



**Air Pollution Control  
Title V Permit to Operate  
Statement of Basis for Permit No V-SUIT-0055-2014.00  
August 14, 2014**

**Red Willow Production Company  
33-9 #22 Central Delivery Point  
Southern Ute Indian Reservation  
La Plata County, Colorado**

**1. Facility Information**

a. Location

The 33-9 #22 Central Delivery Point (33-9 #22 CDP), owned and operated by Red Willow Production Company (Red Willow), is located within the exterior boundary of the Southern Ute Indian Reservation. The exact location is Section 22, T33N, R9W, in La Plata County, at latitude North 37.096244 and longitude West 107.807922. The Mailing address is:

Red Willow Production Company  
33-9 #22 CDP  
P.O. Box 369  
Ignacio, CO 81137

b. Contacts

**Facility Contact:**

Kyle Hunderman  
Environmental Compliance Specialist III  
Red Willow Production Company  
P.O. Box 369  
Ignacio, CO 81137  
970-563-5287

**Responsible Official:**

John Larkin  
Vice President of Operations  
Red Willow Production Company  
P.O. Box 369  
Ignacio, CO 81137  
970-563-5273

c. Description of Operations

According to Red Willow's application, the 33-9 #22 CDP accepts Fruitland coal bed methane (CBM) gas at the facility inlet to a two-phase separator with a heater rated at 0.125 million Btu per hour (MMBtu/hr). Gas exiting the separator is compressed by a Waukesha L7042GSI engine, dehydrated by a tri-ethylene glycol dehydrator with a natural gas fueled reboiler heater rated at 0.375 MMBtu/hr, and introduced into the pipeline. There is no condensate and low water content in the inlet CBM gas.

d. List of All Units and Emission-Generating Activities

Red Willow provided the information contained in Tables 1 and 2 in its initial part 70 permit application. Table 1 lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as “insignificant” emitting units (IEUs) are listed separately in Table 2.

**Table 1 – Emission Units  
Red Willow Production Company, 33-9 #22 Central Delivery Point**

Emission Unit ID	Description	Control Equipment
E1	1 – Waukesha L7042GSI (SI 4SRB) Natural Gas-Fired Compressor Engine, 1,480 nameplate rated HP  Serial No.: 262386                      Installed: 01/2014	Emit Technology NSCR Catalyst w/ AFRC (not enforceable)

The Southern Ute Indian Tribe/State of Colorado Environmental Commission’s Reservation Air Code allows sources to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tpy for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act (CAA) and below 1,000 lbs per year or the de minimis level established under Section 112(g), whichever is lower, for HAP emissions [RAC 2-106(4)(f); RAC 1-103(36) and (37)]. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee [RAC 2-106(4)(f)]. Units that qualify as “insignificant” for the purposes of the Part 70 application are in no way exempt from applicable requirements or any requirements of the Part 70 permit.

Red Willow stated in its Part 70 initial permit application that the emission units in Table 2, below, are insignificant. The application provided calculations for heater/reboiler emissions based on EPA’s AP-42 emission factors. Red Willow provided sufficient information, including EPA Tanks 4.0.9d calculations, to verify any emissions from liquids in the tanks were insignificant. This data supports Red Willow’s claim that these units qualify as insignificant.

**Table 2 – Insignificant Emission Units  
Red Willow Production Company, 33-9 #22 Central Delivery Point**

Emission Unit ID	Description	Size/Rating
N/A	1 - TEG Dehydrator	5 MMscf/day
N/A	1 - Separator Heater	0.125 MMBtu/hr
N/A	1 - TEG Dehydrator Reboiler	0.375 MMBtu/hr
N/A	2 - Produced Water Pit Tanks	< 90 Bbl
N/A	N/A - Fugitives	N/A

e. Facility Construction and/or Permitting History

The Tribe issued the initial Part 70 permit, #V-SUIT-0055-2014.00, on {TBD}. No other permits have been required for this facility.

f. Potential to Emit

Under RAC 1-103(51), potential to emit (PTE) is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable.

The PTE for 33-9 #22 CDP was listed by Red Willow in Forms “GIS”, “PTE”, and the various forms “EMISS” of the Part 70 operating permit initial application. Table 3 shows PTE data broken down by each individual emission unit, as well as the total facility-wide PTE.

**Table 3 - Potential to Emit  
Red Willow Production Company, 33-9 #22 Central Delivery Point**

Emission Unit ID	Regulated Air Pollutants <sup>1,2,3</sup> in tpy								
	NO <sub>x</sub>	VOC	SO <sub>2</sub>	PM <sub>10</sub>	CO	Lead	Total HAPs	Largest Single HAP (CH <sub>2</sub> O)	GHGs (CO <sub>2</sub> e mtpy)
E1	166.7	3.8	0.0	0.9	115.4	N/A	1.2	0.6	4,751.4
Total IEUs	0.2	0.8	0.0	0.0	0.2	N/A	0.6	0.0	442.4
<b>Total</b>	<b>166.9</b>	<b>4.7</b>	<b>0.0</b>	<b>0.9</b>	<b>115.6</b>	<b>N/A</b>	<b>1.8</b>	<b>0.6</b>	<b>5,193.9</b>

<sup>1</sup> Uncontrolled NO<sub>x</sub>, CO, & VOC emissions are based on manufacturer specifications and manufacturer site de-rated hp. HAP emissions were calculated using AP-42 emission factors.  
<sup>2</sup> Uncontrolled dehydrator emissions based on GRI-GLY-Calc modeled emissions.  
<sup>3</sup> GHG emissions based on 40 CFR Part 98, Subpart C, Table C-1 and C-2 for natural gas.

**2. Tribal Authority**

33-9 #22 CDP is located within the exterior boundaries of the Southern Ute Indian Reservation and is thus within Indian Country as defined at 18 U.S.C. §1151. On March 2, 2012, the EPA determined that the Southern Ute Indian Tribe of the Southern Ute Indian Reservation had met the requirements of 40 CFR §70.4(b) for full approval to administer its Clean Air Act Title V, Part 70 Permitting Program (Program). In concert with that Program approval, the EPA also found that the Tribe met the requirements of Section 301(d)(2) of the CAA and 40 CFR §49.6 for treatment “in the same manner as a state” for the purposes of issuing CAA Title V, Part 70 operating permits. The EPA promulgated its approval of the Tribe’s applications on March 15, 2012 (77 FR 15267). The requirements of the Clean Air Act Title V, Part 70 Permitting Program (Program) have been incorporated at Article II, Part 1 of the Reservation Air Code.

Therefore, the Southern Ute Indian Tribe is the appropriate governmental entity to issue the Title V permit to this facility.

**The Reservation Air Code:** The Reservation Air Code was adopted pursuant to the authority vested in the Southern Ute Indian Tribe/State of Colorado Environmental Commission by (1) the Intergovernmental Agreement Between the Southern Ute Indian Tribe and the State of Colorado Concerning Air Quality Control on the Southern Ute Indian Reservation dated December 13, 1999, (2) tribal law (Resolution of the Council of the Southern Ute Indian Tribe No. 00-09), (3) State law (C.R.S. § 24- 62-101), and (4) as recognized in federal law (Act of October 18, 2004, Pub. L. No. 108-336, 118 Stat.1354).

**NSPS and NESHAP Delegation:** On September 6, 2013, the Southern Ute Indian Tribe received delegation from the EPA to incorporate by reference into the Reservation Air Code and enforce certain subparts of the new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) under Sections 111 and 112 of the Clean Air Act, respectively (78 FR 40635). These NSPS and NESHAP subparts generally apply to oil and gas operations within the exterior boundaries of the Southern Ute Indian Reservation and were adopted, unchanged, into the Reservation Air Code as Parts 2 and 3.

**Southern Ute Indian Tribe Minor Source Program:** The Southern Ute Indian Tribe/State of Colorado Environmental Commission is currently developing a Minor Source Program in order to fill a regulatory gap wherein sources of air pollution located on the Reservation have been subject to fewer requirements than similar sources located on land under the jurisdiction of a state air pollution control agency. Until such time that EPA approves the Minor Source Program as part of a TIP under the Tribal Authority Rule, affected sources must comply with the federal rule “Review of New Sources and Modifications in Indian Country” that was published on July 1, 2011 (76 FR 38748). This rule requires new and existing synthetic minor sources currently operating under federal operating permits for sources in Indian country, as well as sources proposing minor modifications at existing major sources, to submit applications to EPA starting August 30, 2011. Existing true minor sources were required to register with the permitting authority no later than March 1, 2013. After March 2, 2016 all true minor sources in the oil and natural gas sector that intend to construct or modify will have to apply for a preconstruction permit.

### **3. Applicable Requirements**

The following discussion addresses a selection of the regulations from the Code of Federal Regulations (CFR) at Title 40. Note that this discussion does not include the full spectrum of potentially applicable regulations and is not intended to represent official applicability determinations. These discussions are based on the information provided by Red Willow in its Part 70 initial permit application and are only intended to present the information certified to be true and accurate by the Responsible Official of this facility.

## **Prevention of Significant Deterioration (PSD) - 40 CFR 52.21**

PSD is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a “major” stationary source or “major” modification of an existing stationary source. A new stationary source, or a modification to an existing minor stationary source, is major if the proposed project has the potential to emit any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. PSD also applies to modifications at existing major sources that cause a “significant net emissions increase” at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21. A modification is a physical change or change in the method of operation.

The 33-9 #22 CDP does not belong to any of the 28 listed industrial source categories. Therefore, the PTE threshold for determining PSD applicability for this source is 250 tpy for criteria pollutants and 100,000 tpy for CO<sub>2</sub>e. The PTE at 33-9 #22 CDP is currently below the major source thresholds for PSD.

**Therefore, the requirements of PSD do not apply at this time.**

## **New Source Performance Standards (NSPS)**

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in Part 60. The general provisions under Subpart A apply to sources that are subject to the specific subparts of Part 60.

The 33-9 #22 CDP is not subject to any standards within 40 CFR Part 60. **Therefore, the General Provisions of Part 60 do not apply.**

40 CFR Part 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule applies to steam generating units with a maximum design heat capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr and commenced construction, modification, or reconstruction after June 9, 1989.

According to Red Willow, there are no steam generating units with a maximum design heat input capacity 100 MMBtu/hr or less, but greater than 10 MMBtu/hr at the 33-9 #22 CDP. **Therefore, Subpart Dc does not apply.**

40 CFR Part 60, Subpart K: Standards of performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. 40 CFR Part 60, Subpart K does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

According to Red Willow, the 33-9 #22 CDP is a drilling and production facility prior to the point of custody transfer. **Therefore, Subpart K does not apply.**

40 CFR Part 60, Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to June 23, 1984. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. Subpart Ka does not apply to petroleum storage vessels with a capacity of less than 420,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.

According to Red Willow, the 33-9 #22 CDP is a drilling and production facility prior to the point of custody transfer. **Therefore, Subpart Ka does not apply.**

40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This rule applies to storage vessels with a capacity greater than or equal to 75 cubic meters (~629 bbl).

According to Red Willow, the 33-9 #22 CDP has no tanks with a capacity greater than or equal to 75 m<sup>3</sup> (~629 bbl or 19,813 gal) used to store volatile organic liquids. **Therefore, Subpart Kb does not apply.**

40 CFR Part 60, Subpart KKK: Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011. This rule applies to compressors and other equipment at onshore natural gas processing facilities. As defined in this subpart, a natural gas processing plant is any processing site engaged in the extraction of natural gas liquids (NGLs) from field gas, fractionation of mixed NGLs to natural gas products, or both. NGLs are defined as the hydrocarbons, such as ethane, propane, butane, and pentane that are extracted from field gas.

According to Red Willow, the 33-9 #22 CDP does not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products, and thus does not meet the definition of a natural gas processing plant under this subpart. **Therefore, Subpart KKK does not apply.**

40 CFR Part 60, Subpart LLL: Standards of Performance for SO<sub>2</sub> emissions from Onshore Natural Gas Processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011. This rule applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H<sub>2</sub>S) and carbon dioxide (CO<sub>2</sub>) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H<sub>2</sub>S and CO<sub>2</sub>) removed by a sweetening unit.

According to Red Willow, the 33-9 #22 CDP does not perform sweetening or sulfur recovery at the facility. **Therefore, Subpart LLL does not apply.**

40 CFR Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition (SI) internal combustion engines (ICE) that commenced construction, modification or reconstruction after June 12, 2006, where the SI ICE are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator (See 40 CFR 60.4230(a)).

Red Willow provided the following information:

**Table 3 - NSPS Subpart JJJJ Applicability Determination  
Red Willow Gathering Company, 33-9 #22 CDP**

Unit	Serial No	Unit Description	Fuel	Maximum HP	Site Install/ Startup Date	Manufacture Date	Trigger Date for Applicability- Manufactured on or after
E1	262386	Waukesha L7042GSI 4SRB Compressor Engine	Natural Gas	1,480	01/2014	Prior to 06/12/2006	07/01/2007

According to Red Willow, Subpart JJJJ potentially applies to the facility because the compressor engine at the facility is a four-stroke rich-burn SI ICE rated at greater than 500 hp. However, the unit at the 33-9 #22 CDP was manufactured prior to July 1, 2007 (the trigger date for engines greater than or equal to 500 horsepower), and has not been modified or reconstructed since June 12, 2006. **Therefore, the requirements of Subpart JJJJ do not apply to this facility.**

Should Red Willow propose to install a replacement engine which is subject to Subpart JJJJ, Red Willow will not be allowed to use the off permit changes provision, and will be required to submit a minor permit modification application to incorporate Subpart JJJJ requirements into the permit.

40 CFR Part 60, Subpart OOOO: Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution. This subpart establishes emission standards and compliance schedules for the control of VOC and SO<sub>2</sub> emissions from affected facilities that commence construction, modification or reconstruction after August 23, 2011. Affected facilities under this subpart include gas wells, compressors, pneumatic controllers, storage vessels, process unit equipment, and sweetening units. The effective date for this subpart is October 15, 2012.

According to Red Willow, the 33-9 #22 CDP is not a gas well, nor does a well exist at the facility. The facility has no centrifugal compressors, no storage vessels, or reciprocating compressors that have been constructed, modified, or reconstructed after August 23, 2011. The facility is not considered a natural gas processing plant and has no continuous bleed pneumatic controllers. **Therefore, Subpart OOOO does not apply.**

## **National Emission Standards for Hazardous Air Pollutants (NESHAP)**

40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for HAPs that regulate specific categories of sources that emit one or more HAP regulated pollutants under the CAA. The general provisions under subpart A apply to sources that are subject to the specific subparts of Part 63.

As explained below, the 33-9 #22 CDP is an affected source under 40 CFR 63 Subparts HH and ZZZZ. **Therefore the General Provisions of Part 63 apply** as specified in the relevant subparts.

40 CFR Part 63, Subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities. This subpart applies to the owners and operators of affected units located at natural gas production facilities that are area or major sources of HAPs, and that process, upgrade, or store natural gas prior to the point of custody transfer, or that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions, and the group of ancillary equipment, and compressors intended to operate in volatile hazardous air pollutant service, which are located at natural gas processing plants.

### *Throughput Exemption*

Those sources whose maximum natural gas throughput, as appropriately calculated per §63.760(a)(1)(i) through (a)(1)(iii), is less than 18,400 standard cubic meters per day are exempt from the requirements of this subpart.

### *Source Aggregation*

Major source, as used in this subpart, has the same meaning as in §63.2, except that:

- 1) Emissions from any oil and gas production well with its associated equipment and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units.
- 2) Emissions from processes, operations, or equipment that are not part of the same facility shall not be aggregated.
- 3) For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage vessels with the potential for flash emissions shall be aggregated for a major source determination.

## *Facility*

For the purpose of a major source determination, facility means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in Subpart HH. Examples of facilities in the oil and natural gas production category include, but are not limited to: well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

## *Production Field Facility*

Production field facilities are those located prior to the point of custody transfer. The definition of custody transfer (40 CFR 63.761) means the point of transfer after the processing/treating in the producing operation, except for the case of a natural gas processing plant, in which case the point of custody transfer is the inlet to the plant.

## *Natural Gas Processing Plant*

A natural gas processing plant is defined in 40 CFR 63.761 as any processing site engaged in the extraction of NGLs from field gas, or the fractionation of mixed NGLs to natural gas products, or a combination of both. A treating plant or gas plant that does not engage in these activities is considered to be a production field facility.

## *Major Source Determination for Production Field Facilities*

The definition of major source in subpart HH (at 40 CFR 63.761) states, in part, that only emissions from the dehydration units and storage vessels at production field facilities shall be aggregated when comparing to the major source thresholds.

For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated.

## *Area Source Applicability*

40 CFR Part 63, Subpart HH also applies to area sources of HAPs. An area source is a HAP source whose total HAP emissions are less than 10 tpy of any single HAP or 25 tpy for all HAPs in aggregate. This subpart requires different emission reduction requirements for glycol dehydration units found at oil and gas production facilities based on their geographical location.

Units located in densely populated areas (determined by the Bureau of Census) and known as urbanized areas with an added 2-mile offset and urban clusters of 10,000 people or more, are required to have emission controls. Units located outside these areas will be required to have the glycol recirculation pump rate optimized or operators must document that uncontrolled annual actual benzene emissions are less than 0.9 megagrams (1,984 lbs.).

Any source that determines that it is not a major source but has actual emissions of 5 tons per year of a single HAP or 12.5 tons per year of a combination of HAP (i.e. 50 percent of the major source thresholds), shall update its major source determination within 1 year of the prior determination and each year thereafter, using gas composition data measured during the preceding 12 months.

***Applicability of Subpart HH to the 33-9 #22 CDP***

According to Red Willow, the 33-9 #22 CDP is a natural gas production facility located prior to the point of custody transfer. HAP emissions from the glycol dehydrators and storage vessels at the facility are below the major source thresholds. Furthermore, with respect to area source requirements, uncontrolled actual annual average benzene emissions from the dehydration unit are less than 0.90 megagrams per year, thus, per 40 CFR 63.764(e)(1)(ii), the dehydration unit at 33-9 #22 CDP is exempt from the 40 CFR 63.764(d) general requirements. **Therefore, the facility is only subject to the Subpart HH recordkeeping requirements specified in §63.774(d)(1).**

40 CFR Part 63, Subpart HHH: National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities. This subpart applies to natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user, and that are a major source of hazardous air pollutant (HAP) emissions. Natural gas transmission means the pipelines are used for long distance transport (excluding processing).

According to Red Willow, the 33-9 #22 CDP is a natural gas production facility, and not a part of the natural gas transmission and storage source category. **Therefore, Subpart HHH does not apply.**

40 CFR Part 63, Subpart ZZZZ (RICE MACT): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). This rule establishes national emission limitations and operating limitations for HAPs emitted from stationary spark-ignition reciprocating internal combustion engines (SI RICE) and stationary compression ignition reciprocating internal combustion engines (CI RICE).

For the purposes of this standard, construction or reconstruction is as defined in §63.2.

**Summary of Applicability to Engines at Major HAP Sources**

Major HAP Sources			
Engine Type	Horse Power Rating	New / Existing	Applicability Trigger Date
SI RICE – All <sup>1</sup>	≥ 500 HP	New	On or After: 12/19/2002
SI RICE – 4SRB	> 500 HP	Existing	Before: 12/19/2002
SI RICE – All <sup>1</sup>	≤ 500 HP	New	On or After: 6/12/2006
SI RICE – All <sup>1</sup>	≤ 500 HP	Existing	Before: 6/12/2006
CI RICE – All <sup>2</sup>	≥ 500 HP	New	On or After: 12/19/2002
CI RICE – Non Emergency	> 500 HP	Existing	Before: 12/19/2002

CI RICE – All <sup>2</sup>	≤ 500 HP	New	On or After: 6/12/2006
CI RICE – All <sup>2</sup>	≤ 500 HP	Existing	Before: 6/12/2006

1. All includes emergency RICE, limited use RICE, RICE that burn land fill or digester gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency RICE and limited use RICE

### Summary of Applicability to Engines at Area Hap Sources

Area HAP Sources			
Engine Type	Horse Power Rating	New / Existing	Applicability Trigger Date
SI RICE – All <sup>1</sup>	All HP	New	On or After: 6/12/2006
SI RICE – All <sup>1</sup>	All HP	Existing	Before: 6/12/2006
CI RICE – All <sup>2</sup>	All HP	New	On or After: 6/12/2006
CI RICE – All <sup>2</sup>	All HP	Existing	Before: 6/12/2006

1. All includes emergency RICE, limited use RICE, RICE that burn land fill or digester gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency RICE and limited use RICE

### Applicability of 40 CFR 63, Subpart ZZZZ to the 33-9 #22 CDP:

Unit	Serial Number	Unit Description	Fuel	Site Rated HP	Commenced Construction, Reconstruction, or Modification Date
E1	262386	Waukesha L7042GSI 4SRB Compressor Engine	Natural Gas	1,328	Prior to 6/12/2006

According to Red Willow, 33-9 #22 CDP is an area source as defined in Subpart ZZZZ. Unit E1 was constructed prior to June 12, 2006; and is therefore considered an existing 4SRB stationary RICE. In addition, the engine meets the definition of remote stationary RICE in §63.6675.

**Therefore, Unit E1 is subject to the requirements for 4SRB remote stationary RICE greater than 500 site-rated horsepower located at an area source of HAP.**

40 CFR Part 63, Subpart DDDDD (Boiler MACT (for major sources)): National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. This rule establishes national emission limitations and operating limitations for HAPs emitted from new and existing industrial boilers, institutional boilers, commercial boilers, and process heaters that are located at major sources of HAPs. Boilers or process heaters that combust natural gas for fuel or have a maximum designed heat input capacity less than 10 MMBtu/hr are subject to work practice standards in lieu of emission limits. For the purposes of this subpart, an affected unit is an existing unit if it was constructed prior to June 4, 2010.

According to Red Willow, the 33-9 #22 CDP is not a major source as defined in this subpart or in 40 CFR Part 63, Subpart HH for oil and gas production facilities. **Therefore, Subpart DDDDD does not apply.**

40 CFR Part 63, Subpart JJJJJ (Boiler MACT (for area sources)): National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers. This rule establishes national emission standards and operating limitations for HAPs emitted from new and existing industrial boilers, institutional boilers, as defined in §63.11237, and commercial boilers that are fueled by

coal, biomass, or oil and are located at area sources of HAPs, as defined in §63.2, except for as specified in §63.11195. For the purposes of this subpart, an affected unit is an existing unit if it was constructed prior to June 4, 2010.

According to Red Willow, there are no industrial, commercial, or institutional boilers as defined in this subpart at the 33-9 #22 CDP. **Therefore, Subpart JJJJJJ does not apply.**

### **Compliance Assurance Monitoring (CAM) Rule**

40 CFR Part 64: Compliance Assurance Monitoring Provisions. According to 40 CFR 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) at a major source that is required to obtain a Part 70 or Part 71 permit if the unit satisfies all of the following criteria:

- 1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under §64.2(b)(1);

*“§64.2(b)(1): Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards:*

- (i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to Section 111 or 112 of the Act;*
- (ii) Stratospheric ozone protection requirements under Title VI of the Act;*
- (iii) Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b) or 410 of the Act;*
- (iv) Emissions limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions with a source or between sources;*
- (v) An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter;*
- (vi) Emission limitations or standards for which a Part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1.”*

*“§64.1: Continuous compliance method means a method, specified by the applicable standard or an applicable permit condition, which:*

- (1) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and*
- (2) Provides data either in units of the standard or correlated directly with the compliance limit.”*

- 2) The unit uses a control device to achieve compliance with any such limit or standard; and

- 3) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100% of the amount, in tons per year, required for a source to be classified as a major source.

According to Red Willow, the 33-9 #22 CDP has no units that have potential emissions that are equal to or greater than the major source thresholds. **Therefore, CAM does not apply.**

### **Chemical Accident Prevention Program**

40 CFR Part 68: Chemical Accident Prevention Provisions. This rule applies to stationary sources that manufacture, process, use, store, or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under §68.115. §68.115(b)(1) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture. §68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water.

According to Red Willow, the 33-9 #22 CDP does not have regulated substances above the threshold quantities in this rule. **Therefore, the facility is not subject to the requirement to develop and submit a risk management plan.**

### **Stratospheric Ozone and Climate Protection**

40 CFR Part 82, Subpart F: Air Conditioning Units. According to Red Willow, 33-9 #22 CDP has no equipment that contains Class I or Class II refrigerants and no maintenance, service, repair or disposal of any equipment containing Class I or Class II refrigerants chlorofluorocarbons (CFCs)) occurs at the facility. However, if Red Willow were to engage in any of the afore mentioned activities it must comply with the standards of part 82, Subpart F for recycling and emissions reduction if they service, maintain, or repair the air conditioning units in any way or if they dispose of the units.

40 CFR Part 82, Subpart H: Halon Fire Extinguishers. According to Red Willow, there are no halon fire extinguishers at 33-9 #22 CDP. However, should Red Willow obtain any halon fire extinguishers, then it must comply with the standards of 40 CFR Part 82, Subpart H for halon emissions reduction, if it services, maintains, tests, repairs, or disposes of equipment that contains halon or uses such equipment during technician training. Specifically, Red Willow would be required to comply with 40 CFR Part 82 and submit an application for a modification to this Title V permit.

## **Mandatory Greenhouse Gas Reporting**

40 CFR Part 98: Mandatory Greenhouse Gas Reporting. This rule requires sources above certain emission thresholds to calculate, monitor, and report greenhouse gas emissions. The requirements of 40 CFR Part 98 and CAA §307(d)(1)(V), the CAA authority under which 40 CFR Part 98 was promulgated, however, need not be included in a tribal-issued part 70 permit because those requirements are not included in the definition of “applicable requirement” in either 40 CFR part 70 or RAC 1-103(11). Although the rule is not an applicable requirement under 40 CFR Part 70 or the RAC, the source is not relieved from the requirement to comply with the rule separately from compliance with its Part 70 operating permit. It is the responsibility of each source to determine whether Part 98 is applicable and to comply, if necessary.

### **4. Public Participation**

#### **a. Public Notice**

Per RAC §2-109, all Part 70 draft operating permits shall be publicly noticed and made available for public comment. Public notice is given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, to persons on a mailing list developed by the Tribe, including those who request in writing to be on the list, and by other means if necessary to assure adequate notice to the affected public. If an interested person would like to be added to the Tribe’s mailing list to be informed of future actions on permits issued by the Tribe, please send your name and address:

by United State Postal Service to:

Southern Ute Indian Tribe  
Environmental Programs Division  
Part 70 Program  
PO Box 737 MS #84  
Ignacio, Colorado 81137

by any other delivery service to:

Southern Ute Indian Tribe  
Environmental Programs Division  
Part 70 Program  
398 Ouray Drive  
Ignacio, Colorado 81137

Public notice for the draft permit was published in the Durango Herald, on October 4, 2013 in order to provide opportunity for public comment on the draft permit and the opportunity to request a public hearing.

#### **b. Opportunity for Comment**

Members of the public were given an opportunity to review a copy of the draft permit prepared by the Tribe, the application, the statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were available at:

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

All documents were available for review at the Southern Ute Indian Tribe's Environmental Programs Division office Monday through Friday from 9:00 a.m. to 4:00 p.m. (excluding holidays).

Any interested person was given the opportunity to submit written comments on the draft Part 70 operating permit during the public comment period. The Tribe has considered and addressed comments in making a final decision on the permit. The Tribe keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believed any condition of the draft permit was inappropriate, could raise all reasonably ascertainable issues and submit all arguments supporting his or her position by the close of the public comment period. Any supporting materials submitted must have been included in full and may not have been incorporated by reference, unless the material had already been submitted as part of the administrative record in the same proceeding or consisted of Environmental Commission, tribal, state or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

c. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Part 70 Permit Contact at the addresses listed above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, the Tribe will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. The Tribe will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

d. Public Petitions to the Administrator

In the event the Administrator of the United States Environmental Protection Agency does not object to issuance of the permit, on the basis that it would not be in compliance with applicable requirements, within its 45-day review period, any person may then petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objections arose after such period. If the administrator objects to a permit as a result of this petition, the Tribe shall not issue the permit until the Administrator's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or

its requirements if the permit was issued after the end of the 45-day review period and before the Administrator's objection.

e. Appeal of Permits

Within 60 days after the Tribe's final permit action, an applicant, any person who filed comments on the draft permit or participated in the public hearing, and any other person who could obtain judicial review of that action under applicable law, may appeal to the Environmental Commission in accordance with RAC 2-109(8) and the Commission's Procedural Rules.

Petitions for administrative review of final permit actions can be filed after the deadline designated by the Commission only if they are based solely on grounds arising after the deadline for administrative review has passed. Such petitions shall be filed no later than 60 days after the new grounds for review arise. If the final permit action being challenged is the Tribe's failure to take final action, a petition for administrative review may be filed any time before the Tribe denies or issues the final permit.

f. Notice to Affected States/Tribes

As described in RAC § 2-109(3), public notice will be given by notifying all affected programs. The following entities will be notified:

- State of Colorado, Department of Public Health and Environment
- State of New Mexico, Environment Department
- Ute Mountain Ute Tribe, Environmental Programs Department
- Navajo Tribe, Navajo Nation EPA
- Jicarilla Tribe, Environmental Protection Office
- National Park Service, Air Resources Division, Denver, CO
- U.S. Department of Agriculture, United States Forest Service, Rocky Mountain Region