centaur turbine driven centrifugal compressors. The flare system disposes of an average of about 100 Mscf/day, but is designed to handle the full inlet for a very brief period in emergency or plant upset situations.

**I.B. Source Emission Points**

**Table 1 – Emission Units  
BP America Production Company, Florida River Central Delivery Point**

Emission Unit ID	Description	Control Equipment
T-1	1 – Solar Centaur H T5500 Natural Gas-Fired Simple Cycle Turbine, 37 MMBtu/hr Serial No.: HC90781      Installed: 1995	None
T-2	1 – Solar Centaur H T5700 Natural Gas-Fired Simple Cycle Turbine, 39 MMBtu/hr Serial No.: HC93D50      Installed: 08/1999	None
AH-1	1 – Amine Unit Natural Gas-Fired Regenerator Heater, 44.5 MMBtu/hr, (Process Heater) Serial No.: 421      Installed: 05/30/1989	None
AH-2	1 – Amine Unit Natural Gas-Fired Regenerator Heater, 44.0 MMBtu/hr, (Process Heater) Serial No.: 2440      Installed: 1980	None
Dehy1	1 – Triethylene Glycol (TEG) Dehydration Unit, 90 MMscf/day Serial No.: NA      Installed: NA	None
Dehy2 Dehy3	1 – Triethylene Glycol (TEG) Dehydration Unit, 35 MMscf/day Serial No.: NA      Installed: NA Serial No.: NA      Installed: NA	None

Plant Flare	1 – Zecco Multipoint Ground Flare, 3 Stage Flare System with 90 burners, 4.0 MMBtu/hr Pilot, 400 MMscf/day	
	Serial No.: NA	Installed: 01/2004

**Table 2 – Insignificant Emission Units  
BP America Production Company, Florida River Central Delivery Point**

Emission Unit ID	Description	Size/Rating
Gen1	1 - Emergency Diesel Generator	135 hp
AV-1	1 - Amine Unit #1 Vent	140 MMscf/day
AV-2	1 - Amine Unit #2 Vent	75 MMscf/day
AV-2a	1 - Amine #2 Flash Tank	NA
IEU1	1 - Dehy Reboiler #1a	2.5 MMBtu/hr
IEU1	1 - Dehy Reboiler#1b	2.5 MMBtu/hr
IEU2	1 - Dehy Reboiler#2	2.5 MMBtu/hr
IEU3	1 - Dehy Reboiler#3a	2.14 MMBtu/hr
IEU3	1 - Dehy Reboiler#3b	2.14 MMBtu/hr
IEU4	1 - Process Fugitive Emissions	NA
IEU5	1 - Gasoline Tank	500 gal
IEU5	1 - MDEA Tank	250 bbl
IEU5	1 - EG Tank	300 bbl
IEU5	1 - EG Tank	1,500 gal
IEU5	1 - TEG Tank	100 bbl
IEU5	1 - Diesel Fuel Tank	100 gal
IEU5	1 - Diesel Tank	300 gal
IEU5	1 - Waste Oil Tank	300 bbl
IEU5	1 - Lube Oil Tank	210 bbl
IEU5	1 - Oily Water Tank	100 bbl
IEU5	3 - Lube Oil Tank	550 gal
IEU5	2 - Lube Oil Tank	500 gal
IEU5	1 - Compressor Lube Oil Drain and Sump	238 gal
IEU5	3 - Lube Oil Tank	55 gal
IEU6	1 - Treated Water Tank	250 bbl
IEU6	1 - Well Water Tank	100 bbl
IEU6	1 - Produced Water Tank	4,000 gal
IEU6	2 - Water Breakout Tank	400 bbl
IEU6	2 - Dehy Water Collection Tank	90 bbl
IEU6	2 - Evaporative Cooler Fresh Water Tank	3,000 gal
IEU6	1 - Evaporative Cooler Fresh Water Tank	1,260 gal
IEU7	1 - Fuel Gas Scrubber Heater	NA
IEU8	3 - Recycle Oil (bunkered)	12.8 bbl
IEU8	1 - Recycle Oil (bunkered)	95 bbl

## **II. Site Specific Requirements**

### **Requirements for Turbines**

#### **II.A. Subpart A – New Source Performance Standards, General Provisions**

[40 CFR 60.1 – 60.19, RAC 3-102]

40 CFR Part 60, Subpart A – Standards of Performance for New Stationary Sources, General Provisions: This facility is subject to the requirements of 40 CFR Part 60, Subpart GG. As such, this facility is subject to 40 CFR Part 60, Subpart A. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart A.

[40 CFR 60.1]

#### **II.B. Subpart GG - Standards of Performance for Stationary Gas Turbines**

[40 CFR 60.330 – 60.335, RAC 3-102]

This facility is subject to the requirements of 40 CFR Part 60, Subpart GG. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart GG.

##### **1. Applicability**

a. 40 CFR Part 60, Subpart GG applies to the following emission units:

(i) Unit T-1: Solar Centaur H T5500, maximum 37 MMBtu/hr, natural gas fired simple cycle turbine

(ii) Unit T-2: Solar Centaur H T5700, maximum 39 MMBtu/hr, natural gas fired simple cycle turbine

[40 CFR 60.330]

##### **2. Emission Standards**

a. Units T-1 and T-2 are subject to the NO<sub>x</sub> and SO<sub>2</sub> standards listed in Table 3 below.

[40 CFR 60.332(a)(2) and 60.333]

**Table 3 - Turbine Emission Standards  
BP America Production Company  
Florida River Central Delivery Point**

<b>Pollutant</b>	<b>Emission Standard</b>	<b>Regulatory Reference</b>
NO <sub>x</sub>	Unit T-1 $\text{STD} = 0.0150 \frac{(14.4)}{Y} + F = 173 \text{ ppm}$ Where: Y= 12.5 kilojoules per watt hour (manufacturer's rated heat rate at manufacturer's rated peak load. The value of Y shall not exceed 14.4 kilojoules per watt hour)  and F = 0 (NO <sub>x</sub> emission allowance for fuel bound nitrogen) and STD = allowable NO <sub>x</sub> emissions (% by volume at 15 % oxygen and on a dry basis)	40 CFR 60.332 (a)(2)
NO <sub>x</sub>	Unit T-2 $\text{STD} = 0.0150 \frac{(14.4)}{Y} + F = 170 \text{ ppm}$ Where: Y= 12.7 for Unit T-2 (manufacturer's rated heat rate at manufacturer's rated peak load. The value of Y shall not exceed 14.4 kilojoules per watt hour)  and F = 0 (NO <sub>x</sub> emission allowance for fuel bound nitrogen) and STD = allowable NO <sub>x</sub> emissions (% by volume at 15 % oxygen and on a dry basis)	40 CFR 60.332 (a)(2)
SO <sub>2</sub>	Units T-1 and T-2 Either:  (a) No owner or operator subject to the provisions of this Subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015% by volume at 15% oxygen and on a dry basis;  or  (b) Fuel sulfur content shall not exceed 0.8% by weight.	40 CFR 60.333(a)          40 CFR 60.333(b)

- b. Units T-1 and T-2 shall be exempted from the NO<sub>x</sub> emission standard in this section when being fired with an emergency fuel. For the purpose of this requirement, the term “emergency fuel” means “a fuel fired by a gas turbine only during circumstances, such as natural gas curtailment or breakdown of delivery system, that makes it impossible to fire natural gas in the gas turbine.”

[40 CFR 60.332(k), 40 CFR 60.331(r)]

### 3. Monitoring Requirements [40 CFR 60.334 and RAC 2-110(5)]

- a. The permittee shall measure NO<sub>x</sub> emissions from emission units T-1 and T-2 at least once every quarter to show compliance with the requirements of 40 CFR 60.332(a)(2). To meet this requirement, the permittee shall measure the NO<sub>x</sub> emissions from the turbine using a portable analyzer and a monitoring protocol approved by EPA. Such monitoring shall begin in the first calendar quarter following EPA notification to the applicant of the approval of the monitoring protocol. EPA approved the monitoring protocol in a May 6, 2002 letter.
- b. The permittee shall comply with the requirements of 40 CFR 60.334(b)(2) for monitoring sulfur content and nitrogen content of the fuel being burned in units T-1 and T-2. For sulfur dioxide and nitrogen oxides, the custom fuel monitoring schedule as approved by the EPA in a letter dated December 2, 1996, shall be followed.

#### (i) Fuel Nitrogen Monitoring Protocol

1. Monitoring of fuel nitrogen content shall not be required while natural gas is the only fuel fired in the turbine.
2. Monitoring of fuel nitrogen content shall be determined daily while firing a fuel other than pipeline-quality natural gas or while firing an emergency fuel as defined in 40 CFR 60.331(r)
3. Should a nitrogen analysis, required for any reason other than firing an emergency fuel, demonstrate noncompliance with the emission standard for NO<sub>x</sub> contained in 40 CFR 60.332, the permittee shall immediately notify the Tribe of the excess emissions and nitrogen monitoring shall be conducted daily during the interim period while the custom fuel monitoring schedule is being re-examined by EPA Region 8.

#### (ii) Fuel Sulfur Monitoring Protocol

Analysis for fuel sulfur content of the natural gas shall be conducted using the appropriate methods specified in 40 CFR 60.335(b)(10)(ii); or for Phase I sampling the permittee’s GC monitoring system may be used; and under Phase II and III, the “length of stain tube” method

is approved as an alternative fuel sulfur test method, providing that the Gas Processors Association procedures (GPA Standard 2377-86) are followed and 100% pipeline quality natural gas is the only fuel fired in the gas turbines.

1. The sampling and analysis frequency of fuel sulfur allowed under the custom fuel monitoring schedule is as follows:

<u>Phase</u>	<u>Frequency</u>	<u>Technique</u>	<u>Period</u>
I	Daily	El Paso GC Data	6 months
II	Quarterly	Length of stain tube	18 Months
III	Semi-Annually	Length of stain tube	2 years

2. If, during the period of each phase, the monitoring required above shows little variability in the fuel sulfur content and demonstrates compliance with the emission limits for SO<sub>2</sub> contained in 40 CFR 60.333, the permittee may then proceed to the next sampling phase with written notice to the Tribe.
  3. Monitoring of fuel sulfur content shall be determined daily while firing an emergency fuel as defined in 40 CFR 60.331(r).
  4. Should a sulfur analysis, required for any reason other than for firing an emergency fuel, demonstrate noncompliance with the emission standard for SO<sub>2</sub> contained in 40 CFR 60.333, the permittee shall immediately notify the Tribe of the excess emissions and sulfur monitoring shall be conducted daily during the interim period while the custom fuel monitoring schedule is being re-examined by EPA Region 8.
- c. After the initial 4 year term of the custom fuel monitoring schedule, the permittee will continue using the same monitoring requirements as stipulated in Phase III of the schedule in this section of this permit. EPA Region 8 may choose to terminate the custom fuel monitoring schedule and require the permittee to reapply for a custom fuel monitoring schedule. Termination of the custom fuel monitoring schedule will require that the permittee begin monitoring as required by 40 CFR 60.334.
- d. If there is a change in fuel supply, the permittee must immediately notify the EPA Region 8 of such change for re-examination of this custom fuel monitoring schedule. A change in fuel quality, fuel makeup or fuel supplier shall be considered as a change in fuel supply. Sulfur and nitrogen monitoring shall be conducted daily during the interim period when this custom fuel monitoring schedule is being re-examined.
- e. All analyses required by this custom fuel monitoring schedule shall be performed by a laboratory using the approved test methods, except for phase I testing using the permittee's GC and Phases II

and III using the length of stain tube. The permittee may request that EPA Region 8 allow for the substitution of any analytical method for another method specified in this custom fuel monitoring schedule. Any substitution will require the written approval of EPA Region 8.

- f. EPA Region 8 may request that an audit of the fuel sampling program be conducted at any time during the life of this custom fuel monitoring schedule. This audit shall consist of daily sampling of fuel gas for either nitrogen content, sulfur content, or both. The length of this audit shall be no less than 2 weeks. If noncompliance values are found, (b)(i)(3) of this section shall govern nitrogen content monitoring and (b)(2)(iv) of this section shall govern sulfur content monitoring.
- g. The permittee shall not perform tuning or make any adjustments to turbine settings, processes or operational parameters immediately prior to the measurements or during measurements. Any such tuning or adjustments may result in a determination that the result is invalid. Artificially increasing the turbine load to meet testing requirements shall not be considered turbine tuning or adjustment.

[40 CFR 60.334(c) and RAC 2-110(5)(b)]

#### **4. Testing Requirements**

- a. The permittee shall comply with the initial performance test requirements of 40 CFR 60.8 (a)-(f) for measuring NO<sub>x</sub> from replaced Units T-1 and T-2 within 60 days after achieving the maximum production rate at which the turbines will be operated, but not later than 180 days after initial startup of the replacement turbines.
- b. The permittee shall comply with the test methods and procedures of 40 CFR 60.335 when conducting the initial performance test for NO<sub>x</sub> for Units T-1 and T-2.

[40 CFR 60.8, 40 CFR 60.335, and RAC 2-110(5)(b)]

#### **5. Recordkeeping Requirements**

- a. The permittee shall comply with the following recordkeeping requirements:
  - (i) The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
  - (ii) The permittee shall maintain a file of information required by the Subpart GG conditions of this permit.

- b. The permittee shall comply with the following recordkeeping requirements when firing an emergency fuel:
  - (i) Monitoring of fuel sulfur content shall be recorded daily while firing an emergency fuel as defined in 40 CFR 60.331(r).
  - (ii) Monitoring of fuel nitrogen content shall be recorded daily while firing a fuel other than pipeline-quality natural gas or while firing an emergency fuel as defined in 40 CFR 60.331(r).
- c. The permittee shall keep records of all required monitoring. The records shall include the following:
  - (i) The date, place, and time of sampling or measurements;
  - (ii) The date(s) analyses were performed;
  - (iii) The company or entity that performed the analyses;
  - (iv) The analytical techniques or methods used;
  - (v) The results of such analyses; and
  - (vi) The operating conditions as existing at the time of sampling or measurement.
- d. The permittee shall keep a record of the number of hours an emissions unit is inoperable and document the reason(s) why the emissions unit was inoperable.
- e. The permittee shall retain records of all required monitoring data and support information, sample analyses, fuel supplier, fuel quality, and fuel make-up pertinent to the custom fuel monitoring schedule for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. These records shall be made available upon request by the Tribe and the EPA. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[RAC 2-110(6)]

## **6. Reporting Requirements**

- a. The permittee shall submit to the Tribe and the EPA a written report of the results of any initial performance test(s) required in this section.

[40 CFR 60.8 and RAC 2-110(7)]

## Requirements for Dehydrators

### **II.C. 40 CFR Part 63, Subpart HH - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities [40 CFR 63.760 - 63.774, RAC 4-103]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart HH. However, the glycol dehydration units meet the exemption criteria specified in §63.764(e), and are therefore exempt from the control requirements of §63.764. The permittee shall maintain the records of the determination of the exemption criteria required by §63.774(d)(1).

## Requirements for Engines

### **II.D. 40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants, General Provisions [40 CFR 63.1 - 63.16, RAC 4-103]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart A as outlined in Table 8 of 40 CFR Part 63, Subpart ZZZZ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart A.

[40 CFR 63.6665]

### **II.E. 40 CFR Part 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants From Reciprocating Internal Combustion Engines [40 CFR 63.6580 - 63.6675, RAC 4-103]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart ZZZZ for existing emergency compression-ignition stationary reciprocating internal combustion engines (RICE) with a site rating of less than 500 brake horsepower located at an area source of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart ZZZZ.

40 CFR Part 63, Subpart ZZZZ applies to the following engine:

Gen1: <100 site rated bhp, Cummins 6BT-5.9G1, natural gas-fired CI emergency generator engine; constructed before June 12, 2006.

## **1. Emission Limits and Operating Requirements**

- a. The permittee must comply with the applicable requirements in Table 2d to this subpart and the operating limitations specified in Table 2b that apply.

[40 CFR 63.6603(a)]

- b. The permittee shall comply with the emission limitations, operating limitations, and other requirements in 40 CFR Part 63, Subpart ZZZZ at all times.

[40 CFR 63.6605(a)]

- c. Emission unit Gen1 is an emergency stationary compression ignited (CI) RICE located at an area source of hazardous air pollutants constructed prior to June 12, 2006. According to 40 CFR Part 63, Subpart ZZZZ, there are no emission limitations for this engine category at this time.

[40 CFR 63.6603 and 40 CFR 66.6625(e)]

## **2. Operation and Maintenance Requirements**

- a. At all times, the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by 40 CFR part 63, Subpart ZZZZ. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if the required levels have been achieved. Determination of whether such operations and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 CFR 63.6605(b)]

- b. For emission unit Gen1, the permittee shall change the oil and filter every 500 hours of operation or annually, whichever comes first. The permittee shall also inspect and replace as necessary all air cleaners every 1,000 hours of operation or annually, whichever comes first. Finally, the permittee shall inspect and replace as necessary all hoses and belts every 500 hours of operation or annually, whichever comes first. The permittee may utilize the oil analysis program option, as described in §63.6625(i), to extend the specified oil change requirement.

[40 CFR 63.6603, 63.6625(i) and Table 2d, Item 4 of 40 CFR Part 63, Subpart ZZZZ]

- c. For emission unit Gen1, the permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

[40 CFR 63.6625(h) and Table 2d of 40 CFR Part 63, Subpart ZZZZ]

### 3. Monitoring

- a. For emission unit Gen1, the permittee must install a non-resettable hour meter if one is not already installed.

[40 CFR 63.6625(f)]

### 4. Continuous Compliance Requirements

- a. The permittee must demonstrate continuous compliance with each emission limitation and operating limitation in 40 CFR Part 63, subpart ZZZZ that applies according to the following methods:

- (i) For emission unit Gen1, to comply with the work or management practices, the permittee must demonstrate continuous compliance by:

1. Operating and maintaining the stationary RICE according to the manufacturer's emission related operation and maintenance instructions; or
2. Developing and following your own maintenance plan, which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions

[40 CFR 63.6625(e) and Table 6 of 40 CFR Part 63, Subpart ZZZZ]

- b. The permittee must report each instance in which an emission or operating limitation was not met. These instance are deviations from the emission and operating limitations and must be reported according to reporting requirements of §63.6650.

[40 CFR 63.6640(b)]

- c. The permittee must also report each instance in which the requirements in Table 8 of 40 CFR part 63, Subpart ZZZZ, were not met.

[40 CFR 63.6640(e)]

- d. For emission unit Gen1, the permittee must follow the operation requirements specified in §63.6640(f) in order to be considered an emergency engine.

[40 CFR 63.6640(f)]

### 5. Record Keeping

- a. The permittee must keep the following records to comply with the emission and operating limitations:

- (i) A copy of each notification and report that was submitted to comply with 40 CFR part 63, Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirements of §63.10(b)(2)(xiv);
  - (ii) Records of the occurrence and duration of each malfunction of operation (i.e. process equipment) or the air pollution control and monitoring equipment;
  - (iii) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii);
  - (iv) Records of all required maintenance performed on the air pollution control equipment; and
  - (v) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.  
[40 CFR 63.6655(a)]
- b. The permittee must keep the records required in Table 6 of this subpart to show continuous compliance with each emission limitation, operating limitation, and work or management practice that applies.  
[40 CFR 63.6655(d)]
- c. The permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the unit and after-treatment control device (if any) was operated and maintained according to the permittee's maintenance plan.  
[40 CFR 63.6655(e)]
- d. The permittee must keep the following records, as specified in §63.6655(f):
- (i) Keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter
  - (ii) Document how many hours are spent for emergency operation, including what classified the operations as emergency and how many hours are spent for non-emergency operation.

(iii) If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or §63.6640(f)(4)(ii), the permittee must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operations for these purposes.

[40 CFR 63.6655(f)]

e. Records must be in a form suitable and readily available for expeditious review.

[40 CFR 63.6660(a) and 40 CFR 63.10(b)(1)]

f. The permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

[40 CFR 63.6660(b) and 40 CFR 63.10(b)(1)]

g. The permittee must keep each record readily accessible in hard copy or electronic form at BP's Durango Operations Center site for five (5) years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

[40 CFR 63.10(b)(1), 40 CFR 63.10(f), and 40 CFR 63.6660(c)]

### **III. Facility-Wide Requirements**

Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 or Table 2 of the Source Emission Points section of this permit.

[RAC 2-110(1)(d)]

#### **III.A. General Recordkeeping Requirements [RAC 2-110(6), and RAC 4-103]**

The permittee shall comply with the following generally applicable recordkeeping requirements:

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR part 63, the permittee shall keep a record of the applicability determination on site for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

2. Records shall be kept of off permit changes made, as required by the Off Permit Changes section of this permit.

### III.B. General Reporting Requirements

1. The permittee shall submit to the Tribe all reports of any required monitoring under this permit semiannually, by April 1 and October 1 of each year. The report due on April 1 shall cover the July 1 - December 31 reporting period of the previous calendar year. The report due on October 1 shall cover the January 1 - June 30 reporting period of the current calendar year. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with the **Submissions** section of this permit.

[RAC 2-110(7)(a)]

2. “Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with RAC 2-110(5) and (6). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- a. A situation where emissions exceed an emission limitation or standard;
- b. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or
- c. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
- d. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

3. The permittee shall promptly report to the Tribe deviations from permit requirements, (including emergencies), including the date, time, duration, and the probable cause of such deviations, the quantity and pollutant type of excess emissions resulting from the deviation, and any preventative, mitigation, or corrective actions or measures taken. “Prompt” is defined as follows:

- a. Where the underlying applicable requirement contains a definition of “prompt” or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
  - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;
  - (ii) For emissions of any regulated air pollutant, excluding those listed in RAC § 2-110(7)(b)(i), that continue for more than 2 hours in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;
  - (iii) For all other deviations from permit requirements, the report shall be contained in the report submitted with the semi-annual monitoring report.

[RAC 2-110(7)(b)]

### **III.C. Alternative Operating Scenario for Turbines [RAC 2-110(8)]**

1. Replacement of an existing turbine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:
  - a. The turbine replacement is not subject to any requirements under Title IV of the Clean Air Act and is not a modification under Title I of the Clean Air Act;
  - b. The turbine is of the same make, model, heat input capacity rating, power output capacity rating, and is configured to operate in the same manner as the turbine being replaced.
  - c. The turbine meets all applicable requirements identified in this permit that apply to the existing turbine being replaced.
  - d. All applicable requirements that apply to the replacement turbine are already identified in the permit. Replacement of a turbine identified in this permit with a new, modified, or reconstructed turbine must utilize a Minor Permit Revision as specified in RAC 2-111(3)

or a Significant Permit Revision as specified in RAC 2-111(4) to incorporate any new applicable requirements. The applicable requirements include, but may not be limited to:

- (i) Standards of Performance for Stationary Gas Turbines at 40 CFR Part 60, Subpart GG;
  - (ii) Standards of Performance for Stationary Combustion Turbines at 40 CFR Part 60, Subpart KKKK;
  - (iii) National Emission Standard for Hazardous Air Pollutants for Stationary Combustion Turbines at 40 CFR Part 63, Subpart YYYY;
  - (iv) Requirements established in a permit or permits issued pursuant to the Federal Minor New Source Review Program in Indian Country at 40 CFR Part 49;
  - (v) Requirements established in a permit or permits issued pursuant to the Prevention of Significant Deterioration of Air Quality Program at 40 CFR Part 52; or
  - (vi) Requirements established in any promulgated Federal Implementation Plan that may apply to turbines located on the Southern Ute Indian Reservation.
2. The Permittee shall provide contemporaneous written notice to the Tribe and the Administrator of any replacement of an existing turbine identified in this permit. Such notice shall state when the replacement occurred and shall describe the replacement and any applicable requirement that would apply as a result of the replacement.
  3. The Permittee shall keep a record of the turbine replacement.

#### **III.D. Alternative Operating Scenarios for Engines [RAC 2-110(8)]**

1. Replacement of an existing engine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:
  - a. The engine replacement is not subject to any requirements under Title IV of the Clean Air Act and are not modifications under Title I of the Clean Air Act;
  - b. The replacement engine is of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced.
  - c. The replacement engine meets all applicable requirements identified in this permit that apply to the existing engine being replaced.

- d. All applicable requirements that apply to the replacement engine are already identified in the permit. Replacement of an existing engine identified in this permit with a new, modified, or reconstructed engine must utilize a Minor Permit Revision as specified in RAC 2-111(3) or a Significant Permit Revision as specified in RAC 2-111(4) to incorporate any new applicable requirements. The applicable requirements include, but may not be limited to:
- (i) Standards of Performance for Stationary Spark Ignition Internal Combustion Engines at 40 CFR Part 60, Subpart JJJJ;
  - (ii) Standards of Performance for Stationary Compression Ignition Internal Combustion at 40 CFR Part 60, Subpart IIII;
  - (iii) National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines at 40 CFR Part 63, Subpart ZZZZ;
  - (iv) Requirements established in a permit or permits issued pursuant to the Federal Minor New Source Review Program in Indian Country at 40 CFR Part 49;
  - (v) Requirements established in a permit or permits issued pursuant to the Prevention of Significant Deterioration of Air Quality Program at 40 CFR Part 52; or

Requirements established in any promulgated Federal Implementation Plan that may apply to engines located on the Southern Ute Indian Reservation.

2. The Permittee shall provide contemporaneous written notice to the Tribe and the Administrator of any replacement of an existing engine identified in this permit. Such notice shall state when the replacement occurred and shall describe the replacement and any applicable requirement that would apply as a result of the replacement.
3. The Permittee shall keep a record of the engine replacement.

### **III.E. Permit Shield [RAC 2-110(10)(c)]**

Nothing in this permit shall alter or affect the following:

1. The provisions of Section 303 of the Clean Air Act, 42 U.S.C. § 7603 concerning emergency powers, including the respective authorities of the Administrator under those sections;
2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or
4. The ability of the Administrator respectively to obtain information from a source pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414.

#### **IV. Part 70 Administrative Requirements**

##### **IV.A. Annual Fee Payment [RAC 2-110(1)(h) and RAC 2-118]**

1. An annual operating permit emission fee shall be paid to the Tribe by the permittee.  
[RAC 2-118(2)]
2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup> for the preceding calendar year, except that the first annual permit fee will cover the period from the issuance date of this permit through December 31<sup>st</sup> of the same year.  
[RAC 2-118(2)]
3. Fee payments shall be remitted in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe and sent or delivered by the United States Postal Service c/o Environmental Programs Division Part 70 Program, P.O. Box 737 MS #84, Ignacio, Colorado 81137; or by common carrier (such as UPS or FedEx) c/o Environmental Programs Division Part 70 Program, 398 Ouray Drive, Ignacio, Colorado 81137.  
[RAC 2-118(4)(a)]
4. The permittee shall send an updated fee calculation worksheet submitted annually by the same deadline as required for fee payment to the address listed in the **Submissions** section of this permit.  
[RAC 2-118]
5. Basis for calculating annual fee:
  - a. Subtotal annual fees shall be calculated by multiplying the applicable emission fee set pursuant to RAC § 2-119(1) times the total tons of actual emissions for each fee pollutant. In absence of actual emissions data, calculate the annual fee based on the potential to emit (as defined at RAC 1-103(51)) for each fee pollutant. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions.

[RAC 2-119(2)(a)]

- (i) “Actual emissions” means the actual rate of emissions in tpy of any fee pollutant (for fee calculation) emitted from a title V source over the preceding calendar year or any other period determined by the Tribe to be more representative of normal operation and consistent with the fee schedule adopted by the Tribe and approved by the Administrator. Actual emissions shall be calculated using each emissions units actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year or other period used for this calculation.

[RAC 1-103(2)]

- (ii) Actual emissions shall be computed using compliance methods required by the permit.

[RAC 2-118(1)(b)]

- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[RAC 2-118(1)(b)]

- b. The total annual fee submitted shall be the greater of the applicable minimum fee or the sum of subtotal annual fees for all fee pollutants emitted from the source.

[RAC 2-119(2)(b)]

*[Explanatory note: The applicable emission fee amount and applicable minimum fee (if necessary) are revised each calendar year to account for inflation, and they are available from AQP prior to the start of each calendar year.]*

- c. The permittee shall exclude the following emissions from the calculation of fees:
  - (i) The amount of actual emissions of any one fee pollutant that the source emits in excess of 4,000 tons per year
  - (ii) Any emissions that come from insignificant activities not required in a permit application pursuant to RAC § 2-106(4).

[RAC 1-103(2)(c)]

- 6. Annual fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[RAC 2-105 and RAC 2-118(2)(c)]

7. Failure of the permittee to pay fees by the due date shall subject the permittee to assessment of penalties and interest in accordance with RAC § 2-118(6).

[RAC 2-118(6)]
8. When notified by the Tribe of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of an invoice from the Tribe.

[RAC 2-119(3)(b)]
9. A permittee who thinks a Tribe assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the Tribe along with full payment of the assessed fee.

[RAC 2-119(3)(c)]

#### **IV.B. Compliance Requirements**

1. Compliance with the Permit
  - a. The permittee must comply with all conditions of this part 70 permit. Any permit noncompliance with federally enforceable or Commission-only permit conditions constitutes a violation of the RAC and Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

[RAC 2-110(3)(a)]
  - b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[RAC 2-110(3)(b)]
  - c. All terms and conditions of this permit which are required under the Clean Air Act or under any of its applicable requirements, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Clean Air Act, except terms and conditions the permit specifically designates as not being federally enforceable under the Clean Air Act that are not required under the Clean Air Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of RAC §§ 2-108, 2-111, 2-112, other than those contained in this paragraph.

[RAC 2-110(3)(f)]

- d. This permit, or the filing or approval of a compliance plan, does not relieve any person from civil or criminal liability for failure to comply with the provisions of the RAC and the Clean Air Act, applicable regulations thereunder, and any other applicable law or regulation.

[RAC 2-110(3)(g)]

- 5. For the purpose of submitting compliance certifications in accordance with the Compliance Certifications condition below of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Act, 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g), and 61.12]

## 2. Compliance Certifications

The permittee shall submit to the Tribe and the Administrator an annual certification of compliance which shall certify the source's compliance status with all permit terms and conditions and all applicable requirements relevant to the source, including those related to emission limitations, standards, or work practices. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with RAC § 2-110(9)(a). The certification of compliance shall be submitted annually by April 1<sup>st</sup> and shall cover the preceding calendar year in which the certification of compliance is due, except that the first annual certification of compliance will cover the period from the effective date of this permit through December 31<sup>st</sup> of the same year.

[RAC 2-110(9)(c)]

## 3. Compliance Schedule

- a. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

[RAC 2-106(4)(1)(ii)]

- b. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

[RAC 2-106(4)(1)(iii)]

## IV.C. Duty to Provide and Supplement Information [RAC 2-110(7)(e), 2-106(5), and 2-124]

- 1. The permittee shall furnish to the Tribe, within the period specified by the Tribe, any information that the Tribe request in writing to determine whether cause exists for reopening and revising,

revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Tribe copies of records that are required to be kept by the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of RAC 2-124.

[RAC 2-110(7)(e) and RAC 2-124]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application or in a supplemental submittal, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[RAC 2-106(5)]

#### **IV.D. Submissions** [RAC 2-105]

1. Any application, form, report, compliance certification, or other document submitted by the permittee under this permit shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

*[Explanatory Note: The Tribe has developed a reporting form "CTAC" for certifying truth, accuracy and completeness of part 70 submissions. The form may be found on the AQP's website (<http://www.southernute-nsn.gov/environmentalprograms/air-quality>).*

2. Except where otherwise noted, any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted:

by United States Postal Service:

Part 70 Program  
Environmental Programs Division  
Air Quality Program  
P.O. Box 737 MS #84  
Ignacio, Colorado 81137

or by Common Carrier:

Part 70 Program  
Environmental Programs Division  
Air Quality Program  
398 Ouray Drive  
Ignacio, CO 81137

#### **IV.E. Severability Clause** [RAC 1-106 and RAC 2-110(1)(f)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any provision is held invalid, the remaining permit conditions shall remain valid and in force.

**IV.F. Permit Actions** [RAC 2-110(3)]

1. This permit may be modified, reopened and revised, revoked and reissued, or terminated for cause.

[RAC 2-110(3)(c)]

2. The filing by the permittee of a request for a permit revision, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

[RAC 2-110(3)(d)]

**IV.G. Administrative Permit Revision** [RAC 2-111(2)]

1. The permittee may submit an application for an administrative permit revision as defined in RAC § 1-103.

[RAC 2-111(2)(a)]

2. The permittee may implement an administrative permit revision immediately upon submittal of the request for the administrative revision.

[RAC 2-111(2)(c)]

*[Note to permittee: If the provisions allowing for an administrative permit revision do not apply, please contact the Air Quality Program for a determination of similarity prior to submitting your request for an administrative permit revision.]*

**IV.H. Minor Permit Revisions** [RAC 2-111(3)]

1. The permittee may submit an application for a minor permit revision as defined in RAC § 1-103.
2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:
  - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - b. If changes are requested to the permit language, the permittee's suggested draft permit changes;
  - c. Certification by a responsible official, consistent with RAC § 2-105, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used; and

- d. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108
- e. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

[RAC 2-111(3)(a)]

- 3. The permittee shall not submit multiple minor permit revision applications that may conceal a larger revision that would not constitute a minor permit revision.

[RAC 2-111(3)(b)]

- 4. The permittee may make the change proposed in its minor permit revision application immediately after it files such application, provided, however, for sources that have previously utilized this provision during the term of the permit and, on two or more occasions have failed to file a complete application, may thereafter make the change only after the application is deemed complete. After the permittee makes the change and until the Tribe takes any of the actions specified in the following subsection, the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. If the permittee fails to comply with its proposed permit terms and conditions during this period, however, the existing permit terms and conditions it seeks to modify may be enforced against it.

[RAC 2-111(3)(e)]

- 5. The permit shield under RAC § 2-110(10) does not extend to minor permit revisions.

[RAC 2-110(10)(d)]

**IV.I. Significant Permit Revisions** [RAC 2-111(4)]

- 1. The permittee must request the use of significant permit revision procedures as defined in RAC § 1-103.
- 2. Significant permit revisions shall meet all requirements of the RAC for permit issuance and renewal, including those for applications, review by the Administrator and affected programs, and public participation.

[RAC 2-111(4), 2-109, and 2-106(3)]

**IV.J. Permit Reopenings, Revocations and Reissuances, and Terminations** [RAC 2-112]

1. The permit may be reopened and revised for any of the reasons listed in paragraphs (a) through (d) below. Alternatively, the permit may be revoked and reissued for the reasons listed in paragraphs (c) and (d) below:
  - a. Additional requirements under the Clean Air Act become applicable to a major source with a remaining permit term of 3 or more years, provided that the Tribe shall revise such permits to incorporate such additional requirements no later than 18 months after promulgation of such requirements, and no such reopening is required if the effective date of the requirement is later than the permit expiration date unless the original permit or any of its terms or conditions have been extended past the permit expiration date pursuant to RAC § 2-104(2)(b)(iii);
  - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
  - c. The Tribe or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit; or
  - d. The Tribe or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with applicable requirements.
2. The permit may be terminated for any of the reasons in (a) through (g) below:
  - a. The permittee fails to meet the requirements of an approved compliance plan;
  - b. The permittee has been in significant or repetitious noncompliance with the operating permit terms or conditions;
  - c. The permittee has exhibited a history of willful disregard for environmental laws of any tribal or state authority, or of the United States;
  - d. The permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;
  - e. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;
  - f. The permittee fails to pay fees required under RAC §§ 2-118 and 2-119; or

- g. The Administrator has found that cause exists to terminate the permit.

**IV.K. Property Rights** [RAC 2-110(3)(e)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

**IV.L. Inspection and Entry** [RAC 2-110(9)(b)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the Tribe or other authorized representative to perform the following:

1. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**IV.M. Emergency Situations** [RAC 2-117]

1. The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency as defined in RAC § 1-103. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - d. The permittee reported the emergency to the Tribe in compliance with RAC § 2-110(7).

[RAC 2-117(1)]

2. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[RAC 2-117(2)]

3. This emergency situation provision is in addition to any emergency or upset provision contained in any applicable requirement.

[RAC 2-117(3)]

**IV.N. Permit Transfers [RAC 2-113]**

This permit shall not be transferable, by operation of law or otherwise, from one location to another or from one source to another, except that a permit may be transferred from one location to another in the case of a portable source that has notified the Tribe in advance of the transfer, pursuant to the RAC. A permit for a source may be transferred from one person to another if the Tribe finds that the transferee is capable of operating the source in compliance with the permit. This transfer must be accomplished through an administrative permit revision in accordance with the Administrative Permit Revisions section of this permit.

**IV.O. Off-Permit Changes [RAC 2-116(2)]**

1. The permittee is allowed to make, without a permit revision, certain changes that are not addressed or prohibited by this permit provided that the following requirements are met:
  - a. Each such change meets all applicable requirements and shall not violate any existing permit term or condition;
  - b. Such changes are not subject to any requirements under title IV of the Clean Air Act and are not modifications under title I of the Clean Air Act;
  - c. Such changes are not subject to permit revision procedures under RAC § 2-111; and
  - d. The permittee provides contemporaneous written notice to the Tribe and the Administrator of each such change, except for changes that qualify as insignificant activities. Such notice shall state when the change occurred and shall describe the change, any resulting emissions change, pollutants emitted, and any applicable requirement that would apply as a result of the change.

[RAC 2-116(2)(a)]

2. The permit shield does not apply to changes made under this provision.

[RAC 2-110(10)(d)]

3. The permittee shall keep a record describing changes made at the source that result in emissions of any regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

[RAC 2-116(2)(b)]

4. The notice shall be kept at BP's Durango Operations Center, and made available to the Tribe on request, in accordance with the general recordkeeping provision of this permit.

[RAC 2-110(6)]

**IV.P. Permit Expiration and Renewal** [RAC §§ 2-104(3), 2-106(2)(b), 2-107(7)(a), 2-107(7)(b), 2-110(1)(a), and 2-106(3)]

1. This permit shall expire five years from the effective date of this permit.

[RAC 2-110(1)(a)]

2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

[RAC 2-107(7)(b)]

3. If the permittee submits a timely and complete permit application for renewal, consistent with RAC § 2-106 but the Tribe has failed to issue or disapprove a renewal permit before the end of the permit term, then the permit shall not expire and all its terms and conditions shall remain in effect until the renewal permit has been issued or disapproved.

[RAC 2-104(2)(b)]

4. The ability to operate under this permit shall cease if (1) the Tribe takes final action to issue the permittee a renewal permit or deny the permittee a permit or (2) the permittee fails to submit by the deadline specified in writing by the Tribe any additional information identified as being needed to process the application.

[RAC 2-104(3)]

5. Renewal of this permit is subject to the same procedures, including those for public participation and affected program and EPA review, as those that apply to initial permit issuance.

[RAC 2-107(7)(a)]

6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[RAC 2-106(4)(e)(ix)]

DRAFT

## V. Appendix

### V.A. Inspection Information

1. Driving Directions to the facility:

From the City of Durango, Colorado, go east on Highway 172 to County Road 307. Then go south on County Road 307 for approximately 2.8 miles. Then go east into the Florida River Central Delivery Point.

2. Global Positioning System (GPS):

Latitude: N 37.156305  
Longitude: W 107.78052

3. Safety Considerations:

BP recommends all visitors to the Florida River CDP wear a hard hat, safety glasses, safety footwear, hearing protection, and fire retardant clothing.