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

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

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

BP America Production Company
Treating Site #8 Central Delivery Point

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

This source is authorized to operate at the following location:

Southern Ute Indian Reservation
Section 28, T33N, R10W
La Plata County, Colorado

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

Brenda Jarrell

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

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE
BP America Production Company
Treating Site #8 Central Delivery Point

Permit Number: V-SUIT-0026-2015.00	Issue Date:	January 6, 2015
[Replaces EPA-issued Permit No.: V-SU-00026-2005.04]	Effective Date:	February 15, 2015
	Expiration Date:	February 15, 2020

The permit number cited above should be referenced in future correspondence regarding this facility.

Permit Issuance History

Date	Type of Action	Section Number and Title	Description of Action
September 2000	Initial Part 71 Permit Issued		#V-SU-0026-00.00
April 2007	1st Renewal Permit Issued		#V-SU-0026-05.00
September 2007	Administrative Amendment		#V-SU-0026-05.01
January 2008	Administrative Amendment		#V-SU-0026-05.02
October 2010	Administrative Amendment		#V-SU-0026-05.03
May 2011	Minor Modification		#V-SU-00026-2005.04
May 2014	Synthetic Minor New Source Review Permit Issued		#SMNSR-SU-000026-2012.001
January 2015	Initial Part 70 Permit Issued		#V-SUIT-0026-2015.00 Replaces EPA issued permit #V-SU-00026-2005.04

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Abbreviations and Acronyms

4SLB	Four-Stroke Lean-Burn
4SRB	Four-Stroke Rich-Burn
AFS	Air Facility System database
AQP	Southern Ute Indian Tribe's Air Quality Program
bbl	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO_2	Carbon dioxide
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EPA	United States Environmental Protection Agency
gal	Gallon
GPM	Gallons per minute
H_2S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lbs	Pounds
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
MMSCFD	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM_{10}	Particulate matter less than 10 microns in diameter
ppbvd	Parts per billion by volume, dry
ppm	Parts per million
ppmvd	Parts per million by volume, dry
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RAC	Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scf	Standard cubic feet
scfm	Standard cubic feet per minute
SI	Spark Ignition
SO_2	Sulfur Dioxide
SUIT	Southern Ute Indian Tribe
tpy	Ton(s) Per Year
Tribe	Southern Ute Indian Tribe
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Information and Emission Unit Identification

I.A. Source Information

Parent Company Name: BP America Production Company

Plant Name: Treating Site #8 Central Delivery Point

Plant Location: Section 28, T33N R10W
Latitude: N 37.077213
Longitude: W 107.934265

State: Colorado

Reservation: Southern Ute Indian Reservation

County: La Plata County

Responsible Official: Onshore Site Manager

SIC Code: 1311

AFS Plant Identification Number: 08-067-U0024

Other Clean Air Act Permits: On May 27, 2014, Treating Site #8 was issued synthetic minor new source review permit #SMNSR-SU-000026-2012.001 to incorporate emission limits that had been previously established in a Part 71 permit. This permit will replace the facility's EPA-issued Part 71 permit (V-SU-00026-2005.04). There are no other CAA permits issued to this facility.

Description of Process:

Treating Site #8 is a central facility used to treat the gas and water recovered from the coal matrix reservoirs of the San Juan Basin portion of the Ignacio Blanco Fruitland Field. After leaving the well, the produced gas is sent to a wellsite separator which splits the stream into separate gas and water gathering lines prior to entering the treating facility.

At the treating site, the produced gas enters a slug catcher used for additional water and gas separation. The water that drops out combines with the produced water stream from the field and is stored in water tanks. Each water tank has a tank heater used during the winter months. The produced water is hauled to a separate facility where it is further treated to separate any oil, and is then re-injected into a deep reservoir for disposal.

After leaving the slug catcher, the produced gas enters one of several compressors before passing through a glycol dehydrator unit equipped with a natural gas-fired reboiler to further dry the gas. After

dehydration, most of the gas is sent through a custody transfer sales meter, while some of the gas is returned to the field to be used as wellsite fuel gas. The gas contains a negligible amount of hydrogen sulfide (H2S); therefore, no H2S removal is necessary.

I.B. Source Emission Points

Table 1 – Emission Units
BP America Production Company, Treating Site #8 Central Delivery Point

Emission Unit ID	Description	Control Equipment
TS8-1	1 – Waukesha 5790GL Natural Gas-Fired SI 4SLB Compressor Engine, 1,215 nameplate rated hp Serial No.: C-12105/3 Installed: 12/01/2008	Oxidation Catalyst
TS8-2	1 – Waukesha 5790GL Natural Gas-Fired SI 4SLB Compressor Engine, 1,215 nameplate rated hp Serial No.: C-12183/1 Installed: 05/17/2008	None
TS8-3	1 – Waukesha P9390GSI Natural Gas-Fired SI 4SRB Compressor Engine, 1,970 nameplate rated hp Serial No.: C-11929/1 Installed: 06/01/2011	NSCR Catalyst w/AFRC
TS8-5	1 – Waukesha F18 GLU Natural Gas-Fired SI 4SLB Pump Engine, 400 nameplate rated hp Serial No.: 401537 Installed: 08/21/1991	None
TS8-6	1 – Waukesha VRG 330 Natural Gas-Fired SI 4SRB Generator Engine, 68 nameplate rated hp Serial No.: 399545 Installed: October 2011	None
TS8-7b	1 – Triethylene Glycol Dehydrator Still Vent, 10 MMscf/d Serial No.: N/A Installed: N/A	None
	2 – Triethylene Glycol Dehydrator Still Vent and Flash Tank	

	Vent, 12 MMscf/d	None
TS8-8b	Serial No.: N/A Installed: N/A	
TS8-8c	Serial No.: N/A Installed: N/A	

Table 2 – Insignificant Emission Units
BP America Production Company, Treating Site #8 Central Delivery Point

Emission Unit ID	Description	Size/Rating
TS8-7, TS8-8	2 - Glycol Reboilers	
TS8-7c	1 - Triethylene Glycol Dehydrator Flash Tank Vent	10 MMscf/d
TS8-10 – TS8-14	5 - Tank Heater	500Mbtu/hr
IEU1	9 - Catalytic Space Heater	12Mbtu/hr
IEU2	12 - Catalytic Space Heater	48 Mbtu/hr
IEU3	1 - Catalytic Space Heater	18 Mbtu/hr
IEU4	2 - Triethylene Glycol Tank	500 gal
IEU4	2 - Lube Oil Tank	500 gal
IEU4	3 - Lube Oil Tank	300 gal
IEU4	2 - Ethylene Glycol Tank	500 gal
IEU4	1 - Used Oil Tank	300 gal
IEU4	2 - Used Oil Compressor Drip Tank	
IEU4	2 - Triethylene Glycol/Used Oil Dehydrator Pit Tank	
IEU5	N/A - Fugitive Sources	
IEU6	5 - Produced Water Tank	500 bbl
IEU7	1 - Pit Tank	95 bbl
IEU8	2 - Fiberglass Drip Tank	10 bbl
IEU9	1 - Pit Tank	25 bbl

II. Site Specific Requirements

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

This facility is subject to the requirements of 40 CFR Part 63, Subpart A as outlined in Table 2 of 40 CFR Part 63, Subpart HH and Table 8 of 40 CFR Part 63, Subpart ZZZZ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart A.

[40 CFR 63.764(d) and 40 CFR 63.6665]

Requirements for Dehydrators

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

The permittee is the owner or operator of a glycol dehydration unit that is exempt from the standards of 40 CFR §63.764(d). The permittee shall retain each determination used to demonstrate that actual annual average flowrate of natural gas to each glycol dehydrator is less than 85,000 scm/day (3,000,000 scf/day) or the actual average benzene emissions from each dehydrator are below 0.90 megagram per year.

[40 CFR 63.764(e)(1), 63.772(b), and 63.774(d)(1)]

Requirements for Engines

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

Treating Site #8 Central Delivery Point is subject to the requirements of 40 CFR Part 63, Subpart ZZZZ for, existing non-emergency non-black start remote four-stroke rich-burn (4SRB) stationary reciprocating internal combustion engines (RICE) with a site rating of more than 500 brake horsepower, existing non-emergency non-black start four-stroke lean-burn (4SLB) remote stationary RICE with a site rating of more than 500 brake horsepower, existing 4SRB stationary RICE less than or equal to 500 brake horsepower, and existing non-emergency non-black start four-stroke lean-burn 4SLB stationary RICE with a site rating of less than or equal to 500 brake horsepower located at an area source of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart ZZZZ.

1. **Affected Sources**

   a. 40 CFR Part 63, Subpart ZZZZ applies to the following engines:

      TS8-1–Waukesha 5790GL 4SLB natural gas-fired Compressor Engine site-rated at 1,090 hp

      TS8-2–Waukesha 5790GL 4SLB natural gas-fired Compressor Engine site-rated at 1,090 hp

      TS8-3–Waukesha P9390GSI 4SRB natural gas-fired Compressor Engine site-rated at 1,944 hp

      TS8-5–Waukesha F18 GLU 4SLB natural gas-fired Pump Engine site-rated at 359 hp

      TS8-6–Waukesha VRG 330 4SRB natural gas-fired Generator Engine site-rated at 57 hp

2. Work, Operation, and Management Practices

a. For emission units TS8-1, TS8-2, TS8-3, TS8-5, and TS8-6 the permittee shall comply with the applicable 40 CFR Part 63, Subpart ZZZZ operating limitations and other requirements at all times.

[40 CFR 63.6605(a)]

b. For emissions units TS8-1, TS8-2, TS8-3, the permittee shall change the oil and filter and replace as necessary all spark plugs, hoses, and belts every 2,160 hours of operation or annually, whichever comes first.

[40 CFR 63.6603(a) and Table 2d of Subpart ZZZZ]

c. For emissions units TS8-5 and TS8-6, the permittee shall change the oil and filter and inspect and replace as necessary all spark plugs, hoses, and belts every 1,440 hours of operation or annually, whichever comes first.

[40 CFR 63.6603(a) and Table 2d of 40 CFR, Subpart ZZZZ]

d. For emission units TS8-1, TS8-2, TS8-3, TS8-5, and TS8-6, the permittee shall have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2d of 40 CFR Part 63, Subpart ZZZZ.

[40 CFR 63.6625(j)]

e. For emission units TS8-1, TS8-2, TS8-3, TS8-5, and TS8-6, the permittee shall operate and maintain the stationary RICE according to the manufacture's emission-related operation and maintenance instructions; or

f. Develop and follow the permittee's own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practices for minimizing emissions.

[40 CFR 63.6640(a), 40 CFR 63.6625(e)(8), and Table 6 of 40 CFR 63, Subpart ZZZZ]

g. For emission units TS8-1, TS8-2, TS8-3, TS8-5, and TS8-6, during periods of startup the permittee must minimize the engine's time spent at idle and minimize the engine's time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

[40 CFR 63.6603, 40 CFR 63.6625(h) and Table 2d of 40 CFR 63, Subpart ZZZZ]

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

[40 CFR 63.6605(b)]

3. Continuous Compliance Requirements

a. The permittee shall demonstrate continuous compliance with the applicable operating limitations and other requirements in Table 2d according to the methods specified in Table 6 of 40 CFR Part 63, Subpart ZZZZ.

[40 CFR 63.6605(a) and 40 CFR 63.6640(a)]

b. The permittee must report each instance in which an operating limit was not met. These instances are deviations from the operating limitations and must be reported according to the reporting requirements of §63.6650(f) and the Facility-Wide Reporting Requirements section of this permit.

[40 CFR 63.6640(b) and RAC 2-110(7)]

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

[40 CFR 63.6640(e)]

4. Notifications

a. The permittee must submit all of the notifications in §§63.7(b) and (c), §§63.8(e), (f)(4) and (f)(6), §§63.9(b) through (e), and (g) and (h) of the General Provisions of 40 CFR Part 63 that apply by the dates specified.

[40 CFR 63.6645(a)]

5. Recordkeeping Requirements

a. The permittee must keep the following records to comply with the 40 CFR Part 63, Subpart ZZZZ operating limitations:

i. A copy of each notification and report that was submitted to comply with 40 CFR Part 63, Subpart ZZZZ.

ii. Records of the occurrence and duration of each malfunction of operation (i.e. process equipment).

iii. Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process to its normal or usual manner of operation.

[40 CFR 63.6655(a)]

b. The permittee must keep the records required in Table 6 of 40 CFR Part 63, Subpart ZZZZ to show continuous compliance with each operating limitation that applies.

[40 CFR 63.6655(d)]

c. The permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the stationary RICE are operated and maintained according to the manufacturer's or the permittee's own maintenance plan.

[40 CFR 63.6655(d) and (e), and Table 6 of 40 CFR 63, Subpart ZZZZ]

d. The permittee must keep each record in a form suitable and readily available for expeditious review, accessible in hard copy or electronic form at the BP Operations Center in Durango, Colorado for five (5) years after the date of each occurrence, measurement, maintenance, corrective action, report, or record.

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

e. For TS8-1, TS8-2, and TS8-3 the permittee must keep a record of initial and annual evaluations of the remote status of the stationary RICE. The initial evaluation must indicate that the stationary RICE met the definition of remote stationary RICE in § 63.6675 as of the initial compliance date, October 19, 2013. The annual evaluations are thereafter required to be performed every 12 months. Within 1 year of any evaluation indicating the stationary RICE no longer meets the definition of remote stationary RICE the stationary RICE must comply with all of the requirements of 40 CFR 63, Subpart ZZZZ, for existing non-emergency spark ignition four-stroke rich-burn and four-stroke lean-burn stationary RICE with a site rating of more than 500 HP located at area sources of HAP that are not remote stationary RICE.

[40 CFR 63.6603(f)]

6. **Reporting Requirements**

   a. The permittee must report all deviations as defined in 40 CFR 63, Subpart ZZZZ in the semiannual monitoring report required under the Facility-Wide Reporting Requirements Section of this permit.

[40 CFR 63.6650(f) and 40 CFR 63.6640(e)]

40 CFR Part 49 Requirements

II.D. Synthetic Minor New Source Review Permit Requirements [#SMNSR-SU-000026-2012.001]

Treating Site #8 Central Delivery Point is subject to the requirements of permit #SMNSR-SU-000026-2012.001. Notwithstanding conditions in this permit, the permittee must comply with all requirements of #SMNSR-SU-000026-2012.001.

1. **Applicability**

   a. The requirements in this permit have been created, at the permittee's request, to establish legally and practically enforceable requirements for limiting nitrogen oxides (NO_x), carbon monoxide (CO), and formaldehyde (CH_2O).

   b. Any conditions for this facility or any specific units at this facility established pursuant to any permit issued under the authority of the Prevention of Significant Deterioration Permit Program at 40 CFR 52.21 (PSD) or the MNSR permit program shall continue to apply.

2. **Requirements for Engines**

   a. Construction and Operational Limits

      i. The permittee shall install and operate emission controls as specified in this permit on one (1) reciprocating internal combustion engine used for compression (TS8-1), meeting the following specifications:

         1. Operated as a 4-stroke lean-burn (4SLB) engine;

         2. Fired with natural gas; and

         3. Limited to a maximum site rating of 1,090 horsepower (hp).

ii. The permittee shall install and operate emission controls as specified in this permit on one (1) reciprocating internal combustion engine used for compression (TS8-3), meeting the following specifications:

1. Operated as a 4-stroke rich-burn (4SRB) engine;

2. Fired with natural gas; and

3. Limited to a maximum site rating of 1,944 horsepower (hp).

iii. Only the engines that are operated and controlled as specified in this permit are approved for installation under this permit.

b. Emission Limits

i. Emissions from the 1,090 hp 4SLB engine (TS8-1) shall not exceed the following:

1. CO: 0.73 pounds per hour (lbs/hr); and

2. CH_2O: 0.37 lbs/hr.

ii. Emissions from the 1,944 hp 4SRB engine (TS8-3) shall not exceed the following:

1. CO: 12.90 lbs/hr; and

2. NO_x: 8.60 lbs/hr.

iii. Emission limits shall apply at all times, unless otherwise specified in this permit.

c. Control and Operational Requirements

i. The permittee shall ensure that the 1,090 hp 4SLB engine (TS8-1) is equipped with an oxidation catalyst control system capable of reducing uncontrolled CO emissions and uncontrolled CH_2O emissions to meet the emission limits specified in this permit.

ii. The permittee shall ensure that the 1,944 hp 4SRB engine (TS8-3) is equipped with a Non-Selective Catalytic Reduction (NSCR) and air-to-fuel ration (AFR) control system capable of reducing uncontrolled CO emissions and uncontrolled NO_x emissions to meet the emission limits specified in this permit.

iii. The permittee shall replace the oxygen sensor on the AFR controller on the 1,944 hp 4SRB engine (TS8-3) within every 2,190 hours of engine run time.

iv. The permittee shall install, operate, and maintain temperature sensing devices (i.e. thermocouple or resistance temperature detectors) before the catalytic control system on each engine to continuously monitor the exhaust temperature at the inlet of the catalyst bed. Each temperature-sensing device shall be calibrated and operated by the permittee according to manufacturer specifications or equivalent specifications developed by the permittee or vendor.

v. Except during startups, which shall not exceed 30 minutes, the engine exhaust temperature of each engine at the inlet to the catalyst bed shall be maintained at all times the engines operate within the following limits:

1. For the 1,090 hp 4 SLB engine (TS8-1), an inlet temperature of at least 450º F and no more than 1,350º F.

2. For the 1,944 hp 4SRB engine (TS8-3), an inlet temperature of at least 750º F and no more than 1,250º F.

vi. During operation, the pressure drop across the catalyst bed on each engine shall be maintained to within ±2 inches of water from the baseline pressure drop measured during the most recent performance test. The baseline pressure drop for the catalyst bed shall be determined at 100% ± 10% of the engine load measured during the most recent performance test.

vii. The permittee shall only fire each engine with natural gas. The natural gas shall be pipeline-quality in all respects except that the carbon dioxide (CO_2) concentration in the gas is not required to be within pipeline-quality.

viii. The permittee shall follow, for each engine and any respective catalytic control system, the manufacturer recommended maintenance schedule and procedures, or equivalent maintenance schedule and procedures developed by the permittee or vendor, to ensure optimum performance of each engine and its respective catalytic control system.

ix. The permittee may rebuild or replace an existing permitted engine with an engine of the same hp rating, and configured to operate in the same manner as the engine being rebuilt or replaced. Any emission limits, requirements, control technologies, testing or other provisions that apply to the permitted engines that are replaced shall also apply to the rebuilt or replaced engines.

x. The permittee may resume operation without the catalytic control system during an engine break-in period, not to exceed 200 operating hours, for rebuilt and replaced engines.

d. Performance Testing Requirements

i. Performance tests shall be conducted on the 1,090 hp 4SLB engine (TS8-1) for measuring CO and CH_2O emissions and on the 1,944 hp 4SRB engine (TS8-3) for measuring NO_x and CO emissions to demonstrate compliance with each emission limitation in this permit. The performance tests shall be conducted in accordance with appropriate reference methods specified in 40 CFR Part 60, Appendix A and 40 CFR Part 63, Appendix A or an EPA-approved American Society for Testing Materials (ASTM) method. The permittee may submit to the EPA a written request for approval of an alternate test method, but shall only use that alternate test method after obtaining written approval from the EPA.

1. The initial performance test shall be conducted within 90 calendar days of startup of a new engine.

2. Subsequent performance tests for CH_2O emissions shall be conducted on the 1,090 hp 4SLB engine (TS8-1) within 12 months of the most recent performance test.

3. Performance tests shall be conducted within 90 calendar days of the replacement of the catalyst on each engine.

4. Performance tests shall be conducted within 90 calendar days of startup of all rebuilt replaced engines.

ii. The permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, processes, or operational parameters the day of or during the engine testing. Any such tuning or adjustment may result in a determination by the EPA that the test in invalid. Artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.

iii. The permittee shall not abort any engine tests that demonstrate non-compliance with the NO_x, CO, or CH_2O emission limits in this permit.

iv. Performance tests conducted on the 1,090 hp 4SLB engine (TS8-1) for measuring CO and CH_2O emissions and on the 1,944 hp 4SRB engine (TS8-3) for measuring NO_x and CO emissions shall meet the following requirements:

1. The pressure drop across each catalyst bed and the inlet temperature to each catalyst bed shall be measured and recorded at least once during each performance test.

2. All performance tests for NO_x and CO emissions on the 1,944 4SRB engine (TS8-3) shall be performed simultaneously.

3. The permittee shall measure NO_x emissions from the 1,090 hp 4SLB engine (TS8-1) simultaneously with all performance tests for CO emissions. NO_x emissions shall be measured using a portable analyzer and protocol approved in writing by the EPA. *[Note to permittee: Although the permit does not contain NO_x emission limits for this engine, NO_x measurement requirements have been included as an indicator to ensure compliance with condition 2.d.ii. above]*.

4. All performance tests shall be conducted at maximum operating rate (90% to 110% of the maximum achievable load available at the time of the test). The permittee may submit to the EPA a written request for approval of an alternate load level for testing, but shall only test at that alternate load level after obtaining written approval from the EPA.

5. During each test run, data shall be collected on all parameters necessary to document how emissions were measured and calculated (such as test run length, minimum sample volume, volumetric flow rate, moisture and oxygen corrections, etc.).

6. Each test shall consist of at least three 1-hour or longer valid test runs. Emission results shall be reported as the arithmetic average of all valid test runs and shall be in terms of the emission limits in this permit.

7. Performance test plans shall be submitted to the EPA for approval 60 calendar days prior to the date the test is planned.

8. Performance test plans that have already been approved by the EPA for the emission units approved in this permit may be used in lieu of new test plans unless the EPA requires the submittal and approval of new test plans. The permittee may submit new plans for EPA approval at any time.

9. The test plans shall include and address the following elements:

   A. Purpose of the test;

   B. Engines and catalytic control systems to be tested;

C. Expected engine operating rate(s) during the test;

D. Sampling and analysis procedures (sampling locations, test methods, laboratory identification);

E. Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and

F. Data processing and reporting (description of data handling and quality control procedures, report content).

v. The permittee shall notify the EPA at least 30 calendar days prior to scheduled performance testing. The permittee shall notify the EPA at least 1 week prior to scheduled performance testing if the testing cannot be performed.

vi. If the results of a complete and valid performance test of the emissions from any permitted engine demonstrate noncompliance with the emission limits in this permit, the engine shall be shut down as soon as safely possible, and appropriate corrective action shall be taken (e.g. repairs, catalyst cleaning, catalyst replacement). The permittee shall notify the EPA in writing within 24 hours of each such shut down. The engine must be retested within 7 days of being restarted and the emissions must meet the applicable limits in this permit. If the retest shows that the emissions continue to exceed the limits in this permit, the engine shall again be shut down as soon as safely possible, and the engine may not operate, except for purposes of startup and testing, until the permittee demonstrates through testing that the emissions do not exceed the emission limits in this permit

vii. If a permitted engine is not operating, the permittee does not need to start up the engine solely to conduct a performance test. The permittee may conduct the performance test when the engine is started up again.

e. Monitoring Requirements

i. The permittee shall continuously monitor the engine exhaust temperature at the inlet to the catalyst bed on each engine.

ii. Except during startups, which shall not exceed 30 minutes, if the engine's exhaust temperature at the inlet to the catalyst bed on either engine deviates from the acceptable ranges specified in this permit then the following actions shall be taken. The permittee's completion of any of all of these actions shall not constitute, nor qualify as, an exemption from any other emission limits in this permit.

1. Within 24 hours of determining a deviation of the engine exhaust temperature at the inlet to the catalyst bed, the permittee shall investigate. The investigation shall include testing the temperature sensing device, inspecting the engine for performance problems and assessing the catalytic control system for possible damage that could affect catalytic system effectiveness (including, but not limited to, catalyst housing damage, and fouled, destroyed or poisoned catalyst).

2. If the engine exhaust temperature at the inlet to the catalyst bed can be corrected by following the engine manufacturer recommended procedures or equivalent procedures developed by the permittee or vendor, and the catalytic control system has not been damaged, then the permittee shall correct the engine exhaust temperature at the inlet to the catalyst bed within 24 hours of inspecting the engine and catalytic control system.

3. If the engine exhaust temperature at the inlet to the catalyst bed cannot be corrected using the engine manufacturer recommended procedures or equivalent procedures developed by the permittee or vendor, or the catalytic control system has been damaged, then the affected engine shall cease operating immediately and shall not be returned to routine service until the following has been met:

   A. The engine exhaust temperature at the inlet to the catalyst bed is measured and found to be within the acceptable temperature range for that engine; and

   B. The catalytic control system has been repaired or replaced, if necessary.

iii. The permittee shall monitor the pressure drop across the catalyst bed on each engine every 30 days using pressure sensing devices before and after the catalyst bed to obtain a direct reading of the pressure drop (also referred to as the differential pressure). *[Note to permittee: Differential pressure measurements, in general, are used to show the pressure across the filter elements. This information will determine when the elements of the catalyst bed are fouling, blocked or blown out and thus require cleaning or replacement.]*.

iv. The permittee shall perform the first measurement of the pressure drop across the catalyst bed on each engine no more than 30 days from the date of the initial performance test. Thereafter, the permittee shall measure the pressure drop across the catalyst bed, at a minimum every 30 days. Subsequent performance tests, as required in this permit, can be used to meet the periodic pressure drop monitoring requirements provided it occurs within the 30-day window. The pressure drop reading can be a one-time measurement on that day, the average of performance test runs conducted on that day, or an average of all the measurements taken on that day if continuous readings are taken.

v. The permittee shall monitor CO and NO_x emissions from the exhaust of the catalytic control system on each engine at least quarterly, to demonstrate compliance with each engine's emission limits in this permit. To meet this requirement, the permittee shall:

1. Measure CO and NO_x emissions at the normal operating load using a portable analyzer and a monitoring protocol approved by the EPA or conduct a performance test as specified in this permit;

2. Measure the CO and NO_x emissions simultaneously; and

3. Commence monitoring for CO and NO_x emissions within 90 calendar days of the permittee's submittal of the initial performance test results for NO_x and/or CO emissions, as appropriate, to the EPA.

vi. The permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, processes or operational parameters the day of or during measurements. Any such tuning or adjustments may result in a determination by the EPA that the result is invalid. Artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.

vii. If the pressure drop reading exceeds ±2 inches of water from the baseline pressure drop reading taken during the most recent performance test, or if the results of any quarterly emissions monitoring demonstrate non-compliance with the NO_x or CO the emission limits in this permit, then the following actions shall be taken. The permittee's completion of any or all of these actions shall not constitute, nor qualify as, an exemption from any other emission limits in this permit:

1. Within 24 hours of determining a deviation of the pressure drop across the catalyst bed or the emission limits in this permit, the permittee shall investigate. The investigation shall include testing the pressure transducers and assessing the catalytic control system for possible damage that could affect catalytic system effectiveness (including, but not limited to, catalyst housing damage, and plugged, fouled, destroyed or poisoned catalyst.

2. If the pressure drop across the catalyst bed, or the elevated emission rates, can be corrected by following the catalytic control system manufacturer recommended procedures or equivalent procedures developed by the permittee or vendor, and the catalytic control system has not been damaged, then the permittee shall correct the problem within 24 hours of inspecting the catalytic control system.

3. If the pressure drop across the catalyst bed, or the elevated emission rates, cannot be corrected using the catalytic control system manufacturer recommended procedures or equivalent procedures developed by the permittee of vendor, or the catalytic control system is damaged, then the permittee shall do one of the following:

   A. Conduct a performance test within 90 calendar days, as specified in this permit, to ensure that the emission limits are being met and to re-establish the pressure drop across the catalyst bed. The permittee shall perform a portable analyzer test for CO and NO_x and establish a new temporary pressure drop baseline until a performance test can be scheduled and completed; or

   B. Cease operating the affected engine immediately. The engine shall not be returned to routine service until the pressure drop is measured and found to be within the acceptable pressure range for that engine as determined from the most recent performance test and the emission rates are found to be in compliance with the emission limits in this permit. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.

viii. For the 1,090 hp 4SLB engine (TS8-1): if the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with the CO emission limits, the required monitoring frequency may change from quarterly to semi-annually.

ix. For the 1,944 hp 4SRB engine (TS8-3): if the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with NO_x and CO emission limits, the required monitoring frequency may change from quarterly to semi-annually.

x. For any one (1) engine: if the results of 2 consecutive semi-annual portable analyzer measurements demonstrate non-compliance with the NO_x and/or CO emission limits, the required test frequency shall revert back to quarterly.

xi. The permittee shall submit portable analyzer specifications and monitoring protocols to the EPA at the following address for approval at least 45 calendar days prior to the date of initial portable analyzer monitoring:

U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance & Environmental Justice
Air Toxics and Technical Enforcement Program, 8ENF-AT
1595 Wynkoop Street
Denver, Colorado 80202

xii. Portable analyzer specifications and monitoring protocols that have already been approved by the EPA for the emission units approved in this permit may be used in lieu of new protocols unless the EPA determines it is necessary to require the submittal and approval of a new protocol. The permittee may submit a new protocol for EPA approval at any time.

xiii. The permittee is not required to conduct emissions monitoring and parametric monitoring of exhaust temperature and catalyst differential pressure on engines that have not operated during the monitoring period. The permittee shall certify that the engine(s) did not operate during the monitoring period in the annual report.

f. Recordkeeping Requirements

i. Records shall be kept of manufacturer specifications and maintenance requirements developed by the manufacturer, vendor, or permittee for each engine, catalytic control system, temperature-sensing device, and pressure-measuring device.

ii. Records shall be kept of all calibration and maintenance conducted for each engine, catalytic control system, temperature-sensing device, and pressure-measuring device.

iii. Records shall be kept that are sufficient to demonstrate that the fuel used for each engine is pipeline quality natural gas in all respects, with the exception of CO_2 concentrations.

iv. Records shall be kept of all temperature measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.

v. Records shall be kept of all pressure drop measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.

vi. Records shall be kept of all required testing and monitoring in this permit. The records shall include the following:

1. The date, place, and time of sampling or measurements;

2. The date(s) analyses were performed;

3. The company or entity that performed the analyses;

4. The analytical techniques or methods used;

5. The results of such analyses or measurements; and

6. The operating conditions as existing at the time of sampling or measurement

vii. Records shall be kept of all catalyst replacements or repairs, AFR controller replacements, engine rebuilds, and replacements.

viii. Records shall be kept of each rebuilt or replaced engine break-in period, pursuant to the requirements of this permit, where an existing engine that has been rebuilt or replaced resumes operation without the catalyst control system, for a period not to exceed 200 hours.

ix. Records shall be kept of each time any engine is shut down due to a deviation in the inlet temperature to the catalyst bed or pressure drop across a catalyst bed. The permittee shall include in the record the cause of the problem, the corrective action taken, and the timeframe for bringing the pressure drop and inlet temperature range into compliance.

3. Requirements for Records Retention

a. The permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.

b. Records shall be kept in the vicinity of the facility, such as at the facility, the location that has day-to-day operational control over the facility, or the location that has day-to-day responsibility for compliance of the facility.

4. Requirements for Reporting

a. Annual Emission Reports

i. The permittee shall submit a written report of the actual annual emissions from all emission units at the facility covered under this permit, including emissions from startups, shutdowns, and malfunctions, each year no later than April 1st. the annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the person primarily responsible for Clean Air Act compliance for the permittee.

ii. The report shall include NO_x, CO, and CH_2O emissions, as appropriate.

iii. The report shall be submitted to:

U.S. Environmental Protection Agency, Region 8

Office of Partnerships and Regulatory Assistance
Tribal Air Permitting Program, 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202

The report may be submitted via electronic mail to r8AirPermitting@epa.gov

b. All other documents required to be submitted under this permit, with the exception of the **Annual Emission Reports**, shall be submitted to:

U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance & Environmental Justice
Air Toxics and Technical Enforcement Program, 8ENF-AT
1595 Wynkoop Street
Denver, Colorado 80202

All documents may be submitted electronically to r8airreportenforcement@epa.gov

c. The permittee shall promptly submit to the EPA a written report of any deviations of permit requirements, a description of the probable cause of such deviations and any corrective actions or preventative measures taken. A "prompt" deviation report is one that is post marked or submitted via electronic mail to r8airreportenforcement@epa.gov as follows:

i. Within 30 days from the discovery of any deviation of the emission limits or operational limits that is left un-corrected for more than 5 days after discovering the deviation; and

ii. By April 1st for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the permittee's ability to meet emission limits.

d. The permittee shall submit a written report for any required performance tests to the EPA Regional Office within 60 days after completing the tests.

e. The permittee shall submit any record or report required by this permit upon EPA request.

5. General Provisions

a. Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit. This authorization is expressly conditioned as follows:

i. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.

ii. *Permit Application:* The permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.

iii. *Permit Deviations*: The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the permittee will be subject to appropriate enforcement action.

iv. *Compliance with Permit:* The permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the Clean Air Act and is grounds for enforcement action and for a permit termination or revocation.

v. *Fugitive Emissions:* The permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.

vi. *National Ambient Air Quality Standard and PSD Increment:* The permitted source shall not cause or contribute to a National Ambient Air Quality Standard violation or a PSD increment violation.

vii. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.

viii. *Enforcement:* It is not a defense, for the permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

ix. *Modifications to Permitted Emissions Units/Limits:* For proposed modifications, as defined at §49.152(d), that would increase an emissions unit allowable emissions of a pollutant above its existing permitted annual allowable emissions limit, the permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR

regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at §49.159(f).

x. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.

xi. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the permittee fails to assure compliance with the applicable requirements.

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

xiii. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.

xiv. *Information Requests:* The permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR Part 2, Subpart B.

xv. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the permittee shall allow the EPA or its authorized representative to:

1. Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

3. Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

4. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and

5. Record any inspection by use of written, electronic, magnetic and photographic media.

xvi. *Permit Effective Date:* this permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. The permittee may notify the EPA, in writing, that this permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of this permit and should include the reason or reasons for rejection.

xvii. *Permit Transfers;* Permit transfers shall be made in accordance with 40 CFR 49.159(f). the Air Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.

U.S. Environmental Protection Agency, Region 8
Office of Partnerships and Regulatory Assistance
Tribal Air Permitting Program, 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202

xviii. *Invalidation of Permit:* This permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the construction of the approved phases of a phased construction project. The permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.

xix. *Notification of Start-Up:* The permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source is an existing source.

III. Facility-Wide Requirements

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

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

III.A. General Recordkeeping Requirements [RAC 2-110(6)]

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

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

   [40 CFR 63.10(b)(3)]

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

III.B. General Reporting Requirements

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

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

2. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or

through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with RAC 2-110(5) and (6). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

a. A situation where emissions exceed an emission limitation or standard;

b. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or

c. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

d. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

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

   a. Where the underlying applicable requirement contains a definition of "prompt" or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.

   b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:

      i. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;

      ii. For emissions of any regulated air pollutant, excluding those listed in RAC § 2-110(7)(b)(i), that continue for more than 2 hours in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;

      iii. For all other deviations from permit requirements, the report shall be contained in the report submitted with the semi-annual monitoring report.

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

III.C. Alternative Operating Scenarios [RAC 2-110(8)]

1. Replacement of an existing engine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:

    a. The engine replacement is not subject to any requirements under Title IV of the Clean Air Act and is not a modification under Title I of the Clean Air Act;

    b. The replacement engine is of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced.

    c. The replacement engine meets all applicable requirements identified in this permit that apply to the existing engine being replaced.

    d. All applicable requirements that apply to the replacement engine are already identified in the permit. Replacement of an existing engine identified in this permit with a new, modified, or reconstructed engine must utilize a Minor Permit Revision as specified in RAC 2-111(3) or a Significant Permit Revision as specified in RAC 2-111(4) to incorporate any new applicable requirements. The applicable requirements include, but may not be limited to:

        i. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines at 40 CFR Part 60, Subpart JJJJ;

        ii. Standards of Performance for Stationary Compression Ignition Internal Combustion at 40 CFR Part 60, Subpart IIII;

        iii. National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines at 40 CFR Part 63, Subpart ZZZZ;

        iv. Requirements established in a permit or permits issued pursuant to the Federal Minor New Source Review Program in Indian Country at 40 CFR Part 49;

        v. Requirements established in a permit or permits issued pursuant to the Prevention of Significant Deterioration of Air Quality Program at 40 CFR Part 52; or

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

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

3. The Permittee shall keep a record of the engine exchange.

III.D. Permit Shield [RAC 2-110(10)(c)]

Nothing in this permit shall alter or affect the following:

1. The provisions of Section 303 of the Clean Air Act, 42 U.S.C. § 7603 concerning emergency powers, including the respective authorities of the Administrator under those sections;

2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or

4. The ability of the Administrator respectively to obtain information from a source pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414.

IV. Part 70 Administrative Requirements

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

1. An annual operating permit emission fee shall be paid to the Tribe by the permittee.

   [RAC 2-118(2)]

2. The permittee shall pay the annual permit fee each year no later than April 1st for the preceding calendar year, except that the first annual permit fee will cover the period from the issuance date of this permit through December 31 of the same year.

   [RAC 2-118(2)]

3. Fee payments shall be remitted in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe and sent or delivered by the United States Postal Service c/o Environmental Programs Division Part 70 Program, P.O. Box 737 MS #84, Ignacio, Colorado 81137; or by common carrier (such as UPS or FedEx) c/o Environmental Programs Division Part 70 Program, 398 Ouray Drive, Ignacio, Colorado 81137.

   [RAC 2-118(4)(a)]

4. The permittee shall send an updated fee calculation worksheet submitted annually by the same deadline as required for fee payment to the address listed in the **Submissions** section of this permit.

   [RAC 2-118]

5. Basis for calculating annual fee:

a. Subtotal annual fees shall be calculated by multiplying the applicable emission fee set pursuant to RAC § 2-119(1) times the total tons of actual emissions for each fee pollutant. In absence of actual emissions data, calculate the annual fee based on the potential to emit (as defined at RAC 1-103(51)) for each fee pollutant. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}, shall be counted only once in determining the source's actual emissions.

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

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

[RAC 1-103(2)]

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

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

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

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

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

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

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

c. The permittee shall exclude the following emissions from the calculation of fees:

i. The amount of actual emissions of any one fee pollutant that the source emits in excess of 4,000 tons per year

ii. Any emissions that come from insignificant activities not required in a permit application pursuant to RAC § 2-106(4).

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

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

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

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

[RAC 2-118(6)]

8. When notified by the Tribe of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of an invoice from the Tribe.

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

9. A permittee who thinks a Tribe assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the Tribe along with full payment of the assessed fee.

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

IV.B. Compliance Requirements

1. Compliance with the Permit

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

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

   b. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

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

2. Compliance Certifications

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

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

3. Compliance Schedule

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

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

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

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

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

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

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

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

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

[RAC 2-106(5)]

IV.D. Submissions [RAC 2-105]

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

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

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

by United States Postal Service:	or by Common Carrier:
Part 70 Program Environmental Programs Division Air Quality Program P.O. Box 737 MS #84 Ignacio, Colorado 81137	Part 70 Program Environmental Programs Division Air Quality Program 398 Ouray Drive Ignacio, CO 81137

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:

   a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

   b. If changes are requested to the permit language, the permittee's suggested draft permit changes;

   c. Certification by a responsible official, consistent with RAC § 2-105, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used; and

   d. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108

e. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

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

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

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

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

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

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

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

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

1. The permittee must request the use of significant permit revision procedures as defined in RAC § 1-103.

2. Significant permit revisions shall meet all requirements of the RAC for permit issuance and renewal, including those for applications, review by the Administrator and affected programs, and public participation.

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

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

1. The permit may be reopened and revised for any of the reasons listed in paragraphs a. through d. below. Alternatively, the permit may be revoked and reissued for the reasons listed in paragraphs c. and d. below:

a. Additional requirements under the Clean Air Act become applicable to a major source with a remaining permit term of 3 or more years, provided that the Tribe shall revise such permits to incorporate such additional requirements no later than 18 months after promulgation of such requirements, and no such reopening is required if the effective date of the requirement is later than the permit expiration date unless the original permit or any of its terms or conditions have been extended past the permit expiration date pursuant to RAC § 2-104(2)(b)(iii);

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

c. The Tribe or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit; or

d. The Tribe or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with applicable requirements.

2. The permit may be terminated for any of the reasons in (a) through (g) below:

a. The permittee fails to meet the requirements of an approved compliance plan;

b. The permittee has been in significant or repetitious noncompliance with the operating permit terms or conditions;

c. The permittee has exhibited a history of willful disregard for environmental laws of any tribal or state authority, or of the United States;

d. The permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;

e. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;

f. The permittee fails to pay fees required under RAC§§ 2-118 and 2-119; or

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

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

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

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

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

1. Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

1. The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency as defined in RAC § 1-103. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

   b. The permitted facility was at the time being properly operated;

   c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

   d. The permittee reported the emergency to the Tribe in compliance with RAC § 2-110(7).

[RAC 2-117(1)]

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

[RAC 2-117(2)]

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

[RAC 2-117(3)]

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

1. This permit shall not be transferable, by operation of law or otherwise, from one location to another or from one source to another, except that a permit may be transferred from one location to another in the case of a portable source that has notified the Tribe in advance of the transfer, pursuant to the RAC. A permit for a source may be transferred from one person to another if the Tribe finds that the transferee is capable of operating the source in compliance with the permit.

This transfer must be accomplished through an administrative permit revision in accordance with the Administrative Permit Revisions section of this permit.

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

1. The permittee is allowed to make, without a permit revision, certain changes that are not addressed or prohibited by this permit provided that the following requirements are met:

   a. Each such change meets all applicable requirements and shall not violate any existing permit term or condition;

   b. Such changes are not subject to any requirements under title IV of the Clean Air Act and are not modifications under title I of the Clean Air Act;

   c. Such changes are not subject to permit revision procedures under RAC § 2-111; and

   d. The permittee provides contemporaneous written notice to the Tribe and the Administrator of each such change, except for changes that qualify as insignificant activities. Such notice shall state when the change occurred and shall describe the change, any resulting emissions change, pollutants emitted, and any applicable requirement that would apply as a result of the change.

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

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

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

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

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

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

[RAC 2-110(6)]

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

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

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

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

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

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

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

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

[RAC 2-104(3)]

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

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

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

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

V. Appendix

V.A. Inspection Information

1. Driving Directions to the facility:

   Drive north on US 550 past the Colorado state line to mile marker 3.7. Turn left onto La Plata County Road 213 (La Posta Road). Travel approximately 3.5 miles up CR 213 to High Flume Canyon Road (marked with High Flume Gravel Pit sign). Turn left (west) onto High Flume Canyon Road and travel approximately 3.3 miles to top of hill and tee in the road. Turn left (south) at tee and travel approximately 1 mile to Treating Site #8 on (left) west side of road.

2. Global Positioning System (GPS):

   Latitude: N 37.077213

   Longitude: W 107.934265

3. Safety Considerations:

   BP recommends all visitors to the Treating Site #8 Central Delivery Point (CDP) wear a hard hat, safety glasses, safety toe footwear, hearing protection, and fire retardant clothing.