



**Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No V-SUIT-0052-2014.00
August 28, 2014**

**Elm Ridge Exploration Company
Ignacio Gas Treating Plant
Southern Ute Indian Reservation
La Plata County, Colorado**

1. Facility Information

a. Location

The Ignacio Gas Treating Plant, owned and operated by Elm Ridge Exploration Company (Elm Ridge), is located within the exterior boundary of the Southern Ute Indian Reservation. The exact location is Section 13, T33N, R9W, in La Plata County, at latitude North 37.10 and longitude West 107.77. The Mailing address is:

Elm Ridge Exploration Company
Ignacio Gas Treating Plant
P.O. Box 806
Brookshire, TX 77423

b. Contacts

Facility Contact:

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Responsible Official:

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c. Description of Operations

According to Elm Ridge's application, the Ignacio Gas Treating Plant compresses and then dehydrates natural gas for transmission. The plant can process up to 25 MMscf/day of natural gas and began initial operation in 1999. The plant includes eight (8) natural gas-fired compressor engines. Engines Nos. 1 and 2 are 1,146 horsepower (hp) Caterpillar G3516LE engines and were originally installed at the Ignacio plant in approximately January 1999. Engines Nos. 3 and 4 are identical to Nos. 1 and 2 and were installed in approximately February 2000. Engine Nos. 5 and 6 are Caterpillar G3516LE engines with a

maximum hp rating of 1,146 and were installed at the Ignacio plant in approximately January 2004. Engines Nos. 7 and 8 are Caterpillar G3516LE engines and each have a maximum capacity of 1,197 hp and were originally installed at the plant in approximately May 2009. Each of these engines (Nos. 5-8) are equipped with oxidation catalysts for reduction of carbon monoxide (CO), volatile organic compounds (VOC), and formaldehyde emissions.

The plant also includes three 1.042 MMscf/hr TEG dehydrators with flash tanks. Unit 12b is a standby for unit 12a. The two vents do not operate simultaneously. The facility also includes a membrane unit with a line heater to separate carbon dioxide gas from the natural gas stream. This unit is an insignificant emission unit and is not regulated for emissions. Two streams exit the membrane unit: a residue gas stream with a low concentration of carbon dioxide and a permeate gas stream that contains methane and the recovered carbon dioxide. The permeate gas is sent to market via pipeline for downstream processing and treating. The Ignacio Gas Treating Plant also includes a combination of heaters and reboilers that are considered insignificant emission units.

d. Consent Decree

On November 8, 2012, the United States Environmental Protection Agency filed Consent Decree Case No. 1:12-cv-02584-REB-KLM with Elm Ridge. This consent decree was filed due to violations of Section 112 of the Clean Air Act, and the regulations promulgated thereunder; and the Clean Air Act program for Federal operating permits and the regulation promulgated thereunder.

In accordance with the Consent Decree, Elm Ridge is required to replace engine Nos. 1-4 with Caterpillar G3516LE or equivalent, natural gas-fired, turbocharged, four-cycle, lean-burn RICE, site rated at 1,146 hp, which are designed to continually meet a nitrogen oxide rate of 1.00 grams per horsepower hour. Each replacement RICE must be equipped with oxidation catalysts designed to reduce CO, VOC, and formaldehyde emissions by 93%, 60%, and 90% respectively. Two engines (engines 3 and 4) were replaced as of December 31, 2013. The remaining two engines must be replaced no later than December 31, 2014.

e. List of All Units and Emission-Generating Activities

Elm Ridge 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
Elm Ridge Exploration Company, Ignacio Gas Treating Plant**

Emission Unit ID	Description	Control Equipment
E1 E2	2 – Caterpillar G3516LE (4SLB SI) natural gas-fired Compressor Engine 1,265 nameplate rated HP Serial No.: 4EK01677 Installed: 01/31/1999 Serial No.: 4EK03210 Installed: 01/31/1999	Miratech Oxidation Catalyst [After Replacement]
E3	1 – Caterpillar G3516B (4SLB SI) natural gas-fired Compressor Engine 1,366 nameplate rated HP Serial No.:4EK00226 Installed: 10/30/2013	Miratech Oxidation Catalyst
E4	1 – Caterpillar G3516LE (4SLB SI) natural gas-fired Compressor Engine 1,366 nameplate rated HP Serial No.: 4EK01868 Installed: 12/18/2013	Miratech Oxidation Catalyst
E5 E6	2 – Caterpillar G3516LE (4SLB SI) natural gas-fired Compressor Engine 1,265 nameplate rated HP Serial No.:4EK03639 Installed: 01/31/2004 Serial No.:4EK03640 Installed: 01/31/2004	Oxidation Catalyst
E7 E8	2 – Caterpillar G3516LE (4SLB SI) natural gas-fired Compressor Engine 1,340 nameplate rated HP Serial No.:WPW01911 Installed: 05/31/2009 Serial No.:WPW01828 Installed: 05/31/2009	Miratech Oxidation Catalyst
12a	1 – PBP Fabrication High Pressure TEG Dehydrator Still Vent with flash tanks, 25 MMscf/day Serial No.: 125001 Installed: 01/07/2001	Flash Tank Combustion Device
12b	1 – New Point High Pressure TEG Dehydrator Still Vent with flash tanks, 25 MMscf/day Serial No.: 508774 Installed: 01/01/2006	Flash Tank Combustion Device
14	1 – Valerus Low Pressure TEG Dehydrator Still Vent With Flash Tanks, 12 MMscf/day Serial No.: P2162 Installed: 01/04/2008	Flash Tank Combustion Device
15	Fugitive Emissions- Estimated 8,941 components	None

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.

Elm Ridge 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 and fugitive emission estimates from EPA’s 1995 Protocol for Equipment Leak Emission Estimates, Table 2-4. Elm Ridge provided sufficient information, including EPA Tanks 4.0.9d calculations, to verify any emissions from liquids in the tanks were insignificant. This data supports Elm Ridge’s claim that these units qualify as insignificant.

**Table 2 – Insignificant Emission Units
Elm Ridge Exploration Company, Ignacio Gas Treating Plant**

Emission Unit ID	Description	Size/Rating
10b	1 - Line Heater for Membrane Unit	1.75 MMBtu/hr
11a/b	1 - High Pressure Dehydrator Reboiler	1.25 MMBtu/hr
11b	1 - High Pressure Dehydrator Reboiler	0.5 MMBtu/hr
13	1 - Low Pressure Dehydrator Reboiler	1.0 MMBtu/hr
Tank 1	1 - Produced water (inlet) tank	400 bbl
Tank 2	1 - Water/waste oil (compressors) tank	400 bbl
Tank 3	1 - Water/waste oil (compressors) tank	300 bbl
Tank 4, 5	2 - Wash water/oil (compressors) tank	62 bbl
Tank 6, 8	1 - Condensed water (dehydrator regenerator) tank	10 bbl
Tank 7,	1 Triethylene Glycol makeup tank	1,500 gal
Tank 10	1 - Triethylene Glycol makeup tank	2,100 gal
Tank 9	1 - Pit-tank – miscellaneous liquids	62 bbl
Tank 11-16	6 - Lubrication oil tank	500 gal
Tank 17	1 - Lubrication oil tank	300 gal
Tank 18	1 - Coolant tank (50% ethylene glycol)	500 gal
Tank 19, 20	2 - Coolant tank (50% ethylene glycol)	300 gal

f. Facility Construction and/or Permitting History

The Ignacio Gas Treating Plant began initial operation in 1999. The plant originally operated with two 1,146 horsepower engines (units E1 and E2), but two more identical engine units (E3 and E4) were added in February 2000. In January 2004, two more engine units (E5 and E6) were added to the facility. The final engines (units E7 and E8) were installed in approximately May 2009. Elm Ridge submitted an application to the U.S. EPA in May 2010 for an initial Title V permit. A Consent Decree between EPA and Elm Ridge was entered with the United States District Court for the District of Colorado on November 8, 2012. In accordance with the Consent Decree, Elm Ridge is required to replace engines 1

through 4 with natural gas-fired, turbocharged, four-cycle, lean-burn RICE, designed to continually meet a nitrogen oxide rate of 1.00 grams per horsepower hour.

g. 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 the Ignacio Gas Treating Plant was listed by Elm Ridge 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
Elm Ridge Exploration Company, Ignacio Gas Treating Plant**

Emission Unit ID	Regulated Air Pollutants ^{1,2,3,4,5,6,7} in tpy								
	NO _x	VOC	SO ₂	PM ₁₀	CO	Lead	Total HAPs	Largest Single HAP (CH ₂ O)	GHGs (CO ₂ e mtpy)
E1	33.2	3.3	0.6	0.4	20.8	0.0	3.6	2.9	5,458
E2	33.2	3.3	0.6	0.4	20.8	0.0	3.6	2.9	5,458
E3	13.2	7.9	0.6	0.4	42	0.0	5.6	5.0	7,050
E4	13.2	7.9	0.6	0.4	42	0.0	5.6	5.0	7,050
E5	33.2	3.3	0.6	0.4	20.8	0.0	3.6	2.9	5,458
E6	33.2	3.3	0.6	0.4	20.8	0.0	3.6	2.9	5,458
E7	17.3	3.7	0.6	0.4	22.1	0.0	3.7	3.0	5,668
E8	17.3	3.7	0.6	0.4	22.1	0.0	3.7	3.0	5,668
12a	0.0	3.0	0.0	0.0	0.0	0.0	2.5	0.0	0.0
12b	0.0	2.5	0.0	0.0	0.0	0.0	2.1	0.0	0.0
14	0.0	2.9	0.0	0.0	0.0	0.0	2.2	0.0	0.0
15	0.0	6.8	0.0	0.0	0.0	0.0	0.0	0.0	72
Total IEUs	1.9	0.1	0.3	0.1	1.6	0.0	0.3	0.0	2,350
Total	195.7	51.7	5.1	3.3	213	0.0	40.1	27.6	49,690

¹ Uncontrolled NO_x, CO and VOC emissions for Engine Units E3 and E4 are based on the manufacture specified g/hp-hr ratings at 100% load.

² Uncontrolled NO_x emissions for Engine Units E1, E2, E5, and E6 are based on the manufacture specified g/hp-hr ratings at 55% load

³ Uncontrolled CO and VOC emissions for Engine Units E1, E2, E5, and E6, are based on the manufacturer specified g/hp-hr ratings at 100% load.

⁴ Uncontrolled NO_x, CO, & VOC emissions for Engine Units E7 and E8 are based on the manufacturer specified g/hp-hr ratings at 100% load

⁵ HAP emissions for Engine Units E1, E2, E3, E4, E5, E6, E7, and E8 were calculated using the highest emissions factor

from a composite of manufacture's specifications, AP-42, GRI field data, and GRI literature data.

⁶ Uncontrolled dehydrator emissions based on GRI-GLY-Calc modeled emissions.

⁷ Heater/reboiler emissions were calculated using AP-42 emission factors.

2. Tribal Authority

Ignacio Gas Treating Plant 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). Starting August 30, 2011 all existing minor sources and minor modifications at existing sources became subject to the Tribal Minor New Source Review rule. 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 Elm Ridge 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 Ignacio Gas Treating Plant is not a PSD named source. Therefore, the PTE threshold for determining PSD applicability for this source is 250 tpy for criteria pollutants and 100,000 tpy for CO₂e. The PTE of regulated pollutants at this facility are currently below the major source threshold of 250 tpy. **Therefore, the Ignacio Gas Treating Plant is currently not a major source for the purposes of PSD permitting.**

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.

As explained below, the Ignacio Gas Treating Plant is subject to the requirements of 40 CFR Part 60, Subpart JJJJ. **Therefore, the General Provisions of Part 60 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.

Based on information submitted by Elm Ridge, the Ignacio Gas Treating Plant has no steam generating units with a maximum design heat input capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr at the at the facility. **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.

Based on information submitted by Elm Ridge, the Ignacio Gas Treating Plant has no tanks constructed, reconstructed, or modified after June 11, 1973 and prior to May 19, 1978. **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.

Based on information submitted by Elm Ridge, the Ignacio Gas Treating Plant has no tanks constructed, reconstructed, or modified after May 18, 1978 and prior to June 23, 1984.

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 (~472 bbl).

Based on information submitted by Elm Ridge, the Ignacio Gas Treating Plant has no tanks with a capacity greater than 75 m³ (~472 bbl or 19,813 gal) that are 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 information submitted by Elm Ridge, the Ignacio Gas Treating Plant does not extract or fractionate natural gas liquids, and therefore does not meet the definition of a natural gas processing plant. **Therefore, Subpart KKK does not apply.**

40 CFR Part 60, Subpart LLL: Standards of Performance for SO₂ 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 (H₂S) and carbon dioxide (CO₂) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H₂S and CO₂) removed by a sweetening unit.

According to Elm Ridge, there are no sweetening or sulfur recovery units at the Ignacio Gas Treating Plant. The membrane unit does not separate H₂S from the gas stream and is therefore, by definition, not a sweetening unit. **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)).

Elm Ridge provided the following information:

**Table 4 - NSPS Subpart JJJJ Applicability Determination
Elm Ridge Exploration Company, Ignacio Gas Treating Plant**

Unit	Serial No	Unit Description	Fuel	Maximum HP	Manufacture Date	Commenced Construction Date	Trigger Date for Applicability- Manufactured on or after
E1	4EK01677	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,265	07/01/1998	Prior to 06/12/2006	01/01/2008
E2	4EK03210	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,265	07/01/1998	Prior to 06/12/2006	01/01/2008
E3	4EK00226	Caterpillar G3516B SI 4SLB Compressor Engine	Natural Gas	1,366	07/01/2013	05/10/2013	07/01/2007
E4	4EK01868	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,366	After 07/01/2007	09/01/2013	07/01/2007

E5	4EK03639	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,265	12/17/2003	Prior to 06/12/2006	01/01/2008
E6	4EK03640	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,265	12/17/2003	Prior to 06/12/2006	01/01/2008
E7	WPW01911	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,340	12/21/2007	2007	01/01/2008
E8	WPW01828	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,340	11/19/2007	2007	01/01/2008

According to Elm Ridge, engine units E1, E2, E5, E6, E7, and E8 were manufactured prior to January 1, 2008 (the trigger date for lean burn engines with maximum engine power greater than or equal to 500 HP but less than 1,350 HP as defined in §60.4230 (a)(4)(ii)). The engines have not been reconstructed or modified (as defined in §60.15) since June 12, 2006. **Therefore, the requirements of Subpart JJJJ do not apply to units E1, E2, E5, E6, E7, and E8.**

According to Elm Ridge, emission units E3 and E4 commenced construction after June 12, 2006 and were manufactured after July 1, 2007 (the trigger date for engines with maximum engine power greater than or equal to 500 HP as defined in §60.4230(a)(4)(i)). **Therefore, the requirements of Subpart JJJJ apply to units E3 and E4.**

Should Elm Ridge propose to install a replacement engine for unit(s) E1, E2, E4, E5, E6, E7, and or E8, which is subject to Subpart JJJJ, Elm Ridge 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 SO₂ 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 Elm Ridge, the Ignacio Gas Treating Plant does not have any affected facilities under the rule that commenced construction after August 23, 2011. **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 Ignacio Gas Treating Plant is subject to 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 (UA) with an added 2-mile offset and urban clusters (UC) 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 Ignacio Gas Treating Plant

According to Elm Ridge, the Ignacio Gas Treating Plant upgrades natural gas and is located prior to the point of custody transfer (and therefore prior to the point at which natural gas leaves the natural gas production and processing category and enters the natural gas transmission and storage category). Because the facility is a natural gas production facility, only emissions from dehydration units and storage vessels with the potential for flash emissions need to be aggregated when determining major source status for this subpart. The total HAP emissions from the glycol dehydrators and storage vessels with the potential for flash emissions are below major source thresholds. **Therefore, the Ignacio Plant is an area source for Subpart HH.**

TEG dehydration units 12a, 12b, and 14 are affected units under this rule. Elm Ridge provided GLYCalc 4.0 reports to demonstrate that the uncontrolled actual average benzene emissions of each dehydration unit are less than 0.90 megagrams per year, and thus, per 40 CFR 63.764(e), are exempt from the 40 CFR 63.764(d) general standards for area sources. **Therefore, only recordkeeping requirements of Subpart HH apply to the facility.**

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 Elm Ridge, the Ignacio Gas Treating Plant is a natural gas production facility and not a natural gas transmission or storage facility. **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 ¹	≥ 500 HP	New	On or After: 12/19/2002
SI RICE – 4SRB	> 500 HP	Existing	Before: 12/19/2002
SI RICE – All ¹	≤ 500 HP	New	On or After: 6/12/2006
SI RICE – All ¹	≤ 500 HP	Existing	Before: 6/12/2006
CI RICE – All ²	≥ 500 HP	New	On or After: 12/19/2002
CI RICE – Non Emergency	> 500 HP	Existing	Before: 12/19/2002
CI RICE – All ²	≤ 500 HP	New	On or After: 6/12/2006
CI RICE – All ²	≤ 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 ¹	All HP	New	On or After: 6/12/2006
SI RICE – All ¹	All HP	Existing	Before: 6/12/2006
CI RICE – All ²	All HP	New	On or After: 6/12/2006
CI RICE – All ²	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 Ignacio Gas Treating Plant:

Unit	Serial Number	Unit Description	Fuel	Site Rated HP	Commenced Construction, Reconstruction, or Modification Date
E1	4EK01677	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,146	Prior to 12/19/2002
E2	4EK03210	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,146	Prior to 12/19/2002
E3	4EK00226	Caterpillar G3516B SI 4SLB Compressor Engine	Natural Gas	1,348	10/30/2013
E4	4EK01868	Caterpillar G3516 LE SI 4SLB Compressor Engine	Natural Gas	1,348	12/13/2013
E5	4EK03639	Caterpillar G3516 LE 4SLB Compressor Engine	Natural Gas	1,146	01/31/2004
E6	4EK03640	Caterpillar G3516 LE 4SLB Compressor Engine	Natural Gas	1,146	01/31/2004
E7	WPW01911	Caterpillar G3516 LE 4SLB Compressor Engine	Natural Gas	1,197	05/31/2009
E8	WPW01828	Caterpillar G3516 LE 4SLB Compressor Engine	Natural Gas	1,197	05/31/2009

According to Elm Ridge, the Ignacio Gas Treating Plant is a major source as defined in Subpart ZZZZ. Units E1 and E2 are four-stroke lean-burn (4SLB) stationary SI RICE > 500 site-rated HP constructed before December 19, 2002, and have not been reconstructed since this date.

Therefore, these units are considered existing 4SLB stationary RICE. According to §63.6590(b)(3)(ii) these units have no requirements under this part or 40 CFR Part 63, Subpart A, including initial notification requirements. Units E3, E4, E5, E6, E7, and E8 are four-stroke lean-burn (4SLB) stationary SI RICE > 500 HP constructed after December 19, 2002. **Therefore, Units E3, E4, E5, E6, E7, and E8 are considered new stationary SI RICE and are subject to the major source requirements for new SI 4SLB engines under this subpart.**

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.

Based on information submitted by Elm Ridge, the Ignacio Gas Treating Plant is not a major source as defined by §63.7575 of Subpart DDDDD 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, and commercial boilers that are fueled by coal, biomass, or oil and are located at area sources of HAPs. For the purposes of this subpart, an affected unit is an existing unit if it was constructed prior to June 4, 2010.

Based on the initial application submitted by Elm Ridge, there are no industrial, commercial, or institutional boilers located at the Ignacio Gas Treating Plant. **Therefore, Subpart JJJJJ 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 information submitted by Elm Ridge, the CAM rule does not apply to any of the units at the Ignacio Gas Treating Plant as the pre-control device emissions from each unit are less 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 Elm Ridge, the Ignacio Gas Treating Plant 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. Based on the initial application submitted by Elm Ridge, no maintenance, service, repair or disposal of any equipment containing Class I or Class II refrigerants chlorofluorocarbons (CFCs)) occurs at the Ignacio Gas Treating Plant. However, if Elm Ridge 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. Based on the initial Part 70 permit application submitted by Elm Ridge, there are no halon fire extinguishers at Ignacio Gas Treating Plant. However, should Elm Ridge 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, Elm Ridge would be required to comply with 40 CFR Part 82 and submit an application for a revision 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 States 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 April 30, 2014 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 on the Southern Ute Air Quality Program webpage at www.southernute-nsn.gov/environmental-programs/air-quality/title-v-operating-permit-programs, and 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 address 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