

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,

ConocoPhillips
Ute Compressor Station

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
Sections 14 and 15, T32N R11W
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.

A handwritten signature in black ink, appearing to read "Mark Hutson", is written over a horizontal line.

Mark Hutson, Air Quality Program Manager
Environmental Programs Division
Southern Ute Indian Tribe

**AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE
ConocoPhillips
Ute Compressor Station**

Permit Number: V-SUIT-0056-2015.00
[No previous Title V permits issued]

Issue Date: September 25, 2015
Effective Date: November 4, 2015
Expiration Date: November 4, 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 15, 2014	Tribal Minor New Source Review Permit issued		SMNSR-SU-000054-2012.001
September 25, 2015	Initial Part 70 Permit issued		# V-SUIT-0056-2015.00

Table of Contents

Abbreviations and Acronyms	iii
List of Tables	iv
I. Source Information and Emission Unit Identification	5
I.A. Source Information	5
I.B. Source Emission Points	6
II. Site Specific Requirements	7
Requirements for Engines	7
II.A. 40 CFR Part 60, Subpart A – New Source Performance Standards General Provisions	7
II.B. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - 40 CFR Part 60, Subpart JJJJ	7
1. Applicability	7
2. General Provisions	8
3. Emission Standards	8
4. Compliance Requirements	9
5. Testing Requirements	9
6. Notification, Reports, and Records	9
II.C. 40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants, General Provisions	9
II.D. 40 CFR Part 63, Subpart HH - National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities	9
1. Affected Sources	9
2. General Standards	10
3. Control Equipment Requirements	11
4. Test Methods, Compliance Procedures and Compliance Determinations	11
5. Inspection and Monitoring Requirements	12
6. Record Keeping Requirements	12
7. Reporting Requirements	13
40 CFR Part 49 Requirements	14
II.E. Synthetic Minor New Source Review Permit Requirements	14
1. Requirements for 1,478 Horsepower Engine	14
2. Requirements for Pneumatic Controllers	21
3. Requirements for Leak Detection and Repair (LDAR)	21
4. Requirements for Record Retention	22
5. Requirements for Reporting	23
6. General Provisions	24
II.F. Consent Agreement	27
III. Facility-Wide Requirements	27
III.A. General Recordkeeping Requirements	27
III.B. General Reporting Requirements	27
III.C. Alternative Operating Scenarios for Engines	29
III.D. Permit Shield	30
IV. Part 70 Administrative Requirements	30
IV.A. Annual Fee Payment	30
IV.B. Compliance Requirements	32
IV.C. Duty to Provide and Supplement Information	34
IV.D. Submissions	34
IV.E. Severability Clause	35
IV.F. Permit Actions	35

IV.G.	Administrative Permit Revision	35
IV.H.	Minor Permit Revisions.....	35
IV.I.	Significant Permit Revisions	37
IV.J.	Permit Reopenings, Revocations and Reissuances, and Terminations	37
IV.K.	Property Rights.....	38
IV.L.	Inspection and Entry	38
IV.M.	Emergency Situations.....	38
IV.N.	Permit Transfers	39
IV.O.	Off-Permit Changes.....	39
IV.P.	Permit Expiration and Renewal.....	40
V.	Appendix.....	41
V.A.	Inspection Information.....	41

Abbreviations and Acronyms

4SLB	Four-Stroke Lean-Burn
4SRB	Four-Stroke Rich-Burn
AFS	Air Facility System database
AQP	Southern Ute Indian Tribe's Air Quality Program
bbbl	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO 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 ₂ S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lbs	Pounds
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
MMSCFD	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NO _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
ppbv	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

List of Tables

Table 1 - Emission Units.....6
Table 2 - Insignificant Emission Units6

I. Source Information and Emission Unit Identification

I.A. Source Information

Parent Company Name: ConocoPhillips

Plant Name: Ute Compressor Station

Plant Location: Section 14, T32N R11W
Latitude: 37.0173
Longitude: -108.0201

State: Colorado

Reservation: Southern Ute Indian Reservation

County: La Plata County

Responsible Official: President

SIC Code: 1311

ICIS Programmatic Identification Number: SU00000008-067-U0047

EPA Facility Registry ID: 110010308979

Other Clean Air Act Permits: On September 15, 2014 EPA issued Ute Compressor Station minor new source review permit #SMNSR-SU-000054-2012.001, to establish legally and practically enforceable emission limits for NO_x, CO, and formaldehyde. This permit did not authorize the construction of any new emission sources or authorize any physical modifications to the facility or its operations.

Description of Process:

The facility is comprised of equipment that dehydrates and compresses natural gas. Gas entering the facility is first fed to a 2-phase inlet separator that gravimetrically removes liquids. Condensate is directed to the condensate tanks and trucked from the facility. The overhead gas is compressed and dehydrated before being discharged to the gathering pipeline. Rich glycol is first directed to a flash tank to remove entrained hydrocarbons before being sent to the still vent. The flash gas is directed to the fuel gas system. The still vent vapor stream is directed to an air cooled condenser where liquids are condensed and then sent to an atmospheric storage tank. The uncondensed vapor is directed to atmosphere.

I.B. Source Emission Points

**Table 1 - Emission Units
ConocoPhillips, Ute Compressor Station**

Emission Unit ID	Description	Control Equipment
E-1	1 – Waukesha L5790GL Natural Gas-Fired SI 4SLB Compressor Engine, 1,215 nameplate rated hp Serial No.: 240747 Installed: 01/10/2012	Oxidation Catalyst
E-2	1 – Waukesha L7042GL Natural Gas-Fired SI 4SLB Compressor Engine, 1,478 nameplate rated hp Serial No.: C-13014/1 Installed: 05/08/2013	Oxidation Catalyst
DEHY-1	1 – PESCO Triethylene Glycol Dehydrator, 14.4 MMscfd, with 0.125 MMBtu/hr reboiler burner Serial No.: NA Installed: 1988	Condenser
TK-5080 TK-5081	2 – 300 BBL (12,600 gal.) Condensate Tank Serial No.: 3935-4 Installed: 1988 Serial No.: 976-2 Installed: 1988	None

**Table 2 - Insignificant Emission Units
ConocoPhillips, Ute Compressor Station**

Emission Unit ID	Description	Size/Rating
T-1	1 - Capstone C30 NG Turbine	30 kW
T-2	1 - Capstone C65 NG Standard Turbine	65 kW
H-1	1 - Dehydrator Reboiler	0.125 MMBtu/hr
H-2	1 - Auxiliary Heater	0.125 MMBtu/hr
H-3	1 - Auxiliary Heater	0.100 MMBtu/hr
LOAD	1 - Condensate Truck Loading	5,000 bbl/yr
TK-1 and TK-2	2 - Oil Tanks	100-bbl

TK-3	1 - Coolant Tank	100-bbl
TK-6	1 - Compressor Oil Tank	250-gal
TK-7	1 - Emulsion Breaker Tank	150-gal
TK-8	1 - Compressor Oil Tank	300-gal
TK-9	1 - Ethylene Glycol Tank	535-gal
TK-10	1 - Triethylene Glycol Tank	1,130-gal
TK-4040	1 - Methanol Tank	100-bbl
TK-8094A	1 - Dehydrator Condenser Liquids Tank	300-bbl
BGT-1 and BGT-2	2 - Pit Sump Liquids Tank	5,040-gal
FUG	1 - Fugitive Equipment Leaks	NA

II. Site Specific Requirements

Requirements for Engines

II.A. 40 CFR Part 60, Subpart A – New Source Performance Standards General Provisions

This source is subject to the requirements of 40 CFR Part 60, Subpart A – General Provisions as specified in Table 3 of 40 CFR Part 60, Subpart JJJJ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart A.

[40 CFR 60.4246]

II.B. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - 40 CFR Part 60, Subpart JJJJ

This source is subject to the requirements of 40 CFR Part 60, Subpart JJJJ for stationary four-stroke lean-burn natural gas fired SI-ICE with a maximum horsepower greater than 19KW (25 hp) that are modified or reconstructed after June 12, 2006. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart JJJJ.

[40 CFR 60.4230(a)(5) and 60.4233(f)(4)]

1. Applicability [40 CFR 60.4230]

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

E1 – Waukesha 5790GL SI 4SLB Natural Gas-Fired Compressor Engine, 1,215 nameplate-rated hp, modified after June 12, 2006.

2. General Provisions [40 CFR 60.4, 60.4246, and 60.4236(b)]

- a. All reports required under 40 CFR Part 60, Subpart A shall be sent to the Tribe and Administrator at the following addresses as listed in §60.4:

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

and

Director, Air and Toxics Technical Enforcement Program, 8ENF-AT
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street, Denver, CO 80202-1129
8ENF-AT

[40 CFR 60.4]

- b. The permittee must comply with the requirements of 40 CFR 60.4236 and the **Alternative Operating Scenarios for Engines** section of this permit for installation of stationary SI ICE.

[40 CFR 60.4236 and RAC 2-110(8)]

3. Emission Standards [40 CFR 60.4233, 60.4234]

- a. The permittee must comply with the following emissions standards as specified in §60.4233(f)(4)(i):

Subpart JJJJ Emission Standards					
g/HP-hr			ppmvd at 15% O₂		
NO_x	CO	VOC	NO_x	CO	VOC
3.0	4.0	1.0	250	540	86

For each engine that was certified to the certification emission standards in 40 CFR part 1048 applicable to engines that are not severe duty engines, the permittee may meet the CO certification (not field testing) standard for which the engine was certified in accordance with §60.4233(e).

- b. The permittee must operate and maintain the engines subject to the emission standards over the entire life of the engine, as specified in §60.4234.

4. Compliance Requirements [40 CFR 60.4243]

- a. The permittee must meet all of the applicable compliance requirements as specified in §60.4243.

5. Testing Requirements [40 CFR 60.4244]

- a. For each performance test required under §60.4243, the permittee must meet the performance testing requirements of §60.4244.

6. Notification, Reports, and Records [40 CFR 60.4245]

- a. The permittee must meet all of the applicable notification, reporting, and recordkeeping requirements of §60.4245.

Requirements for Dehydrators

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

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

[40 CFR 63.764]

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

This facility is subject to the requirements of 40 CFR Part 63, Subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart HH.

1. Affected Sources [40 CFR 63.760(a) through (e)]

The following units are affected sources for purposes of 40 CFR Part 63, Subpart HH:

- a. Emission Unit DEHY-1, a PESCO TEG Dehydration Unit with an actual annual average natural gas flowrate less than 85,000 standard cubic meters per day or actual annual average benzene emissions less than 0.90 Mg/yr (1 tpy), as determined according to § 63.772(b).

[40 CFR 63.760(b)(1)(i)(B)]

2. General Standards [40 CFR 63.764]

- a. Table 2 of 40 CFR Part 63, Subpart HH specifies the General Provisions of 40 CFR Part 63, Subpart A that apply.

[40 CFR 63.764(a)]

- b. All reports required under 40 CFR Part 63, Subpart A shall be sent to the Tribe and Administrator at the following addresses:

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

and

Director, Air and Toxics Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street, Denver, CO 80202-1129
Mail Code 8ENF-AT

Reports may be submitted on electronic media.

[40 CFR 63.764(b)]

- c. The permittee shall comply with 40 CFR Part 63, Subpart HH as follows:
- d. For each glycol dehydration unit process vent subject to this subpart, the permittee shall comply with the following:
- i. The control requirements for glycol dehydration unit process vents specified in §63.765;
 - ii. The monitoring requirements specified in §63.773; and
 - iii. The recordkeeping and reporting requirements specified in §§63.774 and 63.775.

[40 CFR 63.764(c)(1)]

- e. At all times the owner or operator 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.

[40 CFR 63.764(j)]

- f. The permittee shall comply with all provisions for affirmative defense for violations of emission standards during malfunctions as specified in §63.762.

[40 CFR 63.762]

3. Control Equipment Requirements [40 CFR 63.771]

- a. The permittee shall comply with the control equipment requirements as follows:
 - i. For each closed vent system, the permittee shall comply with the closed vent system requirements specified in §63.771(c);
 - ii. For each control device, the permittee shall comply with the applicable control device requirements specified in §63.771(d); and
 - iii. For each process modification made to comply with glycol dehydration unit process vent standards at §63.765(c)(2), the permittee shall comply with the process modification standards specified in §63.771(e).

[40 CFR 63.771]

[Explanatory note: Pursuant to the definition of “control device” at §63.761, if the gas or vapor recovered from regulated equipment is used, reused, returned back to the process, or sold then the recovery system used, including piping, connections, and flow inducing devices is not considered a control device or a closed-vent system.]

4. Test Methods, Compliance Procedures and Compliance Determinations [40 CFR 63.772]

- a. The permittee shall determine the glycol dehydration unit natural gas flow rate and benzene emissions in accordance with the requirements specified in §63.772(b).
- b. The permittee shall conduct the no detectable emissions test procedure in accordance with the requirements specified in §63.772(c).
- c. The permittee shall conduct the control device performance test procedure in accordance with the requirements specified in §63.772(e).
- d. The permittee shall demonstrate compliance for the control device performance requirements in accordance with the requirements specified in §63.772(f).
- e. The permittee shall demonstrate compliance with the percent reduction performance requirements for condensers in accordance with the requirements specified in §63.772(g).

- f. The permittee may utilize the manufacturer performance test procedures in accordance with the requirements specified in §63.772(h) and demonstrate compliance in accordance with the requirements specified in §63.772(i) as an alternative to conducting a performance test as specified in §63.772(e).

[40 CFR 63.772]

5. Inspection and Monitoring Requirements [40 CFR 63.773]

- a. For each control device whose model was tested under §63.772(h), the permittee shall develop an inspection and maintenance plan for each control device in accordance with the requirements specified in §63.773(b).
- b. For each closed-vent system or cover required by the permittee to comply with 40 CFR Part 63, Subpart HH, the permittee shall comply with the requirements specified in §63.773(c).
- c. For each control device required by the permittee to comply with 40 CFR Part 63, Subpart HH, the permittee shall comply with the requirements as specified in §63.773(b) or §63.773(d).

[40 CFR 63.773]

6. Record Keeping Requirements [40 CFR 63.774]

- a. The permittee must keep the records required by the recordkeeping provisions of 40 CFR Part 63, Subpart A, as specified in Table 2 of 40 CFR Part 63, Subpart HH.
- b. The permittee shall maintain records as specified in §63.774(b).
- c. The permittee shall maintain records as specified in §63.774(c).
- d. If using a flare to comply with 63.771(d), the permittee shall maintain records as specified in 63.774(e).
- e. The permittee shall maintain records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control equipment and monitoring equipment as specified in §63.771(g).
- f. For each control device whose model was tested under §63.772(h), the permittee shall maintain records as specified in §63.774(h).

[40 CFR 63.774]

7. Reporting Requirements [40 CFR 63.775]

- a. The permittee must submit the reports required by the reporting provisions of Subpart A as specified in Table 2 of 40 CFR Part 63, Subpart HH.
- b. The permittee shall submit the information specified in §63.775(b).
- c. *Notification of Compliance Status Report.* The permittee shall submit a Notification of Compliance Status Report as required under §63.9(h) within 180 days after the compliance date specified in §63.760(f). In addition to the information required under §63.9(h), the Notification of Compliance Status Report shall include the information specified in paragraphs (d)(1) through (12) of §63.775. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three (3). If all of the information required under this paragraph has been submitted at any time prior to 180 days after the applicable compliance dates specified in §63.760(f), a separate Notification of Compliance Status Report is not required.
- d. *Periodic Reports.* The permittee shall prepare Periodic Reports in accordance with §63.775(e)(2) and submit them to the Tribe and the Administrator semi-annually by April 1st and October 1st of each year. The report due on April 1st shall cover the July 1st – December 31st reporting period of the previous calendar year. The report due on October 1st shall cover the January 1st – June 30th reporting period of the previous calendar year. The initial report shall cover the period from the issuance date of this permit through the end of the relevant semi-annual reporting period.
- e. *Notification of process change.* Whenever a process change is made, or a change in any of the information submitted in the Notification of Compliance Status Report, the permittee shall submit a report within 180 days after the process change is made or as a part of the next Periodic Report. The report shall include the requirements of §63.775(f).
- f. *Electronic Reporting.* Within 60 days after the date of completing each performance test as required to comply with 40 CFR Part 63, Subpart HH, the permittee must submit the results of the performance tests to EPA's WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx) in accordance with the provisions specified at §63.775(g).

40 CFR Part 49 Requirements

II.E. Synthetic Minor New Source Review Permit Requirements [#SMNSR-SU-000054-2012.001]

This facility is subject to the requirements of Tribal Minor New Source Review (TMNSR) Permit #SMNSR-SU-000054-2012.001. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of the TMNSR permit.

1. Requirements for 1,478 Horsepower Engine

a. Construction and Operational Limits:

The permittee shall install and operate emission controls as specified in the TMSR permit on one (1) reciprocating internal combustion engine meeting the following specifications:

- i. Operated a 4-stroke lean-burn;
- ii. Fired with natural gas; and
- iii. Limited to a maximum site rating of 1,478 hp.

b. Emission Limits:

- i. Emissions from the engine shall not exceed the following:

- A. NO_x: 5.5 pounds per hour (lb/hr)
- B. CO: 2.7 lb/hr; and
- C. CH₂O: 0.22 lb/hr.

- ii. 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 engine is equipped with a catalytic control system capable of reducing the uncontrolled emissions of CO and CH₂O to meet the emission limits specified in the TMNSR permit.
- ii. The permittee shall install, operate, and maintain a temperature sensing device (i.e., thermocouple or resistance temperature detectors) before the catalytic control system on the engine in order to continuously monitor the exhaust temperature at the inlet of the catalyst bed. The temperature sensing device shall be calibrated and operated by the permittee according to manufacturer and/or vendor specifications or specifications developed by the permittee or vendor.

- iii. Except during startups, which shall not to exceed 30 minutes, the engine exhaust temperature of the engine, at the inlet to the catalyst bed, shall be maintained at all times the engine operates with an inlet temperature of at least 450 °F and no more than 1,350 °F.
- iv. During operation, the pressure drop across the catalyst bed on the 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 $100\% \pm 10\%$ of the engine load measured during the most recent performance test.
- v. The permittee shall only fire the engine with natural gas. The natural gas shall be pipeline-quality in all respects except that the carbon dioxide (CO₂) concentration in the gas is not required to be within pipeline-quality.
- vi. The permittee shall follow, for the engine and its respective catalytic control system, the manufacturer and/or recommended maintenance schedule and procedures or equivalent maintenance schedule and procedures developed by the permittee or vendor to ensure optimum performance of the engine and its respective catalytic control system.
- vii. The permittee may rebuild the existing permitted engine or replace the existing permitted engine with an engine of the same horsepower 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 engine that is rebuilt or replaced shall also apply to the rebuilt and replaced engine.
- viii. 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 engine for measuring NO_x, CO, and CH₂O 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 63, Appendix A and 40 CFR Part 60, Appendix A, or an EPA approved American Society for Testing and 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 approval from the EPA.
 - A. The initial performance test for the engine shall be conducted within 90 calendar days of startup of a new engine.
 - B. Subsequent performance tests for CH₂O emissions shall be conducted within 12 months of the most recent performance test.
 - C. Performance tests shall be conducted within 90 calendar days of each catalyst replacement.

- D. Performance tests shall be conducted within 90 calendar days of startup of all rebuilt and replaced engines.
- ii. The permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, or processes or operational parameters the day of the engine testing or during the engine testing. Any such tuning or adjustments may result in a determination by the EPA that the test is invalid. Artificially increasing the engine load to meet testing requirements is not considered engine tuning or adjustments.
- iii. The permittee shall not abort any engine test that demonstrates non-compliance with the emission limits in this permit.
- iv. All performance tests conducted on the engine shall meet the following requirements:
- A. The pressure drop across the catalyst bed and the inlet temperature to the catalyst bed shall be measured and recorded at least once during each performance test.
- B. All tests for NO_x and CO emissions shall be performed simultaneously.
- C. All tests shall be performed at a maximum operating rate (90% to 110% of the maximum achievable engine load available on the day 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 approval from the EPA.
- D. 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.).
- E. 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.
- F. Performance test plans shall be submitted to the EPA for approval 60 calendar days prior to the date the test is planned.
- G. Performance test plans that have already been approved by the EPA for the emission unit 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.
- H. The test plans shall include and address the following elements:
1. Purpose of the test;
 2. Engines and catalytic control systems to be tested;
 3. Expected engine operating rate(s) during the test;

4. Sampling and analysis procedures (sampling locations, test methods, laboratory identification);
 5. Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and
 6. Data processing and reporting (description of data handling and quality control procedures, report content).
- I. 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.
 - J. If the 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.
- ii. Except during startups, which shall not exceed 30 minutes, if the engine's exhaust temperature at the inlet to the catalyst bed deviates from the acceptable ranges specified 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.
- iii. 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).
- iv. If the engine exhaust temperature at the inlet to the catalyst bed can be corrected by following the engine manufacturer and/or 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.
- v. If the engine exhaust temperature at the inlet to the catalyst bed cannot be corrected using the engine manufacturer and/or 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.
- vi. The permittee shall monitor the pressure drop across the catalyst bed on the 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.]*
 - vii. The permittee shall perform the first measurement of the pressure drop across the catalyst bed on the 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.
 - viii. If the pressure drop reading exceeds ± 2 inches of water from the baseline pressure drop established during the most recent performance test, 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:
 - A. Within 24 hours of determining a deviation of the pressure drop across the catalyst bed, 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).
 - B. If the pressure drop across the catalyst bed can be corrected by following the catalytic control system manufacturer and/or vendor 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.
 - C. If the pressure drop across the catalyst bed cannot be corrected using the catalytic control system manufacturer and/or vendor recommended procedures or equivalent procedures developed by the permittee or vendor, or the catalytic control system is damaged, then the permittee shall do one of the following:
 - 1. Conduct a performance test within 90 calendar days, as specified in this permit, to ensure that the NO_x, CO, and CH₂O emission limits are being met and to re-establish the pressure drop across the catalyst bed. The permittee shall measure CO and NO_x emissions using a portable analyzer and a monitoring protocol approved by the EPA to establish a new temporary pressure drop baseline until a

performance test can be scheduled and completed; or

2. 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. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.
- ix. The permittee shall measure NO_x and CO emissions from the engine at least quarterly to demonstrate compliance with the engine's emission limits in this permit. To meet this requirement, the permittee shall:
 - A. Measure NO_x and CO 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;
 - B. Measure the NO_x and CO emissions simultaneously; and
 - C. Commence monitoring for NO_x and CO emissions within 3 months of the permittee's submittal of the initial performance test results for NO_x and CO emissions to the EPA.
 - x. The permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, or processes or operational parameters on 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 the testing requirements is not considered engine tuning or adjustments.
 - xi. If the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with the NO_x and CO emission limits, the required monitoring frequency may change from quarterly to semi-annually.
 - xii. If the results of any subsequent portable analyzer measurements demonstrate non-compliance with the NO_x or CO emission limits, required monitoring frequency shall change from semi-annually to quarterly.
 - xiii. The permittee shall submit portable analyzer specifications and monitoring protocols for NO_x and CO 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
 - xiv. 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 requires the submittal and approval of a new protocol. The permittee may submit a new protocol for EPA approval at any time.

- xv. The permittee is not required to conduct emissions monitoring of NO_x, CO, and CH₂O emissions 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 did not operate during the monitoring period in the annual report specified in this permit.

f. Recordkeeping Requirements:

- i. Records shall be kept of manufacturer and/or vendor specifications or equivalent specifications developed by the permittee or vendor, and maintenance requirements for the engine, catalytic control system, temperature-sensing device, and pressure-measuring device.
- ii. Records shall be kept of all calibration and maintenance conducted for the 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 the engine is pipeline-quality natural gas in all respects, with the exception of CO₂ 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:
 - A. The date, place, and time of sampling or measurements;
 - B. The date(s) analyses were performed;
 - C. The company or entity that performed the analyses;
 - D. The analytical techniques or methods used;
 - E. The results of such analyses or measurements; and
 - F. The operating conditions as existing at the time of sampling or measurement.
- vii. Records shall be kept of all catalyst replacements or repairs, engine rebuilds and engine 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 operating hours.
- ix. Records shall be kept of each time the engine is shut down due to a deviation of the inlet

temperature to the catalyst bed or pressure drop across the 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.

2. Requirements for Pneumatic Controllers

- a. The permittee shall install, maintain, and operate pneumatic controllers that meet one or more of the following emission control technologies:
 - i. Air actuated controllers;
 - ii. Electronically actuated controllers;
 - iii. Low-bleed natural gas actuated controllers (no more than 6 standard cubic feet per hour of natural gas); or
 - iv. No-bleed natural gas actuated controllers.
- b. Each controller shall be operated and maintained according to manufacturer or vendor specifications or equivalent procedures developed by the permittee or vendor.
- c. Beginning with the effective date of this permit, records shall be kept of the date of installation of the controllers, the manufacturer or vendor specifications of the controllers or equivalent specifications developed by the permittee or vendor, and all scheduled maintenance and repairs on the controllers.

3. Requirements for Leak Detection and Repair (LDAR)

- a. The permittee shall implement a LDAR monitoring program for detecting emissions of volatile organic compound (VOC) emissions due to leaking equipment.
- b. The permittee shall develop a written LDAR protocol that , at a minimum, specifies the following:
 - i. The use of an infrared camera for the detection of VOC leaks;
 - ii. The technical procedures for monitoring with the infrared camera;
 - iii. A schedule for conducting semiannual monitoring;
 - iv. Monitoring of “equipment” per the approved LDAR protocol;
 - v. A definition of when a “leak” is detected;
 - vi. A repair schedule for leaking equipment (including delay of repair); and

- vii. A recordkeeping format.
- c. The permittee shall submit the LDAR protocol to the EPA at the following address for approval at least 45 calendar days prior to the date of initial 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
- d. LDAR protocols that have already been approved by the EPA may be used in lieu of new protocols unless the EPA requires the submittal and approval of a new LDAR protocol.
- e. The permittee may submit a revised LDAR protocol at any time for EPA approval. The existing LDAR protocol will remain in effect until a revised LDAR protocol is approved by the EPA.
- f. In the event that the EPA determines that the LDAR monitoring program is not meeting its intended goals, the permittee shall submit a revised LDAR protocol upon request by the EPA.
- g. Leak detection monitoring shall commence upon approval of the LDAR protocol by the EPA.
- h. LDAR monitoring shall be conducted at least semi-annually in accordance with an approved LDAR protocol and shall be conducted a minimum of 5 calendar months apart.
- i. The permittee shall notify the EPA in writing at least 30 calendar days prior to any LDAR monitoring conducted. If monitoring cannot be performed on the scheduled date, the permittee shall notify EPA at least 1 week prior to the scheduled date and reschedule the monitoring to satisfy the monitoring frequency requirements.
- j. The permittee shall maintain a record of all EPA approved LDAR protocols.
- k. The permittee shall maintain a record of the results of all LDAR monitoring and any necessary equipment repairs due to VOC leaks.

4. Requirements for Record 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.

5. Requirements for Reporting

a. Annual Emissions Reports

- i. The permittee shall submit a written annual report of the actual annual emissions from all emission units at the facility covered under the TMNSR permit; including emissions from start-ups, 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 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 the TMNSR 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
Denver, Colorado 80202

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

- c. The permittee shall submit a written LDAR monitoring report each year no later than April 1st. The annual report shall include the semi-annual LDAR monitoring results for the previous calendar year.
- d. The permittee shall promptly submit to the EPA a written report of any deviations of permit requirements and 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 or operational limits that is left un-corrected for more than 5 days after discovering the deviation;
 - ii. Within 30 days from the discovery of an equipment leak as a result of the semi-annual LDAR monitoring that is left un-corrected for more than 5 days after discovering the leak;

and

- iii. 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 the emission limits.
- e. The permittee shall submit a written report for any required performance tests to the EPA Regional Office within 60 days after completing the tests.
- f. The permittee shall submit any record or report required by the TMNSR permit upon EPA request.

6. General Provisions

a. Conditional Approval

- i. *Document Retention and Availability:* The TMNSR 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 the permit application as well as any plans, specifications or supporting data furnished.
- iii. *Permit Deviations:* The issuance of the TMNSR 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 the TMNSR permit, the permittee will be subject to appropriate enforcement action.
- iv. *Compliance with Permit:* The permittee shall comply with all conditions of the TMNSR 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 the TMNSR 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 the TMNSR 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 the TMNSR permit.
- ix. *Facility/Source Modifications:* For proposed modifications, as defined at §49.152(d), that would increase an emissions unit allowable emissions of pollutants 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 the permitted facility/source or modification of the TMNSR 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 TMNSR 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:* The TMNSR 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 a permit for a cause on its own initiative, e.g., if the TMNSR permit contains a material mistake or the permittee fails to assure compliance with the applicable requirements.
- xii. *Severability Clause:* The provisions of the TMNSR permit are severable, and in the event of any challenge to any portion of the TMNSR permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.
- xiii. *Property Rights:* The TMNSR 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 the TMNSR permit or to determine compliance with the TMNSR 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 the TMNSR

permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of the TMNSR permit. Upon presentation of proper credentials, the permittee shall allow the EPA or its authorized representative to:

- A. Enter upon the premises where a permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of the TMNSR permit;
- B. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the TMNSR permit;
- C. Inspect, during normal business hours or while the permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the TMNSR permit;
- D. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the TMNSR permit or other applicable requirements; and
- E. Record any inspection by use of written, electronic, magnetic and photographic media

xvi. *Permit Effective Date:* The TMNSR permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the TMNSR permit is effective 30 days after issuance. The permittee may notify the EPA, in writing, that the TMNSR permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of the TMNSR 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:* The TMNSR permit becomes invalid if construction is not commenced within 18 months after *the* effective date of the 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 the permitted source to the EPA within 60 days of such date, unless the source permitted under this action is an existing source.

II.F. Consent Agreement [docket # CAA-08-2011-0032]

Ute Compressor Station is subject to the Final Order in *In the Matter of ConocoPhillips Company, Complaint and Settlement Agreement*, United States Environmental Protection Agency Region 8, Docket Number CAA-08-2011-0032 (Consent Agreement). Notwithstanding conditions in this permit, ConocoPhillips is responsible for compliance with all applicable requirements of the Consent Agreement.

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, for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. Each of these records shall be made available to the Tribe upon request. 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 1 of each year. The report due on April 1 shall cover the July 1 - December 31 reporting period of the previous calendar year. The report due on October 1 shall cover the January 1 - June 30 reporting period of the current calendar year. All instances of deviations from permit requirements shall be clearly identified in such reports. All required

reports shall be certified by a responsible official consistent with the **Submissions** section of this permit.

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

2. “Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with RAC 2-110(5) and (6). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
 - a. A situation where emissions exceed an emission limitation or standard;
 - b. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or
 - c. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
 - d. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

3. The permittee shall promptly report to the Tribe deviations from permit requirements, (including emergencies), including the date, time, duration, and the probable cause of such deviations, the quantity and pollutant type of excess emissions resulting from the deviation, and any preventative, mitigation, or corrective actions or measures taken. “Prompt” is defined as follows:
 - a. Where the underlying applicable requirement contains a definition of “prompt” or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.
 - b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - i. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;
 - ii. For emissions of any regulated air pollutant, excluding those listed in RAC § 2-110(7)(b)(i), that continue for more than 2 hours in excess of permit requirements, the

report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;

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

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

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

1. Replacement of an existing engine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:
 - a. The engine replacement is not subject to any requirements under Title IV of the Clean Air Act and 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 replacement occurred and shall describe the replacement and any applicable requirement that would apply as a result of the replacement.
- 3. The permittee shall keep a record of the engine replacement.

III.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.
[RAC 2-118(2)]
- 3. Fee payments shall be remitted in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe and sent or delivered by the United States Postal Service c/o Environmental Programs Division Part 70 Program, P.O. Box 737 MS #84, Ignacio, Colorado 81137; or by common carrier (such as UPS or FedEx) c/o Environmental Programs Division Part 70 Program, 398 Ouray Drive, Ignacio, Colorado 81137.

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

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

[RAC 2-118]

5. Basis for calculating annual fee:

- a. Subtotal annual fees shall be calculated by multiplying the applicable emission fee set pursuant to RAC § 2-119(1) times the total tons of actual emissions for each fee pollutant. In absence of actual emissions data, calculate the annual fee based on the potential to emit (as defined at RAC 1-103(51)) for each fee pollutant. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions.

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

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

[RAC 1-103(2)]

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

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

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

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

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

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

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

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

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

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

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

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

[RAC 2-118(6)]

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

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

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

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

IV.B. Compliance Requirements

- 1. Compliance with the Permit

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

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

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

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

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

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

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

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

- 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)(1)(ii)]

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

[RAC 2-106(4)(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:
Part 70 Program
Environmental Programs Division
Air Quality Program
P.O. Box 737 MS #84
Ignacio, Colorado 81137

or by Common Carrier:
Part 70 Program
Environmental Programs Division
Air Quality Program
398 Ouray Drive
Ignacio, CO 81137

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:
 - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b. If changes are requested to the permit language, the permittee's suggested draft permit changes;
 - c. Certification by a responsible official, consistent with RAC § 2-105, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used; and
 - d. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108
 - e. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

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

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

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

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

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

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

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

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

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

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

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

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

- e. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;
- f. The permittee fails to pay fees required under RAC §§ 2-118 and 2-119; or
- g. The Administrator has found that cause exists to terminate the permit.

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

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

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

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

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

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

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

[RAC 2-117(1)]

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

[RAC 2-117(2)]

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

[RAC 2-117(3)]

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

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. A copy of each off-permit change notification shall be made available to the Tribe upon request.

[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:

From Ignacio, Colorado head south on US 172 and turn right (west) on CR 318. Follow CR 318 to the junction with US 550. Travel south on US 550 past the New Mexico State Line and turn right (west) onto RD 2300. Follow RD 2300 past the intersection at 2.1 miles and then take the left fork onto Indian Route 114 at 3.3 miles past the intersection. The Ute Compressor Station will be on the right (north) side of the road after 3.6 miles.

2. Global Positioning System (GPS) Location:

Latitude: N 37.0173

Longitude: W -108.0201

3. Safety Requirements:

ConocoPhillips requires that all visitors attend a Safety Leadership Training and San Juan Basin orientation prior to visiting field sites in the San Juan Basin when escorted by ConocoPhillips personnel. This is available through the ConocoPhillips San Juan Basin Unit office in Farmington New Mexico.

4. Personal Protective Equipment:

All visitors to the Ute Compressor Station must wear the following personal protective equipment (PPE):

- Flame-Resistant Clothing (FRC)
- Hard Hat
- Safety Glasses
- Steel Toed Boots
- Hearing Protection
- Work Gloves