AIR QUALITY PROGRAM
Environmental Programs Division
Southern Ute Indian Tribe
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January 6, 2015

Daniel Fauth
Red Cedar Gathering Company
Air Specialist
125 Mercado St., Suite 201
Durango, Colorado 81301

Re: Final Part 70 Operating Permit
Title V Permit #V-SUIT-0010-2015.00
Red Cedar Gathering Company
Arkansas Loop and Simpson Treating Plant

Dear Mr Fauth:

The Southern Ute Indian Tribe Air Quality Program (Tribe) has completed its review of Red Cedar Gathering Company's (Red Cedar) request to obtain a Title V Permit to Operate pursuant to the Title V Operating Permit Program at 40 CFR Part 70, for the Arkansas Loop and Simpson Treating Plants.

Based on the information submitted in the company's application and the comments received during the public comment period, the Tribe hereby issues the enclosed Title V Permit to Operate. The final permit will become effective on February 15, 2015.

A 30-day public comment and affected program review period was held from October 1, 2014 to October 31, 2014. The Tribe received comments from Daniel Fauth, Air Specialist for Red Cedar on October 17, 2014. No other comments were received from the public, affected programs, or tribes. The Tribe reviewed the comments received and provided responses in Enclosure 1, "Response to Comments Document." These comments resulted in administrative amendments and clarifications to the requirements of the permit for this facility.

Following the 30-day public comment period the Tribe made administrative revisions to the following sections:

- II.J – The reporting requirements and general provisions of Minor New Source Review permits #SMNSR-SU-000010-2011.001 and #MNSR-SU-000010-2014.002 (Permit sections II.H. and II.I.) have been streamlined as section II.J., under the authorities of RAC 2-110(5) and RAC 2-110(7).

These revisions are administrative in nature and do not alter any of the enforceable requirements of the permit.

A 45-day Administrative Review period at EPA Region 8 was held from November 21, 2014 to January 5, 2015. No comments were received from EPA during this review period.

Pursuant to RAC § 2-109(8), within 60 days after the final permit has been issued, the applicant, any person who participated in the public comment process and is aggrieved by the action, and any other person who could obtain judicial review of that action under applicable law, may appeal to the Environmental Commission in accordance with the Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code (RAC) and the Commission's Procedural Rules. Additionally, the regulations at RAC § 2-109(7) specify that any person may petition the EPA Administrator within 60 days after the expiration of the Administrator's 45-day review period to make an objection that the permit would not be in compliance with applicable requirements. Any such petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objections arose after such period.

If you have any questions concerning the enclosed permit, please contact Danny Powers of my staff at 970-563-4705 ext. 2265.

Sincerely,

Brenda Jarrell

Brenda Jarrell
Air Quality Program Manager
Southern Ute Indian Tribe

Cc: Matthew Langenfeld - Tribal Air Coordinator - US EPA Region 8

Enclosure –

Response to Comments Document

Comments received from Red Cedar Gathering Company on Draft Title V Permit to Operate

Red Cedar Gathering respectfully submits our comments regarding the draft Part 70 Title V permit for this facility

Page 2, Paragraph 4, Sentence 2: *Fuel used for all combustion units is pipeline quality natural gas from the facility process after compression, CO2 removal and dehydration.*

Correction: This Sentence Should Read: "*Fuel used for all combustion units is medium pressure, partially dehydrated plant inlet gas which meets pipeline quality specifications except for water and CO2 content."*

Tribe's Response: The requested correction has been made.

Page 3, Table 1, Second Row:

2 – Caterpillar G3606 (SI 4SLB) Natural Gas-Fired Compressor Engine, 1,775 nameplate rated HP
Serial No.: 3XF00253 Installed: 01/01/2014 **Correction:** Installed 10/01/2014
Serial No.: 3XF00252 Installed: 01/01/2014 **Correction:** Installed 10/01/2014

Tribe's Response: The requested correction has been made.

Page 20 – 21, Requirements for Dehydrators, II.F.1.i, ii, iv, v, vi.: "…and actual average benzene emissions equal to or greater than 0.90 Mg/yr (1tpy)…"

Comment: Red Cedar has re-evaluated the actual benzene emissions from these dehydrators based on extended gas analyses conducted during 2013-2014 and has determined that actual benzene emissions from these units are well below the 0.9 Mg/yr threshold. As such, these dehydrators are not subject to the control requirements of Subpart HH. Please note that the much higher benzene composition found in one set of gas samples taken in 2012 appears to be an anomaly as we have found no other gas samples containing anywhere near this concentration of benzene. We are currently obtaining periodic samples in order to determine if there are seasonal variations or other ration explanations for the anomaly. Copies of the extended gas analyses, summary of benzene content of historical samples and gri-Glycalc runs are attached as documentation to our revision to the dehydrator benzene emission status.

Correction: Please revise the verbiage for each dehydrator to state:" …and actual annual average benzene emissions less than 0.9Mg/yr (1tpy)…" Also please revise the remainder of this section of the permit to reflect this change in applicability.

Tribe's Response: Red Cedar demonstrated during the public comment period that uncontrolled actual annual average benzene emissions from the dehydrators at Arkansas Loop/Simpson Treating Plants are each less than 0.9 Mg/yr using the procedures specified in 40 CFR 63.722(b)(2). The Tribe has revised the verbiage in both the Statement of Basis and the glycol dehydrator unit descriptions Operating permit

to reflect the requirements for small dehydration units (i.e. dehydration units with actual annual average benzene emissions less than 0.9Mg/yr) at a major source of HAPs as defined in 40 CFR 63.761. However, existing permit language incorporating requirements for both small and large dehydration units at a major source of HAPs has not been changed since this language was written to allow sources flexibility in compliance with the rule.

On August 16, 2012, EPA promulgated the final rule revising the standards of Subpart HH, which in part, established process vent standards for small and existing large dehydration units at a major source of HAPs. The compliance date for the revised standards varies by affected unit. Red Cedar is responsible for compliance with any applicable provisions of Subpart HH by the respective compliance date.

Page 28, Section 2. Equipment Removal from Arkansas Loop Treating Plant: This section, which was extracted from the SMNSR permit verbatim, addresses a requirement that has been completed per EPA's explanatory note. This section appears to add unnecessary content to the draft permit. We suggest that it be removed.

Tribe's Response: The requested change has been made. The Tribe agrees that Red Cedar has completed this condition of the SMNSR permit and it is appropriate to remove from the operating permit.

Page 29, Section 4. Emission Limits a.: *Total cumulative volatile organic compound (VOC) emissions from the approved emission units for the Simpson Treating Plant, specified in Table 1 above, shall not exceed 41.6 tons during any consecutive 12 months.*

Comment: This aggregated VOC limit for the Simpson Plant is unusual and this section might benefit from an explanatory note. We suggest the following. "*The aggregate VOC potential to emit (PTE) for the Simpson Treating plant based on the generator engine VOC emission limits and other VOC potentials to emit as listed in the SMNSR permit application total 41.6 tons per year. Contemporaneous removal of one of the compressor engines at Arkansas Loop resulted in a net VOC emissions increase of less than 40 tpy. Limiting the Simpson plant VOC emissions to 41.6 tpy ensures that the permit action was legitimately presented and reviewed as a minor modification under Prevention of Significant Deterioration (PSD) regulations."*

Tribe's Response: The requested language has not been added. The requirements of the SMNSR permit have been incorporated verbatim into the Part 70 operating permit as applicable requirements and any non-administrative changes to SMNSR permit requirements are outside the authority of the Tribe's operating permit program. Red Cedar must contact the administrator of the SMNSR permitting program, EPA Region 8, to revise SMNSR permit requirements.

Page 33, Section 7. Monitoring Requirements a.: *The Permittee shall concurrently measure the flow rate of the **acid gas** entering the amine plant contactor at the Simpson Treating Plant in MMscf/hr using a flow meter and obtain a laboratory analysis of the CO2 content of the **acid gas** entering the amine plant and contactor, quarterly at a minimum.*

Comment and Correction: The intent of this requirement to monitor CO2 content and gas flow rate is to provide the inputs necessary to utilize Table 4 to determine hourly VOC emissions from the amine plant CO2 vent. The inputs in Table 4 are actually based on **inlet gas** flow and **inlet gas** CO2 content

not **acid gas** flow and composition. The statement can be corrected by simply deleting the term "acid". As described later in these comments, Red Cedar agrees to use the conservatively high VOC emission rate of 0.7 lb/hr or 3.1 tpy for purposes of VOC tracking, this monitoring requirement is rendered of no consequence and therefore unnecessary. Red Cedar requests that the following statement be added: *"Red Cedar has agreed to use the conservatively high VOC emission rate of 0.7 lb/hr or 3.1 tpy for purposes of tracking VOC emissions from the Simpson Plant CO2 Vent. Under this provision, this monitoring requirement has been determined to be unnecessary and of no consequence.*

Tribe's Response: Tribe's Response: The requested correction and statement have not been incorporated. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 37, Section 8. Emission Calculations f.i.2.: *"Acetaldehyde emissions shall be calculated using the AP-42 emission factor and accompanying conversion formulas…"*

Comment: The AP-42 emission factor for uncontrolled acetaldehyde emissions from 4-stroke lean-burn engines is 8.36×10^{-3} lb/MMBTU. At 1622 hp and a BSFC rating of about 8,000 btu/hphr, the uncontrolled PTE for acetaldehyde for each of these engines is about 0.11 lb/hr or 0.5 tpy. Controlled emissions are expected to be negligible. It should be noted that **the Simpson Plant only has sufficient electrical load capacity for operation of one generator at a time.** Consequently, the acetaldehyde PTE for the Simpson Plant generators is limited to 0.5 tpy. For permit clarity and simplification, Red Cedar requests addition of the following statement: *"For purposes of tracking compliance with the 41.6 tpy VOC limit Red Cedar will use the acetaldehyde emission factor 0.11 lb/hr and actual hours of operation, or 0.5 tpy as the maximum potential acetaldehyde emissions from the Simpson generators based on PTE definition. Alternatively, Red Cedar may use the federally enforceable VOC emission limit for the generator engines which is set at 9.4 tpy. This VOC emission limit includes both formaldehyde and acetaldehyde.*

Tribe's Response: The requested statement has not been included. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 37, Section 8. Emission Calculations f.i.3.: *VOC emissions for the month shall be calculated by multiplying the most recent performance test results for VOC in lbs/hr, by the number of operating hours the engine for that month, adding the calculated CH2O and acetaldehyde emissions, and converting to tpy.*

Comment: Red Cedar requests that this paragraph also include the following statement: *The most recent tests of the two engines (July, 2014) show VOC emissions including formaldehyde to be a maximum of 0.3 lb/hr or 1.3 tpy. Adding the acetaldehyde PTE of 0.5 tpy results in a total VOC emission rate of 1.8 tpy for the generator engines.*

Tribe's Response: Tribe's Response: The requested statement has not been included. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 38, Section 8. Emission Calculations f.ii.1.: *"For the 80 MMBTU/hr natural gas-fired custom made heat medium heater using the manufacturer-supplied VOC emission factor of 0.019* ***lb/mmscf****, and hourly fuel consumption rate of 88.667* ***mmscf/hr*** *(based on conservative fuel heat content of 900 Btu/scf), and the operating hours for the calendar month."*

Cc: Matthew Langenfeld - Tribal Air Coordinator - US EPA Region 8

Comment: This statement, as taken verbatim from the SMNSR permit, has measurement units which are incorrect. Each use of the term ***mmscf*** *should be corrected to state* ***mscf.*** *For clarity and simplification, Red Cedar requests that this section also include the following statement: "Based on these emission factors, Red Cedar calculates that the VOC PTE for the heat medium heater is 6.6 tpy. This emission rate will be used for VOC tracking."*

Tribe's Response: The requested correction and statement have not been included. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 38, Section 8. Emission Calculations f.ii.2.: *"For the 100 MMscfd custom made amine plant acid gas vent using the hours the amine plant operated for the month, and the appropriate manufacturer-specified VOC emission factor in lb/hr from* ***Table 2*** *below, based on the results of the most recent CO2 content laboratory analysis and the concurrently-measured throughput of the acid gas entering the amine plant contactor at the Simpson Treating Plant. If the results of the most recent laboratory analysis and measured throughput do not fall within the scenarios below, the Permittee shall use 0.7 lb/hr or obtain new emission factors from the manufacturer and use those factors as appropriate:"*

Correction and Comment: "*Table 2*" should be corrected to read "*Table 4*". Red Cedar requests that this section include the following statement: "*Based on the relatively insignificant difference between the conservatively high default emission rate of 0.7 lb/hr of VOC emissions compared to the Table 4 lowest winter/summer average case of 0.63 lb/hr VOC emissions, Red Cedar sees insufficient benefit in using Table 4 and therefore agrees to use 0.7 lb/hr or 3.1 tpy of VOC emissions for purpose of VOC tracking."*

Tribe's Response: The Tribe has corrected "Table 2" to read as "Table 4". Red Cedar's requested statement has not been included. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 39, Section 8. Emission Calculations f.ii.3.: *"The VOC emissions for each of the two (2) 1.2 MMBtu/hr natural gas-fired TEG reboilers, using: the VOC emission factor of 5.5 lb/MMscf found in AP-42 Fifth Edition, Volume I, Chapter 1: Stationary External Combustion Sources, Section 1.4: Natural Gas Combution, Table 1.4-2; the hourly fuel consumption rate of 1.667* ***mmscf/hr*** *(based on conservative fuel heat content of 900 Btu/scf); and the operating hours for the calendar month; and"*

Correction and Comment: The term ***mmscf/hr*** *should be corrected to state* ***mscf/hr.*** *Red Cedar requests that this section include the following statement: "Red Cedar has determined based on AP-42 emission factors that the PTE for VOC emissions from the two 1.2 MMBTU/hr TEG reboilers amounts to 0.03 tpy each or 0.06 tpy rounds to 0.1 tpy, this emission rate will be used for VOC tracking."*

Tribe's Response: The requested correction and statement have not been included. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 39, Section 8. Emission Calculations f.ii.3(B).: *The VOC emissions from each of the TEG dehydration system regenerator still vents and flash tanks, using GRIGlyCalc Version 4.0 or higher.*

Comment: Red Cedar requests that this paragraph also include the following statement: *"Red Cedar has determined using GRIGLyCalc Version 4.0 that actual VOC emissions from the two Simpson Plant*

dehydrators total about 7.1 tpy of VOC based on 2014 operating data and gas analyses. VOC emissions from the dehydrators are expected to be the most variable VOC emission sources at the Simpson Plant. This variability is primarily a function of the plant inlet gas composition. Red Cedar is currently engaged in an expanded inlet gas sampling program to better define the average inlet gas composition across a broader time scale."

Tribe's Response: Red Cedar's requested statement has not been added. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 39, Section 8. Emission Calculations f.iii.: *Total VOC emissions for each of the liquid storage tank IEUs at the Simpson Treating Plant specified in Table 1 of this permit, for each month, shall be 1/12 of the annual emissions estimated in tons using EPA Tanks Version 4.0 or higher.*

Comment: Red Cedar requests that this paragraph also include the following statement: *"Red Cedar has determined using the EPA approved EPA Tanks Version 4.0 that the PTE for VOC emissions from the tanks referenced in this section total 0.5 tpy. This emission rate will be used for VOC tracking."*

Tribe's Response: Red Cedar's requested statement has not been added. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Page 39, Section 8. Emission Calculations f.iv.: *Subsequent to the initial calculation, emissions of VOC for the Simpson Treating Plant shall be calculated each month, as specified above, except that for calculating VOC and CH20 emissions from each 1,622 hp 4SLB natural gas-fired engine, results from the most recent performance tests shall be used in the calculation.*

Comment: Red Cedar believes that it would be beneficial to add a summary statement to Section 8 based on the information tabulated in Table A of this correspondence. We suggest the following: *A summation of the above described PTEs and current estimates of VOC emissions based on the most recent test results and GRIGlyCalc modeling yields a total of 19.2 tpy or 46% of the 41.6 tpy limit. Relying on the generators VOC PTE of 9.4 tpy rather that tested data would increase this to 26.8 tpy or 64% of the 41.6 tpy limit. Since this summation is a combination of what are considered to be conservatively high estimates (PTE) and actual measured and modeled emissions, it may be concluded that cumulative VOC emissions cannot exceed 41.6 tpy unless the VOC content of the inlet gas increases substantially. Given that GRIGlyCalc modeling is not required more than annually, the requirement to perform a monthly calculation of VOC emissions and a total VOC emissions on a 12 month rolling basis to substantiate that VOC emissions are below 41.6 tpy is no longer meaningful. As such, compliance with the 41.6 tpy VOC emission limit will be based on calendar year emissions as presented in the annual emission inventory.*

Tribe's Response: Red Cedar's requested statement has not been added. See the response to Red Cedar's comment to Page 29, Section 4. Emission Limits, above, for explanation.

Cc: Matthew Langenfeld - Tribal Air Coordinator - US EPA Region 8

Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No V-SUIT-0010-2015.00
January, 6, 2015

Red Cedar Gathering Company
Arkansas Loop and Simpson Treating Plants
Southern Ute Indian Reservation
La Plata County, Colorado

1. Facility Information

a. Location

The Arkansas Loop and Simpson Treating Plants, owned and operated by Red Cedar Gathering Company (Red Cedar), is located within the exterior boundary of the Southern Ute Indian Reservation. The exact location is Section 1, T32N, R9W, in La Plata County, at latitude North 37.053195 and longitude West 107.785518. The Mailing address is:

Red Cedar Gathering Company
Arkansas Loop and Simpson Treating Plants
125 Mercado St., Suite 201
Durango, CO 81301

b. Contacts

Facility Contact:
Daniel Fauth
Environmental Compliance Specialist, Air Quality
Red Cedar Gathering Company
125 Mercado Street; Suite 201
Durango, CO 81301
970-764-6910

Responsible Official:
Albert J. Brown
President
Red Cedar Gathering Company
125 Mercado Street; Suite 201
Durango, CO 81301
970-764-6900

c. Description of Operations

The Arkansas Loop and Simpson Treating Plants, owned and operated by Red Cedar Gathering Company, are located in southwestern Colorado within the exterior boundaries of the Southern Ute Indian Reservation. Arkansas Loop and Simpson Treating Plants are production field facilities that help meet the need for carbon dioxide removal from natural gas produced on portions of the Southern Ute Reservation. Upstream of the facilities, there are production wells and compressor stations connected to a gathering pipeline system to the inlet of the facilities. The Arkansas Loop and Simpson Treating

Plants provide natural gas field compression, CO_2 removal, and dehydration to remove entrained water vapor from the gas stream. The facilities are comprised of six reciprocating internal combustion engines (RICE) for gas compression, three RICE for electric generation, three amine plants for CO_2 removal, six TEG dehydration units for gas dehydration, and three heaters associated with the amine plants. The facilities have several other heaters, tanks, and miscellaneous equipment that qualify as insignificant emission units.

The process at Arkansas Loop begins with compressing wet natural gas to high pressure (approximately 900 – 1000 psig) from the field pipeline and compressor stations. This gas is then mixed with other gas (already at high pressure) and treated through the amine trains (Amine 1 & 2). The gas is then sent through 4 glycol dehydrators to remove entrained water vapor from the gas stream. The treated gas is then mixed with untreated gas so that the gas leaving the plant is less than 2% CO_2.

The process at Simpson does not include compression of the natural gas. The gas comes into the plant at high pressure and is treated to remove CO_2 and then water, similar to Arkansas Loop. Like Arkansas Loop the treated gas is then mixed with untreated gas to achieve a CO_2 percentage of less than 2%.

The facilities do not extract natural gas liquids from field gas nor fractionate mixed NGL's to natural gas products. The facilities have storage vessels, but none with the potential for flash emissions. The facilities have various heaters, tanks and pigging units that qualify as insignificant emission units. Insignificant emissions for the pigging units occur only during launch and retrieval operations.

The facilities are scheduled to operate 24 hours per day, 7 days per week, 365 days per year. Fuel used for all combustion units is medium pressure, partially dehydrated inlet gas which meets pipeline specifications except for water and CO_2 content.

Arkansas Loop uses approximately 1,500 MMscf of fuel per year (4.0 MMscf/day, with a maximum fuel use of approximately 0.2 MMscf/hr). Total natural gas processed through the facility (including gas that bypasses the amine trains) is approximately 210-230 MMscf/day.

Simpson uses approximately 600 MMscf of fuel per year (1,680 scf/day, with a maximum fuel use of approximately 0.1 MMscf/hr). Total natural gas processed through the facility is approximately 100-110 MMscf/day.

d. <u>List of All Emission Units and Emission-Generating Activities</u>

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

Table 1 – Emission Units
Red Cedar Gathering Company, Arkansas Loop and Simpson Treating Plants

Emission Unit ID	Description	Control Equipment
	4– Ajax/Superior 16SGTB (SI 4SLB) Natural Gas-fired Compressor Engine, 2,650 nameplate rated HP	
E-301	Serial No.:314849 Installed: 05/02/2011	AFRC
E-401	Serial No.:321719 Installed: 05/26/2009	
E-501	Serial No.:311459 Installed: 05/19/2012	
E-601	Serial No.:314839 Installed: 05/10/2010	
	2 – Caterpillar G3606 (SI 4SLB) Natural Gas-Fired Compressor Engine, 1,775 nameplate rated HP	Miratech Oxidation Catalyst
E-701	Serial No.: 3XF00253 Installed: 10/01/2014	
E-801	Serial No.: 3XF00252 Installed: 10/01/2014	
	3 – Waukesha G5790LE (SI 4SLB) Natural Gas-Fired Power Generator, 1,272 nameplate rated HP	AFRC
E-001	Serial No.: C-12002/1 Installed: 11/16/2009	
E-002	Serial No.: C-11051/1 Installed: 11/16/2009	
E-003	Serial No.: C-12551/1 Installed: 11/16/2009	
	2 – Caterpillar G3516B LE (SI 4SLB) Natural Gas-Fired Power Generator, 1,622 nameplate rated HP	Miratech Oxidation Catalyst with AFRC
X-1003	Serial No.: ZBC00211 Installed: 12/01/2010	
X-1004	Serial No.: ZBC00212 Installed: 12/01/2010	
	1 – Optimized Process Furnaces Inc. , Natural Gas-Fired Heat Medium Heater (Process Heater), Maximum Design Heat Input Capacity 31.3 MMBtu/hr	None
H-450	Serial No.: J-89-455 Installed: 01/01/1989	
	1 – Optimized Process Furnaces Inc. , Natural Gas-Fired Heat Medium Heater (Process Heater), Maximum Design Heat Input Capacity 36.7 MMBtu/hr	None
H-701	Serial No.: J-90-476 Installed: 01/01/1990	
	1 – Optimized Process Furnaces Inc. , Natural Gas-Fired Heat Medium Heater (Process Heater), Maximum Design Heat Input Capacity 80 MMBtu/hr	None
H-781	Serial No.: 2009-022-Alt1 Installed: 12/01/2010	
	3 – J.W. Williams., Triethylene Glycol (TEG) Dehydrator, 37 MMscf/day, Reboiler Rating 0.6 MMBtu/hr	

R-002 R-003 R-004	Serial No.: NA Serial No.: NA Serial No.: NA	Installed: 01/01/1989 Installed: 01/01/1992 Installed: 01/01/1989	None
RB-050	1 – J.W. Williams., Triethylene Glycol (TEG) Dehydrator, 30 MMscf/day, Reboiler Rating 0.6 MMBtu/hr Serial No.: NA	Installed: 01/01/1993	None
X-1001 X-1002	2 – QB Johnson, Triethylene Glycol (TEG) Dehydrator, 70 MMscf/day, Reboiler Rating 0.75 Serial No.: NA Serial No.: NA	Installed: 03/22/2011 Installed: 03/22/2011	None
Amine 1	1 – Propak Systems, Amine Plant, 65 MMscf/day Serial No.: NA	Installed: 01/01/1989	None
Amine 2	1 – Propak Systems, Amine Plant, 75 MMscf/day Serial No.: NA	Installed: 01/01/1990	None
Amine 3	1 – Thomas Russell Co., Amine Plant, 140 MMscf/day Serial No.: NA	Installed: 12/01/2010	None

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

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

Table 2 – Insignificant Emission Units
Red Cedar Gathering Company, Arkansas Loop and Simpson Treating Plants

Emission Unit ID	Description	Size/Rating
R-002-050	4 - TEG Reboiler	0.6 MMBtu/hr
H-001-020	6 - Catalytic Heater	0.012 MMBtu/hr
CATH16, 17	2 - Catalytic Heater- oil separator building	0.012 MMBtu/hr

H-850	1 - Evaporation Pond Heater	2.6 MMBtu/hr
01-V-010	1 - Water/Oil Separator Heater	3.5 MMBtu/hr
TK-060, 061	2 - Glycol Storage Tank	750 gal
TK-180	1 - Glycol Recovery Tank	4,200 gal
TK-901-903	3 - Waste Oil Sump Tank	300 gal
TK-980	1 - Generator Oil Makeup Tank	1,001 gal
TK-981, 982	2 - Generator Coolant Tank	500 gal
TK-983	1 - Compressor Oil Makeup Tank	2,534 gal
TK-984	1 - Coolant Storage Tank	1,000 gal
TK-985	1 - Compressor Coolant Drain Tank	500 gal
T-804	1 - Waste Oil Tank	8,820 gal
GT-1	1 - Gasoline Tank	1,000 gal
V-409	1 - Amine Storage Tank	3,000 gal
BGS-2	1 - Below Grade Sump Tank	7,481 gal
V-487, 488	2 - TEG Reboiler	1.2 MMBtu/hr
TK-801	1 - Inlet Coalescing Filter Dump Tank	6,615 gal
TK-881	1 - Heat Medium Makeup Storage Tank	125 gal
TK-882	1 - Heat Medium PSV Blowdown Tank	6,615 gal
TK-884	1 - TEG Makeup Storage Tank	1,575 gal
TK-886	1 - Dehydrator Still Vent Tank	1,316 gal
TK-887, 888	2 - Coolant Tank	542 gal
TK-889	1 - Used Engine Oil Tank	542 gal
TK-890	1 - Engine Oil Tank	542 gal
TK-893	1 - TEG Recovery Tank	1,575 gal
TK-894	1 - Process and Oily Water Drain Tank	2,835 gal
TK-895	1 - Oily Water Sump Tank	2,835 gal

e. Facility Construction and/or Permitting History

The Arkansas Loop and Simpson Treating Plants commenced amine sweetening and dehydration operations in 1989. At that time, the plant consisted of a single process train (Amine Plant 1). The initial construction did not require PSD review and permit as the potential emission increases of any pollutant regulated under the CAA were below the major source thresholds. January 1990 through 1991, a second process train (Amine Train 2) was constructed. The potential emission increases associated with the project were below 250 tpy and did not trigger PSD review and permitting requirements.

In 1992, compression and generation capacity was supplemented at the facility with the addition of two natural gas-fired engines. The potential emission increases associated with the project were below 250 tpy and did not trigger PSD review and permitting requirements. However, the increase in potential emissions did cause the facility to become a major source of CO emissions with respect to PSD, requiring Red Cedar to evaluate the potential emission increases of any construction projects proposed after that point to be evaluated against the PSD significance levels for each pollutant.

In 1993, compression was supplemented with the addition of another engine, and an evaporative pond heater. The increase in potential emissions of all CAA regulated pollutants from this project were below

all of the PSD significance levels and the project did not trigger PSD review and permitting requirements. However, the increase in potential emissions caused the source to become a major source of NOx emissions.

EPA promulgated the Title V Operating Permit Program for sources in Indian Country on February 19, 1999. According to §71.3(a), the Arkansas Loop Gas Treating Plant was subject to the permitting requirements under part 71 because the facility wide potential emissions of NOx and CO exceeded 100 tpy, and the facility wide potential emissions of total HAPs exceeded 25 tpy. According to §71.5, an application for an operating permit was due within 12 months of becoming subject to part 71. EPA received an application for a part 71 Title V operating permit from Red Cedar for the Arkansas Loop Treating Plant in November 1999. In March of 2000, EPA issued an initial part 71 Title V operating permit for the Arkansas Loop Treating Plant.

EPA issued a minor modification to the initial permit in May 2001. Red Cedar replaced two engines with engines of the same make, model, horsepower, and method of operation and re-calculated the facility wide PTE based on updated emission factors. This modification resulted in a slight increase in potential emissions that was well below PSD significance thresholds.

EPA received an application to renew the part 71 operating permit on November 6, 2004. EPA issued the first renewal of the part 71 operating permit, #V-SU-0010-05.00, on April 17, 2007. That permit was administratively amended three times: August 17, 2007 (#V-SU-0010-05.01), February 5, 2008 (#V-SU-0010-05.02, and July 3, 2008 (#V-SU-0010-05.03).

EPA received an application for a minor part 71 permit modification on October 23, 2008 to add a TEG dehydration unit and re-calculate the potential emissions of all existing dehydrators based on updated emission factors. The increase in potential emissions for all PSD pollutants from this project were below the significance levels and the project did not trigger PSD review and permitting requirements. Before the minor permit modification was issued, EPA received a series of permit modification applications to account for a proposed project for which the construction plans continually changed. EPA received the final modification application to replace the previous applications on June 3, 2010. The application was for a significant permit modification to add Buckskin Treating Plant (later renamed Simpson Treating Plant), a third amine treatment process train and associated equipment, directly adjacent to the Arkansas Loop Treating Plant. This request was recognized, and in October 2010, the Arkansas Loop and Simpson Treating Plant's permit underwent a significant modification (#V-SU-0010-05.04) to include the change. While the operations at the Simpson Treating Plant will be completely separate from the operations at the Arkansas Loop Treating Plant, EPA has determined that the two facilities are a single source. To avoid triggering applicability to PSD permitting requirements as a result of the project, Red Cedar requested enforceable emission limitations on the two proposed new electric generator engines and removed an existing compressor engine and TEG dehydration unit from the Arkansas Loop Treating Plant. The facility is currently operating under permit #V-SU-00010-2005.05; this permit will be replaced by the initial part 70 permit #V-SUIT-0010-2015.00.

As a result of the promulgation of the federal rule "Review of New Sources and Modifications in Indian Country" on July 1, 2011 (76 FR 38748) EPA issued Arkansas Loop and Simpson Treating Plants minor new source review permit #SMNSR-SU-000010-2011.001 on June 6, 2014, to retain legally and practically enforceable emission limits previously established in Part 71 permit #V-SU-00010-2005.05. This permit did not authorize the construction of any new emission sources or authorize any physical modifications to the facility or its operations.

On August 28, 2014 EPA issued Arkansas Loop and Simpson Treating Plants minor new source review permit #MNSR-SU-000010-2014.002 to authorize construction of two (2) 1,767 horsepower 4-stroke lean-burn (4SLB) natural gas-fired reciprocating internal combustion engines to provide additional natural gas compression at the Arkansas Loop portion of the facility. This permit established legally and practically enforceable nitrogen oxides (NO_X), carbon monoxide (CO), and volatile organic compound (VOC) emission limits for each of the two (2) engines, as well as associated operational, monitoring, recordkeeping, and reporting requirements.

f. Potential to Emit

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

The PTE for Arkansas Loop and Simpson Treating Plants was listed by Red Cedar in Forms "GIS", "PTE", and the various forms "EMISS" of the Part 70 operating permit initial application. Table 3 shows PTE data broken down by each individual emission unit, as well as the total facility-wide PTE.

Table 3 - Potential to Emit
Red Cedar Gathering Company, Arkansas Loop and Simpson Treating Plants

Emission Unit ID	Regulated Air Pollutants[1,2,3,4,5] in tpy								
	NO_X	VOC	SO_2	PM_{10}	CO	Lead	Total HAPs	Largest *Single* HAP (CH_2O)	GHGs (CO_2e mtpy)
E-301	36.5	6.1	0.0	0.8	38.9	0.0	5.4	3.1	10,302.6
E-401	36.5	6.1	0.0	0.8	38.9	0.0	5.4	3.1	10,302.6
E-501	36.5	6.1	0.0	0.8	38.9	0.0	5.4	3.1	10,302.6
E-601	36.5	6.1	0.0	0.8	38.9	0.0	5.4	3.1	10,302.6
E-701	17.1	11.9	0.0	0.0	34.1	0.0	6.0	4.4	8,213.5
E-801	17.1	11.9	0.0	0.0	34.1	0.0	6.0	4.4	8,213.5
E-001	21.7	13.2	0.0	0.4	32.0	0.0	4.1	3.2	4,461.0
E-002	21.7	13.2	0.0	0.4	32.0	0.0	4.1	3.2	4,461.0
E-003	21.7	13.2	0.0	0.4	32.0	0.0	4.1	3.2	4,461.0
X-1003	15.7	9.4	0.0	0.5	40.7	0.0	16.5	6.3	6,025.6

X-1004	15.7	9.4	0.0	0.5	40.7	0.0	16.5	6.3	6,025.6
X-1001	0.0	62.3	0.0	0.0	0.0	0.0	21.6	0.0	5,187.4
X-1002	0.0	62.3	0.0	0.0	0.0	0.0	21.6	0.0	5,187.4
H-450	14.1	0.8	0.0	1.1	11.8	0.0	0.0	0.0	15,348.8
H-701	16.3	0.9	0.0	1.2	13.7	0.0	0.0	0.0	17,751.7
H-781	36.0	2.0	0.0	2.7	30.3	0.0	0.0	0.0	39,230.2
Amine1	0.0	2.1	0.0	0.0	0.0	0.0	1.5	0.0	83,120.9
Amine 2	0.0	2.5	0.0	0.0	0.0	0.0	1.8	0.0	95,908.7
Amine 3	0.0	3.0	0.0	0.0	0.0	0.0	2.7	0.0	127,878.3
R-002	0.0	56.3	0.0	0.0	0.0	0.0	22.8	0.0	294.2
R-003	0.0	56.3	0.0	0.0	0.0	0.0	22.8	0.0	294.2
R-004	0.0	41.4	0.0	0.0	0.0	0.0	10.4	0.0	294.2
RB-050	0.0	55.5	0.0	0.0	0.0	0.0	21.9	0.0	294.2
Fugitives	0.0	3.8	0.0	0.0	0.0	0.0	0.0	0.0	5,205
Total IEUs	5.0	4.7	0.0	0.3	4.2	0.0	0.0	0.0	10,597.6
Total	**348.1**	**460.5**	**0.0**	**10.7**	**461.2**	**0.0**	**207.0**	**56.0**	**489,770.5**

[1] Uncontrolled NO_x, CO, & VOC emissions for E-301, E-401, E-501, E-601, E-002, and E-003 are based on manufacturer specifications. HAP emissions were calculated using the highest emissions factor from a composite of manufacture specifications, AP-42, GRI field data, and GRI literature data.

[2] Controlled NO_x, CO, & VOC emissions for E-701 and E-801 are based on emission limits established in minor new source review permit #MNSR-SU-000010-2014.002. HAP emissions were calculated using the highest emissions factor from a composite of manufacture specifications, AP-42, GRI field data, and GRI literature data.

[3] Controlled VOC and CH_2O emissions for X-1003 and X-1004 are based on emission limits established in synthetic minor new source review permit #SMNSR-SU-000010-2011.001. Uncontrolled NOx and CO emissions are based on manufacturer specifications. HAP emissions were calculated using the highest emissions factor from a composite of manufacture specifications, AP-42, GRI field data, and GRI literature data.

[4] Uncontrolled dehydrator emissions based on GRI-GLYCalc modeled emissions.

[5] Heater/reboiler emissions were calculated using AP-42 emission factors

2. Tribal Authority

Arkansas Loop and Simpson Treating Plants are located within the exterior boundaries of the Southern Ute Indian Reservation and is thus within Indian Country as defined at 18 U.S.C. §1151. On March 2, 2012, the EPA determined that the Southern Ute Indian Tribe of the Southern Ute Indian Reservation had met the requirements of 40 CFR §70.4(b) for full approval to administer its Clean Air Act Title V, Part 70 Permitting Program (Program). In concert with that Program approval, the EPA also found that the Tribe met the requirements of Section 301(d)(2) of the CAA and 40 CFR §49.6 for treatment "in the same manner as a state" for the purposes of issuing CAA Title V, Part 70 operating permits. The EPA promulgated its approval of the Tribe's applications on March 15, 2012 (77 FR 15267). The requirements of the Clean Air Act Title V, Part 70 Permitting Program (Program) have been incorporated at Article II, Part 1 of the Reservation Air Code. Therefore, the Southern Ute Indian Tribe is the appropriate governmental entity to issue the Title V permit to this facility.

The Reservation Air Code: The Reservation Air Code was adopted pursuant to the authority vested in the Southern Ute Indian Tribe/State of Colorado Environmental Commission by (1) the Intergovernmental Agreement Between the Southern Ute Indian Tribe and the State of Colorado Concerning Air Quality

Control on the Southern Ute Indian Reservation dated December 13, 1999, (2) tribal law (Resolution of the Council of the Southern Ute Indian Tribe No. 00-09), (3) State law (C.R.S. § 24- 62-101), and (4) as recognized in federal law (Act of October 18, 2004, Pub. L. No. 108-336, 118 Stat.1354).

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

3. Applicable Requirements

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

Tribal Minor New Source Review (TMNSR) - 40 CFR 49

EPA promulgated the federal rule “Review of New Sources and Modifications in Indian Country”, otherwise known as the Tribal Minor New Source Review Rule (TMNSR), on July 1, 2011 (76 FR 38748). The TMNSR rule applies to all new or modified industrial facilities in Indian country with a potential to emit equal to or greater than the minor NSR thresholds but less than the major source thresholds, which are generally 100 to 250 tons per year (tpy). The minor NSR thresholds for attainment/unclassifiable areas are displayed in the table below:

40 CFR 49.153 Minor NSR Thresholds

Regulated NSR Pollutant	Minor NSR Thresholds for attainment/unclassifiable areas in tons per year (TPY)
Carbon monoxide (CO	10
Nitrogen oxides (NO_x)	10
Sulfur dioxide (SO_2)	10
Volatile Organic Compounds (VOC)	5
PM 5	5
PM_{10}	5
$PM_{2.5}$	3
Lead	0.1
Fluorides	1
Sulfuric acid mist	2
Hydrogen sulfide (H_2S)	2
Total reduced sulfur (including H2S)	2
Reduced sulfur compounds (including H2S)	2
Municipal waste combustor emissions	10
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	10

Starting August 30, 2011 all minor modifications at existing major NSR sources, requests for synthetic minor limitations, and the transferring of all previously established synthetic minor limits from Part 71 permits into minor NSR permits, became subject to the TMNSR rule. All existing true minor sources were required to register with EPA by no later than March 1, 2013. All new minor sources constructed between August 30, 2011 and September 2, 2014 were required to submit a registration form within 90 days of beginning operation and obtain a permit if a general permit is available for that source category. All new true minor sources which are not in the oil and natural gas sector and intend to construct after September 2, 2014 are required to apply for a preconstruction permit. After March 2, 2016 all true minor sources and minor modifications in the oil and natural gas sector that intend to construct or modify will have to apply for a preconstruction permit.

On June 6, 2014 EPA issued Arkansas Loop and Simpson Treating Plant synthetic minor new source review permit #SMNSR-SU-000010-2011.001 to retain legally and practically enforceable emission limits previously established in the source's Part 71 permit. The requirements of the new source review permit have been incorporated as applicable requirements into this Part 70 operating permit. On August 28, 2014 EPA issued Arkansas Loop and Simpson Treating Plants the minor new source review permit #MNSR-SU-000010-2014.002 to authorize construction of two (2) 1,767 horsepower 4-stroke lean-burn (4SLB) natural gas-fired reciprocating internal combustion engines to provide additional natural gas compression at the Arkansas Loop portion of the facility. **Therefore, Arkansas Loop and Simpson Treating Plant are subject to the Tribal Minor New Source Review Rule.**

Prevention of Significant Deterioration (PSD) - 40 CFR 52.21

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

Arkansas Loop and Simpson Treating Plants are not a PSD named source. Therefore, the PTE threshold for determining PSD applicability for this source is 250 tpy for criteria pollutants. The PTE for CO, VOC, and NOx at Arkansas Loop and Simpson Treating Plants are above the major source thresholds, and the facility is classified as major for PSD permitting purposes. **Therefore, any project or major modification at the site resulting in an increase of any regulated NSR pollutant must be compared to the PSD significance levels rather than major source thresholds when determining PSD applicability.**

New Source Performance Standards (NSPS)

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

> As explained below, the Arkansas Loop and Simpson Treating Plants are subject to 40 CFR Part 60, Subpart Dc and Subpart JJJJ. **Therefore, the General Provisions of Part 60 apply**.

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

> According to Red Cedar, units H-450, H-701, and H-781 located at the Arkansas Loop and Simpson Treating Plants, are potentially subject to this subpart. However, unit H-450 was constructed prior to June 9, 1989, and is therefore not subject to the subpart. Units H-701 and H-781 are steam generating units with a maximum design heat input capacity between 100 MMBtu/hr and 10 MMBtu/hr that were constructed after June 9, 1989. **Therefore, Subpart Dc applies to units H-701 and H-781.**

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

> According to Red Cedar, the Arkansas Loop and Simpson Treating Plants have no tanks that were constructed, reconstructed, or modified after June 11, 1973 and prior to May 19, 1978. **Therefore, Subpart K does not apply.**

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

> According to Red Cedar, the Arkansas Loop and Simpson Treating Plants have no tanks that were constructed, reconstructed, or modified after May 18, 1978 and prior to June 23, 1984. **Therefore, Subpart Ka does not apply.**

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

> According to Red Cedar, the Arkansas Loop and Simpson Treating Plants have no tanks with a capacity greater than 75 m^3 (~629 bbl or 19,813 gal) that are used to store volatile organic liquids. **Therefore, Subpart Kb does not apply.**

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

> According to Red Cedar, the Arkansas Loop and Simpson Treating Plants do not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products, and thus does not meet the definition of a natural gas processing plant under this subpart. **Therefore, Subpart KKK does not apply.**

40 CFR Part 60, Subpart LLL: Standards of Performance for SO_2 emissions from Onshore Natural Gas Processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011. This rule applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H_2S) and carbon dioxide (CO_2) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H_2S and CO_2) removed by a sweetening unit.

> According to Red Cedar, there are no sweetening or sulfur recovery units at the Arkansas Loop and Simpson Treating Plants. **Therefore, Subpart LLL does not apply.**

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

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

Red Cedar provided the following information:

Table 4 - NSPS Subpart JJJJ Applicability Determination
Red Cedar Gathering Company, Arkansas Loop and Simpson Treating Plants

Unit	Serial No	Unit Description	Fuel	Maximum HP	Commence Construction, Modification, or Reconstruction Date	Manufacture Date	Trigger Date for Applicability-Manufactured on or after	Subject to NSPS Subpart JJJJ
E-002	C-12002/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,272	03/28/1996	Prior to 01/01/2008	01/01/2008	No
E-003	C-11051/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,272	03/28/1996	Prior to 01/01/2008	01/01/2008	No
E-301	C-12551/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,272	03/28/1996	Prior to 01/01/2008	01/01/2008	No
E-401	314849	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,650	04/25/1991	Prior to 07/01/2007	07/01/2007	No
E-501	321719	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,650	01/01/1993	Prior to 07/01/2007	07/01/2007	No
E-601	311459	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,650	01/01/1980	Prior to 07/01/2007	07/01/2007	No
E-701	314839	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	1,775	09/01/1989	Prior to 07/01/2007	07/01/2007	No

E-801	3XF00253	Caterpillar G3606 SI 4SLB Compressor Engine	Natural Gas	1,775	05/25/2001	Prior to 07/01/2007	07/01/2007	No
X-1003	3XF00252	Caterpillar G3606 SI 4SLB Compressor Engine	Natural Gas	1,775	05/25/2001	Prior to 07/01/2007	07/01/2007	No
X-1004	ZBC00211	Caterpillar G3516B LE SI 4SLB Power Generator	Natural Gas	1,622	After 07/01/2007	After 07/01/2007	07/01/2007	Yes
	ZBC00212	Caterpillar G3516B LE SI 4SLB Power Generator	Natural Gas	1,622	After 07/01/2007	After 07/01/2007	07/01/2007	Yes

According to Red Cedar, this subpart potentially applies to units: E-301, E-401, E-501, E-601, E-701, E-801, E-001, E-002, E-003, X-1003, and X-1004. However, because units: E-001, E-002 and E-003 are 4SLB engines ≥ 500 hp but ≤ 1,350 hp and were manufactured prior to January 1, 2008 (the trigger date for 4SLB engines with maximum engines ≥ 500 hp but ≤ 1,350 hp as defined in §60.4230) these engines are not subject to Subpart JJJJ. Units E-301, E-401, E-501, E-601, E-701, and E-801 are > 500 hp, were manufactured prior to July 1, 2007 (the trigger date for SI engines > 500 hp), and have not been reconstructed or modified (as defined in §60.15) since June 12, 2006. Therefore, these engines are not subject to this subpart.

Units X-1003 and X-1004 are 4SLB engines > 500 hp that were manufactured after July 1, 2007. **Therefore, the requirements of Subpart JJJJ apply to units X-1003 and X-1004**.

Should Red Cedar propose to install a replacement engine for E-101, E-301, E-401, E-501, E-601, E-701, E-801, E-001, E-002, or E-003, which is subject to Subpart JJJJ, Red Cedar will not be allowed to use the off permit changes provision, and will be required to submit a minor permit modification application to incorporate Subpart JJJJ requirements into the permit.

40 CFR Part 60, Subpart OOOO: Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution. This subpart establishes emission standards and compliance schedules for the control of VOC and SO_2 emissions from affected facilities that commence construction, modification or reconstruction after August 23, 2011. Affected facilities under this subpart include gas wells, compressors, pneumatic controllers, storage vessels, process unit equipment, and sweetening units. The effective date for this subpart is October 15, 2012.

According to Red Cedar, the Arkansas Loop and Simpson Treating Plants do not have any affected facilities under the rule that commenced construction after August 23, 2011. **Therefore, Subpart OOOO does not apply.**

National Emission Standards for Hazardous Air Pollutants (NESHAP)

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

According to Red Cedar's application, the Arkansas Loop and Simpson Treating Plants are subject to 40 CFR Part 63, Subpart A. The facility has equipment subject to the requirements of subparts HH, ZZZZ, and DDDDD. **Therefore the General Provisions of Part 63 apply as specified in the relevant subparts.**

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

Throughput Exemption

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

Source Aggregation

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

1) Emissions from any oil and gas production well with its associated equipment and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units.

2) Emissions from processes, operations, or equipment that are not part of the same facility shall not be aggregated.

3) For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage vessels shall be aggregated for a major source determination.

Facility

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

Production Field Facility

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

Natural Gas Processing Plant

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

Major Source Determination for Production Field Facilities

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

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

Major Source Glycol Dehydrator Applicabilities

For facilities that are determined to be major HAP sources, each glycol dehydration unit is subject to the glycol dehydration unit process vent standards of 40 CFR 63.765 for small or large dehydration units, defined, as follows, in 40 CFR 63.760:

Small Glycol Dehydration Unit: a glycol dehydration unit, located at a major source, with an actual annual average natural gas flowrate less than 85 thousand standard cubic meters per day or actual annual average benzene emissions less than 0.90 Mg/yr, determined according to §63.772(b).

Large Glycol Dehydration Unit*:* a glycol dehydration unit with an actual annual average natural gas flowrate equal to or greater than 85 thousand standard cubic meters per day and actual annual average benzene emissions equal to or greater than 0.90 Mg/yr, determined according to §63.772(b). A glycol dehydration unit complying with the 0.9 Mg/yr control option under §63.765(b)(1)(ii) is considered to be a large dehydrator.

Area Source Dehydrator Applicabilities

40 CFR Part 63, Subpart HH also applies to area sources of HAPs. An area source is a HAP source whose potential to emits is less than 10 tpy of any single HAP or 25 tpy for all HAPs in aggregate. This

subpart requires different emission reduction requirements for glycol dehydration units found at oil and gas production facilities based on their geographical location.

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

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

Applicability of Subpart HH to the Arkansas Loop and Simpson Treating Plants

According to Red Cedar, Arkansas Loop and Simpson Treating Plants have affected sources under this subpart, upgrade natural gas, and are located prior to the point of custody transfer (and therefore prior to the point at which natural gas leaves the natural gas production category and enters the natural gas transmission and storage category). Because the facility is in the natural gas production category only emissions from dehydration units and storage vessels need to be aggregated when determining major source status. The total HAP emissions from the glycol dehydrators and storage vessels are above major source thresholds. **Therefore, Arkansas Loop and Simpson Treating Plants are subject to the major source requirements of Subpart HH.**

Dehydration units R-002, R-003, R-004, RB-050, X-1001, and X-1002 are affected sources under this rule. These units are existing small dehydration units, as Red Cedar determined that uncontrolled actual annual average benzene emissions from each dehydration unit were less than 0.90 megagrams per year using the procedures specified in 40 CFR 63.772(b)(2). As an affected major source not located within an Urban 1 county (or any UA plus offset and UC boundary), these units are subject to the process unit vent standards of 40 CFR 63.756(b)1(iii) and the other applicable requirements for small dehydrators located at a major source of HAPs.

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

According to Red Cedar, the Arkansas Loop and Simpson Treating Plants are not part of the natural gas transmission and storage source category. **Therefore, Subpart HHH does not apply.**

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

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

Summary of Applicability to Engines at Major Sources of HAPs

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

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

Summary of Applicability to Engines at Area Sources of HAPs

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

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

Applicability of 40 CFR 63, Subpart ZZZZ to the Arkansas Loop and Simpson Treating Plants:

Unit	Serial Number	Unit Description	Fuel	Site Rated HP	Commenced Construction or Reconstruction Date	Trigger Date for Major Source Standards	Subject to Major Source Standards
E-001	C-12002/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,124	03/28/1996	12/19/2002	No
E-002	C-11051/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,124	03/28/1996	12/19/2002	No
E-003	C-12551/1	Waukesha G5790LE SI 4SLB Power Generator	Natural Gas	1,124	03/28/1996	12/19/2002	No
E-301	314849	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,518	04/25/1991	12/19/2002	No
E-401	321719	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,518	01/01/1993	12/19/2002	No
E-501	311459	Ajax/Superior 16SGTB SI	Natural	2,518	01/01/1980	12/19/2002	

		4SLB Compressor Engine	Gas				No
E-601	314839	Ajax/Superior 16SGTB SI 4SLB Compressor Engine	Natural Gas	2,518	09/01/1989	12/19/2002	No
E-701	3XF00253	Caterpillar G3606 SI 4SLB Compressor Engine	Natural Gas	1,767	05/25/2001	12/19/2002	No
E-801	3XF00252	Caterpillar G3606 SI 4SLB Compressor Engine	Natural Gas	1,767	05/25/2001	12/19/2002	No
X-1003	ZBC00211	Caterpillar G3516B LE SI 4SLB Power Generator	Natural Gas	1,622	After 12/19/2002	12/19/2002	Yes
X-1004	ZBC00212	Caterpillar G3516B LE SI 4SLB Power Generator	Natural Gas	1,622	After 12/19/2002	12/19/2002	Yes

The Arkansas Loop and Simpson Treating Plant is a major source of HAP under 40 CFR Part 63, Subpart ZZZZ. Units E-301, E-401, E-501, E-601, E-701, E-801, E-001, E-002, and E-003 are four-stroke lean-burn (4SLB) stationary RICE > 500 site-rated HP constructed prior to December 19, 2002, and have not been reconstructed since this date. These units are therefore considered existing 4SLB stationary RICE. According to §63.6590(b)(3)(ii), these units have no requirements under this part or 40 CFR Part 63, Subpart A, including initial notification requirements. **Therefore, Units E-301, E-401, E-501, E-601, E-701, E-801, E-001, E-002, and E-003 are not subject to Subpart ZZZZ.**

However, Red Cedar must keep a record of an applicability determination demonstrating that these sources are not subject to Part 63, Subpart ZZZZ per §63.10(b)(3). These records must be kept at Red Cedar's headquarters in Durango, CO for a period of 5 years, or until the unit(s) becomes an affected source(s).

Units X-1003 and X-1004 are four-stroke lean-burn (4SLB) stationary RICE > 500 site rated HP constructed after December 19, 2002. These units are therefore considered new 4SLB stationary RICE. **Therefore, Units X-1003 and X-1004 are subject to the major source requirements for new 4SLB engines.**

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

The Arkansas Loop and Simpson Treating Plants are a major source as defined in §63.7575. This subpart potentially applies to the triethylene glycol (TEG) reboilers and heat medium heaters at the facility because these units are considered process heaters under the subpart. However, the TEG reboilers are not subject to this subpart as they are listed as an affected source under Subpart HH,

per §63.7491(h). According to Red Cedar, units H-450 and H-701 are existing natural gas-fired process heaters and H-781 is a new natural gas-fired process heater. All three units have a heat input capacity greater than 10 MMBtu/hr. **Therefore, units H-450, H-701, and H-781 are subject to Subpart DDDDD.**

Compliance Assurance Monitoring (CAM) Rule

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

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

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

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

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

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

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

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

According to Red Cedar, the CAM rule does not apply to any of the units at the Arkansas Loop and Simpson Treating Plants as the pre-controlled emissions for each unit are less than the major source threshold. **Therefore, CAM does not apply.**

Chemical Accident Prevention Program

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

According to Red Cedar, the Arkansas Loop and Simpson Treating Plants do have regulated substances above the threshold quantities in this rule. **Therefore the facility is subject to the requirement to develop and submit a risk management plan.**

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: Air Conditioning Units. According to Red Cedar, no maintenance, service, repair or disposal of any equipment containing Class I or Class II refrigerants chlorofluorocarbons (CFCs)) occurs at the Arkansas Loop and Simpson Treating Plants. However, if Red Cedar were to engage in any of the afore mentioned activities it must comply with the standards of part 82, Subpart F for recycling and emissions reduction if they service, maintain, or repair the air conditioning units in any way or if they dispose of the units.

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

Mandatory Greenhouse Gas Reporting

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

4. Public Participation

a. Public Notice

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

by United State Postal Service to:	by any other delivery service to:
Southern Ute Indian Tribe Environmental Programs Division Part 70 Program PO Box 737 MS #84 Ignacio, Colorado 81137	Southern Ute Indian Tribe Environmental Programs Division Part 70 Program 398 Ouray Drive Ignacio, Colorado 81137

Public notice for the draft permit was published in the Durango Herald, on October 1, 2014 in order to provide opportunity for public comment on the draft permit and the opportunity to request a public hearing.

b. Opportunity for Comment

Members of the public were given an opportunity to review a copy of the draft permit prepared by the Tribe, the application, the statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were on the Southern Ute Air Quality Program webpage at www.southernute-nsn.gov/environmental-programs/air-quality/title-v-operating-permit-programs, and at:

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

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

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

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

c. Opportunity to Request a Hearing

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

d. Public Petitions to the Administrator

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

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

e. Appeal of Permits

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

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

f. Notice to Affected States/Tribes

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

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