

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



**Air Pollution Control
Minor Source Permit to Construct**

40 CFR 49.151

MNSR-SU-000010-2014.003

*Permit to construct to establish legally and practically enforceable
limitations and requirements on new emissions sources at an existing
facility*

Permittee:

Red Cedar Gathering Company

Permitted Facility:

Arkansas Loop and Simpson Natural Gas Treating Plants
Southern Ute Indian Reservation
La Plata County, Colorado

Effective Date:

February 19, 2025

Summary

On December 20, 2013, the EPA received an application from Red Cedar Gathering Company (Red Cedar) requesting a permit for a minor modification to the Arkansas Loop and Simpson Treating Plants in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49.

The Arkansas Loop and Simpson Treating Plants are located within the exterior boundaries of the Southern Ute Indian reservation in Colorado. The plants provide natural gas field compression, carbon dioxide (CO₂) removal, and dehydration to remove entrained water vapor from the gas stream. The natural gas comes from upstream coal-bed methane production wells and compressor stations connected to a gathering pipeline system to the inlet of the facilities.

This MNSR permit action authorizes the construction of new emission sources, specifically two (2) 4-stroke lean-burn (4SLB) natural gas-fired reciprocating internal combustion engines, each with a site rating of 1,767 horsepower (hp) to provide additional natural gas compression needed at the Arkansas Loop Treating Plant portion of the facility as a result of Red Cedar moving compression from other locations to optimize their system. The engines would be constructed inside an existing building within the existing footprint of the facility. This permit establishes 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.

Upon issuance of the previous permit, MNSR-SU-000010-2014.002, the EPA determined that permit approval would not contribute to violations of the National Ambient Air Quality Standards (NAAQS) or have potentially adverse effects on ambient air.

On June 11, 2024, the EPA and the Southern Ute Indian Tribe (Tribe) entered into the Agreement for Delegation of Partial Administrative Authority (Agreement) between the Tribe and the EPA for the EPA's partial delegation of authority to the Tribe to assist the EPA in administering the Federal Minor New Source Review Program in Indian country, 40 Code of Federal Regulations (C.F.R.) Part 49, Subpart C, Sections 49.151 through 49.164 (EPA Indian country MNSR Program), to include the issuance of new and revised MNSR permits by the Tribe's Air Quality Division (AQD).

On November 1, 2024, Red Cedar submitted an MNSR permit revision application to the Tribe requesting changes to language that would result in annual performance test timeframes to align with other Red Cedar Part 70 permits and changing the monitoring frequency to standardize compliance requirements across Red Cedar facilities, resulting in the issuance of this revised MNSR permit, MNSR-SU-000010-2014.003. As part of this permit revision, the Tribe replaced the EPA as the permit issuance authority and as the primary agency for MNSR permit administration and reporting.

Table of Contents

I. Conditional Permit to Construct	4
A. General Information.....	4
B. Applicability.....	4
C. Construction Requirements.....	4
D. Emission Limits	4
E. Control and Operational Requirements	5
F. Performance Testing Requirements.....	6
G. Monitoring Requirements	7
H. Recordkeeping Requirements	10
I. Records Retention.....	11
J. Reporting Requirements.....	11
II. General Provisions	13
A. Conditional Approval.....	13
B. Authorization.....	16

I. Conditional Permit to Construct

A. General Information

<u>Facility:</u>	Red Cedar Gathering Company Arkansas Loop and Simpson Treating Plants
<u>Permit number:</u>	MNSR-SU-000010-2014.003
<u>SIC Code and SIC Description:</u>	1311 – Crude Petroleum and Natural Gas
<u>Site Location:</u> Arkansas Loop & Simpson Treating Plants NW ¼ Sec 1 T32N R9W Southern Ute Indian Reservation La Plata County, Colorado	<u>Corporate Office Location:</u> Red Cedar Gathering Company 125 Mercado Street, Suite 201 Durango, CO 81301

The equipment listed in this permit may only be operated by Red Cedar Gathering Company (Red Cedar) at the following location:

Latitude 37.052783 N, Longitude -107.784875 W

B. Applicability

1. This Conditional Permit to Construct is being issued under authority of the MNSR Permit Program.
2. Any conditions for this facility or any specific units at this facility established pursuant to any permit to construct issued under the authority of the Prevention of Significant Deterioration Permit Program at 40 CFR Part 52 (PSD) or the MNSR permit program shall continue to apply.
3. By issuing this permit, the Tribe does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner, and/or Operator, if the conditions of this permit are not met by the Permittee, Owner, and/or Operator.

C. Construction and Operational Requirements

1. The Permittee may install, operate, and maintain no more than two (2) reciprocating internal combustion engines for natural gas compression, each meeting the following specifications:
 - (a) Operated as a 4-stroke lean-burn engine;
 - (b) Fired with natural gas; and
 - (c) Limited to a maximum site rating of 1,767 hp.
2. Only the engines that are operated and controlled as specified in this permit are approved for installation under this permit.

D. Emission Limits

1. Emissions from each engine shall not exceed the following:
 - (a) Nitrogen oxides (NO_x): 1.0 grams per horsepower-hour (g/hp-hr);
 - (b) Carbon monoxide (CO): 2.0 g/hp-hr;
 - (c) Volatile organic compounds (VOCs): 0.7 g/hp-hr.
2. Emission limits shall apply at all times, unless otherwise specified in this permit.

E. Control and Operational Requirements

1. In the event that an engine cannot meet the emission limits specified in this permit without emission controls, the engine shall be equipped with an air-to-fuel ratio (AFR) and/or catalytic control system that is capable of reducing the mass content of uncontrolled emissions to meet the emission limits specified in this permit.
2. AFR Control Systems: If an AFR control system is used to meet the emission limits specified in this permit, then the Permittee shall replace the oxygen (O₂) sensor on the AFR controller within every 2,190 hours of engine run time.
3. Catalytic Control Systems: If a catalytic control system is used to meet the emission limits specified in this permit, then the following requirements shall be met:
 - (a) The Permittee shall install, operate, and maintain one of the following:
 - (i) Temperature-sensing devices (i.e., thermocouple or resistance temperature detectors) before the catalytic control system on each engine to continuously monitor the exhaust temperature at the inlet of the catalyst bed. Each temperature-sensing device shall be calibrated and operated according to manufacturer specifications; or
 - (ii) Equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1,350 °F.
 - (b) Except during startups, which shall not exceed 30 minutes, the engine exhaust temperature of the engine at the inlet to each catalyst bed shall be maintained at all times the engine operates at no less than 450 °F and no more than 1,350 °F.
 - (c) During operation, the pressure drop across the catalyst bed on each engine shall be maintained to within ± 2 inches of water from the baseline pressure drop measured during the initial performance test, or the most recent performance test following replacement of the catalyst on an engine, if applicable. 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.
4. The Permittee shall only fire each engine with natural gas. The natural gas shall be pipeline-quality in all respects except that the carbon dioxide (CO₂) concentration in the gas is not required to be within pipeline-quality.

5. The Permittee shall follow, for each engine and any respective emission control system, the manufacturer recommended maintenance schedule and procedures, or equivalent procedures developed by the Permittee or vendor, to ensure optimum performance of each engine and any respective emission control system.
6. The Permittee may rebuild or replace an existing permitted engine with an engine of the same hp rating, and configured to operate in the same manner as the engine being rebuilt or replaced. Any emission limits, requirements, control technologies, testing or other provisions that apply to the permitted engines that are replaced shall also apply to the rebuilt and replaced engines.
7. The Permittee may resume operation without any necessary control system, during an engine break-in period, not to exceed 200 operating hours, for rebuilt and replaced engines.

F. Performance Testing Requirements

1. Performance tests shall be conducted on each engine for measuring NO_x, CO, and VOC, to demonstrate compliance with the emission limits in this permit. The performance tests shall be conducted in accordance with appropriate reference methods specified in 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 written approval from the EPA.
 - (a) The initial performance test shall be conducted within 90 calendar days of startup of a new engine.
 - (b) Subsequent performance tests for VOC emissions shall be conducted within 14 months of the most recent performance test.
 - (c) Performance tests shall be conducted within 90 calendar days of replacement of the catalyst on an engine.
 - (d) Performance tests shall be conducted within 90 calendar days of startup of all rebuilt and replaced engines.
2. All performance tests conducted on each engine shall meet the following requirements:
 - (a) All tests shall be performed at a maximum operating rate (90% to 110% of the maximum achievable engine load available at the time of the test). The Permittee may submit to the EPA a written request for approval of an alternate load level for testing, but shall only test at that alternative level after obtaining written approval from the EPA.
 - (b) All performance tests for NO_x and CO emissions on each engine shall be performed simultaneously.
 - (c) During each test run, data shall be collected on all parameters necessary to document how NO_x, CO, and VOC emissions were measured and calculated (such as test run length, minimum sample volume, volumetric flow rate, moisture and oxygen corrections, etc.).
 - (d) 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 (g/hp-hr) in this permit.

- (e) The Permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, or process or operational parameters the day of or during the engine testing. Any such tuning or adjustments may result in a determination by the Tribe or EPA that the test is invalid. Artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.
- (f) The Permittee shall not abort any engine tests that demonstrate non-compliance with the emission limits in this permit.
- (g) Catalytic Control Systems: If a catalytic control system is used to meet the emission limits in this permit, the pressure drop across each catalyst bed and the inlet temperature to each catalyst bed shall be measured and recorded at least once per test to demonstrate compliance with the operating limitations of this permit.
- (h) Performance test plans shall be submitted to the Tribe for approval 60 calendar days prior to the date the test is planned.
- (i) The test plans shall include and address the following elements:
 - (i) Purpose of the test;
 - (ii) Engines, and oxidation catalysts if applicable, to be tested;
 - (iii) Expected engine operating rate(s) during test;
 - (iv) Sampling and analysis procedures (sampling locations, test methods, laboratory identification);
 - (v) Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and
 - (vi) Data processing and reporting (description of data handling and quality control procedures, report content).
- (j) The Permittee shall notify the Tribe at least 30 calendar days prior to scheduled performance testing. The Permittee shall notify the Tribe at least 1 week prior to scheduled performance testing if the testing cannot be performed.
- (k) If a permitted engine is not operating, the Permittee does not need to start up the engine solely to conduct a performance test. The Permittee may conduct the performance test when the engine is started up again.

G. Monitoring Requirements

1. The Permittee shall monitor NO_x and CO emissions from each engine, at least quarterly to indicate compliance with the 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 Tribe or conduct a performance test as specified in this permit;
 - (b) Measure NO_x and CO emissions simultaneously;
 - (c) Commence monitoring within 90 days of the Permittee's submittal of initial performance test results for NO_x and CO emissions to the Tribe.
- 2. For any one (1) engine: If the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with the NO_x and CO emission limits in this permit, the required monitoring frequency may change from quarterly to semi-annually.
 - 3. For any one (1) engine: If the results of any subsequent semi-annual portable analyzer measurements for NO_x or CO demonstrate non-compliance with the NO_x and/or CO emission limits in this permit, the required monitoring frequency shall revert from semi-annually back to quarterly.
 - 4. The Permittee shall submit portable analyzer specifications and a monitoring protocol to the Tribe at the following address for approval at least 45 calendar days prior to the date of initial portable analyzer monitoring.

by United States Postal Service:
Southern Ute Indian Tribe
Air Quality Division
P.O. Box 737 MS #84
Ignacio, Colorado 81137

Or by Common Carrier:
Southern Ute Indian Tribe
Air Quality Division
398 Ouray Drive
Ignacio, CO 81137

The report may be submitted electronically to airquality@southernute-nsn.gov

- 5. The Permittee may submit a new portable analyzer protocol for Tribe approval at any time.
- 6. Catalytic Control Systems: If a catalytic control system is used to meet the emission limits specified in this permit, then the following monitoring requirements shall be met:
 - (a) The Permittee shall monitor the exhaust temperature of each engine at the inlet to the catalyst bed.
 - (b) 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.

- (i) 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).
- (ii) If the engine exhaust temperature at the inlet to the catalyst bed can be corrected by following the engine manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, and the catalytic control system has not been damaged, then the Permittee shall correct the engine exhaust temperature at the inlet to the catalyst bed within 24 hours of inspecting the engine and catalytic control system.
- (iii) If the engine exhaust temperature at the inlet to the catalyst bed cannot be corrected using the engine manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, or the catalytic control system has been damaged, then the affected engine shall cease operating immediately and shall not be returned to routine service until the following has been met:
 - (A) The engine exhaust temperature at the inlet to the catalyst bed is measured and found to be within the acceptable range for that engine; and
 - (B) The catalytic control system has been repaired or replaced, if necessary.
- (c) The Permittee shall monitor the pressure drop across the catalyst bed on each engine once per month, 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.]*
- (d) The Permittee shall perform the first measurement of the pressure drop across the catalyst bed no more than 30 calendar days from the date of the initial performance test. The Permittee shall measure the pressure drop across the catalyst bed, at a minimum, once per month. Subsequent performance tests, as required in this permit, can be used to meet the periodic pressure drop monitoring requirements provided it occurs within the monthly 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.
- (e) If the pressure drop exceeds ± 2 inches of water from the baseline pressure drop established during the initial performance test or most recent performance test following replacement of the catalyst in an engine, 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.
 - (i) 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).

- (ii) If the pressure drop across the catalyst bed can be corrected by following the catalytic control system manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, and the catalytic control system has not been damaged, then the Permittee shall correct the problem within 24 hours of inspecting the catalytic control system.
 - (iii) If the pressure drop across the catalyst bed cannot be corrected using the catalytic control system manufacturer 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:
 - (A) Conduct a performance test within 90 calendar days, as specified in this permit to ensure that the emission limits are being met. The Permittee shall perform a portable analyzer test to indicate compliance with the emission limits in this permit until a performance test can be scheduled and completed; or
 - (B) Cease operating the affected engine immediately. The engine shall not be returned to routine service until the pressure drop is measured and found to be within the acceptable pressure range for that engine, as determined from the most recent performance test. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.
7. The Permittee is not required to conduct emissions monitoring, and parametric monitoring of engine exhaust temperature and catalyst differential pressure, if applicable, on engines that have not operated during the monitoring period. The Permittee shall certify that the engine(s) did not operate during the monitoring period in the annual report.

H. Recordkeeping Requirements

The Permittee shall keep the following records:

1. The total monthly and 12-month consecutive NO_x, CO and VOC emissions from each engine and all information used to calculate the values;
2. Manufacturer, Permittee, or vendor specifications for each engine, AFR controller, catalytic control system, temperature-sensing device, and pressure-measuring device, as applicable;
3. All calibration and maintenance conducted for each engine, AFR controller, catalytic control system, temperature-sensing device, and pressure-measuring device, as applicable;
4. All temperature measurements on each engine with a catalytic control system, as well as a description of any corrective actions taken pursuant to this permit;
5. All pressure drop measurements on each engine with a catalytic control system, as well as a description of any corrective actions taken pursuant to this permit;

6. Records sufficient to demonstrate, pursuant to this permit, that the fuel for the engines is pipeline-quality natural gas in all respects, with the exception of the CO₂ concentration in the natural gas;
7. The results 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;
8. All catalyst replacements, engine rebuilds, and engine replacements;
9. Each rebuilt or replaced engine break-in period, pursuant to the requirements of this permit, where an existing engine with a catalytic control system that has been rebuilt or replaced resumes operation without the catalytic control system, for a period not to exceed 200 hours; and
10. Each time any engine with a catalytic control system is shut down due to a deviation at 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 temperature at the inlet to the catalyst bed or the pressure drop across the catalyst bed back into the range of compliance.

I. Records Retention

1. 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.
2. Records shall be kept at the facility or the location that has day-to-day operational control over the facility.

J. Reporting Requirements

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

(b) The report shall include NO_x, CO, and VOC emissions.

(c) The report shall be submitted to:

The Tribe:

by United States Postal Service:
Southern Ute Indian Tribe
Air Quality Division
P.O. Box 737 MS #84
Ignacio, Colorado 81137

Or by Common Carrier:
Southern Ute Indian Tribe
Air Quality Division
398 Ouray Drive
Ignacio, CO 81137

The report may be submitted electronically to airquality@southernute-nsn.gov

2. Any documents required to be submitted under this permit to the Tribe and EPA, with the exception of the Annual Emission Reports, shall be submitted to:

The Tribe:

by United States Postal Service:
Southern Ute Indian Tribe
Air Quality Division
P.O. Box 737 MS #84
Ignacio, Colorado 81137

Or by Common Carrier:
Southern Ute Indian Tribe
Air Quality Division
398 Ouray Drive
Ignacio, CO 81137

Documents may be submitted electronically to airquality@southernute-nsn.gov

The EPA:

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

Documents may be submitted electronically to r8AirReportEnforcement@epa.gov.

3. The Permittee shall promptly submit to the Tribe and EPA a written report of any deviations of permit requirements and a description of any corrective actions or preventative measures taken. A “prompt” deviation report is one that is post marked or submitted via electronic mail to airquality@southernute-nsn.gov and r8AirReportEnforcement@epa.gov as follows:
 - (a) Within 30 days from the discovery of any deviation of the emission limits or operational limits that is left un-corrected for more than 5 days after discovering the deviation; and
 - (b) 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.
4. The Permittee shall submit a report for any required performance test to the Tribe and EPA Regional Office within 60 days after completing the tests.
5. The Permittee shall submit any record or report required by this permit upon the Tribe or EPA’s request.

II. General Provisions

A. Conditional Approval:

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

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.
2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The Tribe shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the Tribe determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the Clean Air Act and is grounds for enforcement action and for a permit termination or revocation.
5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.
6. *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.

7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.
8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
9. *Modifications of Existing Emissions Unit/Limits:* 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).
10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.
11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The Tribe may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
12. *Severability Clause:* The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.
13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.
14. *Information Requests:* The Permittee shall furnish to the Tribe or EPA, within a reasonable time, any information that the Tribe or EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR Part 2, Subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives, to include the Tribe, may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative, the Tribe to:

- (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
 - (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
 - (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
 - (e) Record any inspection by use of written, electronic, magnetic and photographic media.
16. *Permit Effective Date:* This permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. The Permittee may notify the Tribe, in writing, that this permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of this permit and should include the reason or reasons for rejection.
17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Tribe shall be notified in writing at the address shown below if the company is sold or changes its name.
- by United States Postal Service:
Southern Ute Indian Tribe
Air Quality Division
P.O. Box 737 MS #84
Ignacio, Colorado 81137
- Or by Common Carrier:
Southern Ute Indian Tribe
Air Quality Division
398 Ouray Drive
Ignacio, CO 81137
- The notification may be submitted electronically to airquality@southernute-nsn.gov
18. *Invalidation of Permit:* This permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The Tribe 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.
19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of

initial start-up of this permitted source to the Tribe within 60 days of such date, unless this permitted source is an existing source.

B. Authorization:

Authorized by the Southern Ute Indian Tribe, Air Quality Division

Daniel Powers

2/19/2025

Daniel Powers
Air Quality Division Head
Environmental Programs Department
Southern Ute Indian Tribe

Date