



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ARD-PM

Erin Dunman, Environmental Engineer
SIMCOE, LLC
1199 Main Avenue, Suite 101
Durango, Colorado 81301

Re: SIMCOE, LLC, Wolf Point Central Delivery Point, Permit # SMNSR-SU-000034-2021.002,
Administratively Revised Synthetic Minor New Source Review Permit

Dear Erin Dunman:

On May 28, 2021, the U.S. Environmental Protection Agency Region 8 received notification of change in ownership from BP America Production Company to SIMCOE, LLC (SIMCOE) for facilities, which included the Wolf Point Central Delivery Point.

The EPA has revised the synthetic minor permit to construct issued pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49 (permit number SMNSR-SU-000034-2012.001) for the Wolf Point Central Delivery Point to reflect the changes. In addition, the EPA revised organizational division names and mail codes to reflect a 2019 EPA realignment. The EPA has verified that the changes qualify as an administrative revision per 40 CFR 49.159(f).

We hereby issue the enclosed revised synthetic MNSR permit for the Simcoe Wolf Point Central Delivery Point (permit number SMNSR-SU-000034-2021.002), as requested. Administrative permit revisions are not subject to the permit application, public participation, issuance, or administrative and judicial review requirements of the MNSR Permit Program. The revised MNSR permit will be accessible on our website at: <http://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8> and in Docket #[EPA-R08-OAR-2021-0376](https://www.regulations.gov) at <https://www.regulations.gov>.

If you have any questions concerning the enclosed final permit please contact Suman Kunwar, of my staff at (303) 312-6095 or at kunwar.suman@epa.gov.

Sincerely,

1/19/2022

 Carl Daly

Signed by: CARL DALY
Carl Daly
Acting Director
Air and Radiation Division

Enclosure

cc: Danny Powers, Air Quality Program Manager, Southern Ute Indian Tribe Environmental Program

United States Environmental Protection Agency
Region 8 Air and Radiation Division
1595 Wynkoop Street
Denver, Colorado 80202



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

40 CFR 49.151

SMNSR-SU-000034-2021.002

*Permit to Construct to establish legally and practically enforceable
limitations and requirements on sources at an existing facility.*

Permittee:

SIMCOE, LLC

Permitted Facility:

Wolf Point Central Delivery Point
Southern Ute Indian Reservation
La Plata County, Colorado

Effective Date:

January 19, 2022

Summary

On June 5, 2014, the EPA issued a synthetic minor permit for the Wolf Point Central Delivery Point in accordance the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49 (permit #SMNSR-SU-000034-2012.001) to BP America Production Company (BP). The permit incorporated required and requested emission limits and provisions from the following documents:

- A. An operating permit the EPA issued to BP for the Wolf Point Central Delivery Point on May 11, 2012, in accordance with the Title V Operating Permit Program at 40 CFR Part 71 (Part 71); and
- B. A September 5, 2012, application from BP requesting a synthetic minor permit for the Wolf Point Central Delivery Point.

The requirements from the Part 71 permit and the limits requested by BP in the application were incorporated into a single MNSR permit.

On May 28, 2021, the EPA received notification of a change in ownership from BP to SIMCOE, LLC for facilities, which included the Wolf Point Central Delivery Point. Pursuant to our authority to make administrative permit revisions (40 CFR 49.159(f)), we issue this revised synthetic MNSR permit to reflect the change in ownership and contacts. In addition, the EPA revised organizational division names and mail codes to reflect our 2019 realignment.

The Wolf Point Central Delivery Point is located on Indian country lands within the exterior boundaries of the Southern Ute Indian Reservation and is a natural gas production field facility prior to the point of custody transfer. The facility provides natural gas field compression and dehydration to removed entrained water vapor from the gas stream. The natural gas enters the facility from upstream Fruitland Gas (coal-bed methane) wells which are connected to a gathering pipeline. The natural gas produced from these wells is water vapor saturated, and the wells do not produce any condensate or natural gas liquids. Upon entering the facility, the natural gas first passes through an inlet separator vessel to remove any free liquids in the gas stream by gravity. The gas then passes to a filter vessel, which serves to filter out any solids such as coal dust in the gas. The gas is then compressed and finally passes through an outlet coalescer vessel which removes any entrained droplets of lubricating oil before being metered and sent to a gathering facility.

This permit action applies to an existing facility. This permit does not authorize the construction of any new emission sources, nor does it otherwise authorize any other physical modifications to the facility or its operations. This permit only incorporates administrative changes, including a change in ownership and contacts.

The EPA has determined that issuance of this administratively revised synthetic MNSR permit will not contribute to National Ambient Air Quality Standards (NAAQS) violations or have adverse effects on ambient air quality.

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I. Conditional Permit to Construct

A. General Information

Facility: SIMCOE, LLC - Wolf Point Central Delivery Point

Permit number: SMNSR-SU-000034-2021.002

SIC Code and SIC Description: 1311- Crude Petroleum and Natural Gas

<u>Site Location:</u>	<u>Corporate Office Location</u>
Wolf Point Central Delivery Point	SIMCOE, LLC
SE ¼, NW ¼ Sec 16 T33N R9W	1199 Main Avenue, Suite 101
Southern Ute Indian Reservation	Durango, Colorado 81301
La Plata County, Colorado	

The equipment listed in this permit may only be operated by SIMCOE, LLC at the following location:

Latitude 37.107434, Longitude -107.835351

B. Applicability

1. This permit is being issued under authority of the MNSR permit program.
2. The requirements in this permit have been created, at the Permittee's request, to establish legally and practically enforceable restrictions for limiting carbon monoxide (CO) and formaldehyde (CH₂O) engine emissions.
3. Any conditions established for this facility or any specific units at this facility pursuant to any permit issued under the authority of Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR 52.21 or the MNSR permit program continue to apply.
4. By issuing this permit, the EPA 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. Requirements for Engines

1. Construction and Operational Limits:
 - (a) The Permittee shall install and operate emission controls as specified in this permit on two reciprocating internal combustion engines used for compression, each meeting the following specifications:
 - (i) Operated as a 4-stroke lean-burn engine;
 - (ii) Fired with natural gas; and
 - (iii) Limited to a maximum site rating of 1,734 horsepower (hp).

- (b) Only the engines that are operated and controlled as specified in this permit are approved for installation under this permit.

2. Emission Limits:

- (a) Emissions from each engine shall not exceed:
 - (i) CO: 0.96 pounds per hour (lbs/hr); and
 - (ii) CH₂O: 0.43 lbs/hr.
- (b) Emission limits shall apply at all times, unless otherwise specified in this permit.

3. Control and Operational Requirements

- (a) The Permittee shall ensure that each engine is equipped with an oxidation catalyst control system capable of reducing uncontrolled CO and CH₂O emissions to meet the emission limits specified in this permit.
- (b) The Permittee shall install, operate and maintain temperature-sensing devices (i.e., thermocouple or resistance temperature detectors) before the catalytic control system on each engine to continuously monitor the exhaust temperature at the inlet of the catalyst bed. Each temperature-sensing device shall be calibrated and operated by the Permittee according to manufacturer specifications or equivalent specifications developed by the Permittee or vendor.
- (c) Except during startups, which shall not to exceed 30 minutes, the engine exhaust temperature of each engine, at the inlet to the catalyst bed, shall be maintained at all times the engines operate with an inlet temperature of at least 450°F and no more than 1,350°F.
- (d) During operation, the pressure drop across the catalyst bed on each engine shall be maintained to within ± 2 inches of water from the baseline pressure drop measured during the most recent performance test. The baseline pressure drop for the catalyst bed shall be determined at 100% \pm 10% of the engine load measured during the most recent performance test.
- (e) 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.
- (f) The Permittee shall follow, for each engine and its respective catalytic control system, the manufacturer recommended maintenance schedule and procedures, or equivalent maintenance schedule and procedures developed by the Permittee or vendor, to ensure optimum performance of each engine and its respective catalytic control system.
- (g) 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.

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

4. Performance Testing Requirements

- (a) Performance tests shall be conducted on each engine for measuring CO, and CH₂O emissions to demonstrate compliance with each emission limitation in this permit. The performance tests shall be conducted in accordance with appropriate reference methods specified in 40 CFR part 60, Appendix A and 40 CFR part 63, Appendix A, or an EPA-approved American Society for Testing and Materials (ASTM) method. The Permittee may submit to the EPA a written request for approval of an alternate test method but shall only use that alternate test method after obtaining approval from the EPA.
 - (i) The initial performance test shall be conducted within 90 calendar days of startup of a new engine.
 - (ii) Subsequent performance tests for CH₂O emissions shall be conducted within 12 months of most recent performance test.
 - (iii) Performance tests for shall be conducted within 90 calendar days of replacement of the catalyst on each engine.
 - (iv) Performance tests for shall be conducted within 90 calendar days of startup of all rebuilt and replaced engines.
- (b) The Permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, processes or operational parameters the day of or during the engine testing. Any such tuning or adjustments may result in a determination by the EPA that the test is invalid. Artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.
- (c) The Permittee shall not abort any engine tests that demonstrate non-compliance with the emission limits in this permit.
- (d) All performance tests conducted on each engine shall meet the following requirements:
 - (i) The pressure drop across each catalyst bed and the inlet temperature to each catalyst bed shall be measured and recorded at least once during each performance test.
 - (ii) The Permittee shall measure nitrogen oxides (NO_x) emissions from each engine simultaneously with all performance tests for CO emissions. NO_x emissions shall be measured using a portable analyzer and protocol approved by the EPA. [*Note to Permittee: Although the permit does not contain NO_x emission limits, NO_x measurement requirements have been included as an indicator to ensure compliance with Condition C.4(b) above.*]
 - (iii) All tests shall be performed at a maximum operating rate (90% to 110% of the maximum achievable engine load available on the day of the test). The Permittee may submit to the EPA a written request for approval of an alternate load level for

testing but shall only test at that alternate load level after obtaining written approval from the EPA.

- (iv) During each test run, data shall be collected on all parameters necessary to document how emissions were measured and calculated (such as test run length, minimum sample volume, volumetric flow rate, moisture and oxygen corrections, etc.).
- (v) Each test shall consist of at least three 1-hour or longer valid test runs. Emission results shall be reported as the arithmetic average of all valid test runs and shall be in terms of the emission limits in this permit.
- (vi) Performance test plans for shall be submitted to the EPA for approval 60 calendar days prior to the date the test is planned.
- (vii) Performance test plans that have already been approved by the EPA for the emission units approved in this permit may be used in lieu of new test plans unless the EPA requires the submittal and approval of new test plans. The Permittee may submit new plans for EPA approval at any time.
- (viii) The test plans shall include and address the following elements:
 - A)* Purpose of the test;
 - B)* Engines and catalytic control systems to be tested;
 - C)* Expected engine operating rate(s) during the test;
 - D)* Sampling and analysis procedures (sampling locations, test methods, laboratory identification);
 - E)* Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and
 - F)* Data processing and reporting (description of data handling and quality control procedures, report content).
- (e) The Permittee shall notify the EPA at least 30 calendar days prior to scheduled performance testing. The Permittee shall notify the EPA at least 1 week prior to scheduled performance testing if the testing cannot be performed.
- (f) If the results of a complete and valid performance test of the emissions from any permitted engine demonstrate noncompliance with the emission limits in this permit, the engine shall be shut down as soon as safely possible, and appropriate corrective action shall be taken (e.g., repairs, catalyst cleaning, catalyst replacement). The Permittee shall notify the EPA in writing within 24 hours of each such shut down. The engine must be retested within 7 days of being restarted and the emissions must meet the applicable limits in this permit. If the retest shows that the emissions continue to exceed the limits in this permit, the engine shall again be shut down as soon as safely possible, and the engine may not operate, except for purposes of startup and testing, until the Permittee demonstrates through testing that the emissions do not exceed the emission limits in this permit.

- (g) 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.

5. Monitoring Requirements

- (a) The Permittee shall continuously monitor the exhaust temperature of each engine at the inlet to the catalyst bed.
- (b) Except during startups, which shall not to exceed 30 minutes, if the engine's exhaust temperature at the inlet to the catalyst bed on either engine deviates from the acceptable ranges specified in this permit then the following actions shall be taken. The Permittee's completion of any 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 temperature 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 every 30 days using pressure sensing devices before and after the catalyst bed to obtain a direct reading of the pressure drop (also referred to as the differential pressure). *[Note to Permittee: Differential pressure measurements, in general, are used to show the pressure across the filter elements. This information will determine when the elements of the catalyst bed are fouling, blocked or blown out and thus require cleaning or replacement.]*
- (d) The Permittee shall perform the first measurement of the pressure drop across the catalyst bed on each engine no more than 30 days from the date of the initial performance test. Thereafter, the Permittee shall measure the pressure drop across the catalyst bed, at a minimum every 30 days. Subsequent performance tests, as required in this permit, can be

used to meet the periodic pressure drop monitoring requirements provided it occurs within the 30-day window. The pressure drop reading can be a one-time measurement on that day, the average of performance tests runs conducted on that day, or an average of all the measurements taken on that day if continuous readings are taken.

- (e) The Permittee shall monitor CO and NO_x emissions from the exhaust of the catalytic control system on each engine at least quarterly, to demonstrate compliance with the emission limits in this permit. To meet this requirement, the Permittee shall:
 - (i) Measure CO and NO_x emissions at the normal operating load using a portable analyzer and a monitoring protocol approved by the EPA or conduct a performance test as specified in this permit;
 - (ii) Measure the CO and NO_x emissions simultaneously; and
 - (iii) Commence monitoring for CO and NO_x emissions within 90 calendar days of the Permittee's submittal of the initial performance test results for CO emissions to the EPA.
- (f) The Permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, or processes or operational parameters the day of or during measurements. Any such tuning or adjustments may result in a determination by the EPA that the result is invalid. Artificially increasing an engine load to meet measuring requirements is not considered engine tuning or adjustments.
- (g) If the pressure drop reading exceeds ± 2 inches of water from the baseline pressure drop reading taken during the most recent performance test, or if the results of any quarterly emissions monitoring demonstrate non-compliance with the CO emission limits in this permit, then the following actions shall be taken. The Permittee's completion of any or all of these actions shall not constitute, nor qualify as, an exemption from any other emission limits in this permit:
 - (i) Within 24 hours of determining a deviation of the pressure drop across the catalyst bed, or the emission limits in this permit, the Permittee shall investigate. The investigation shall include testing the pressure transducers and assessing the catalytic control system for possible damage that could affect catalytic system effectiveness (including, but not limited to, catalyst housing damage, and plugged, fouled, destroyed or poisoned catalyst).
 - (ii) If the pressure drop across the catalyst bed, or the elevated emission rates, can be corrected by following the catalytic control system manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, and the catalytic control system has not been damaged, then the Permittee shall correct the problem within 24 hours of inspecting the catalytic control system.
 - (iii) If the pressure drop across the catalyst bed, or the elevated emission rates, cannot be corrected using the catalytic control system manufacturer recommended procedures or equivalent procedures developed by the Permittee 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 CO and CH₂O emission limits are being met and

to re-establish the pressure drop across the catalyst bed. The Permittee shall perform a portable analyzer test for CO and NO_x and establish a new temporary pressure drop baseline until a performance test can be scheduled and completed; or

- (B) Cease operating the affected engine immediately. The engine shall not be returned to routine service until the pressure drop is measured and found to be within the acceptable pressure range for that engine as determined from the most recent performance test and the emission rates are found to be in compliance with the emission limits in this permit. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.
- (h) For any one engine: If the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with the CO emission limit, the required monitoring frequency for the respective pollutant may change from quarterly to semi-annually.
- (i) For any one engine: If the results of any subsequent portable analyzer measurements demonstrate non-compliance with the CO emission limit, the required test frequency shall revert back to quarterly.
- (j) The Permittee shall submit portable analyzer specifications and monitoring protocols to the EPA at the following address for approval at least 45 calendar days prior to the date of initial portable analyzer monitoring:

Branch Chief, Air and Toxics Enforcement Branch, 8ENF-AT
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Documents may be submitted electronically to r8airreportenforcement@epa.gov

- (k) Portable analyzer specifications and monitoring protocols that have already been approved by the EPA for the emission units approved in this permit may be used in lieu of new protocols unless the EPA determines it is necessary to require the submittal and approval of new protocol. The Permittee may submit a new protocol for EPA approval at any time.
- (l) The Permittee is not required to conduct emissions monitoring and parametric monitoring of exhaust temperature and catalyst differential pressure on engines that have not operated during the monitoring period. The Permittee shall certify that the engine(s) did not operate during the monitoring period in the annual report.

6. Recordkeeping Requirements

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

- (b) Records shall be kept of all calibration and maintenance conducted for each engine, catalytic control system, temperature-sensing device and pressure-measuring device.
- (c) Records shall be kept that are sufficient to demonstrate that the fuel used for each engine is pipeline quality natural gas in all respects, with the exception of CO₂ concentrations.
- (d) Records shall be kept of all temperature measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.
- (e) Records shall be kept of all pressure drop measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.
- (f) Records shall be kept of all required testing and monitoring in this permit. The records shall include the following:
 - (i) The date, place, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses or measurements; and
 - (vi) The operating conditions as existing at the time of sampling or measurement.
- (g) Records shall be kept of all catalyst replacements, engine rebuilds and replacements.
- (h) Records shall be kept of each rebuilt or replaced engine break-in period, pursuant to the requirements of this permit, where an existing engine that has been rebuilt or replaced resumes operation without the catalyst control system, for a period not to exceed 200 hours.
- (i) Records shall be kept of each time any engine is shut-down due to a deviation in the inlet temperature to the catalyst bed or pressure drop across a catalyst bed. The Permittee shall include in the record the cause of the problem, the corrective action taken, and the timeframe for bringing the pressure drop and inlet temperature range into compliance.

D. Requirements for 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 in the vicinity of the facility, such as at the facility, the location that has day-to-day operational control over the facility, or the location that has day-to-day responsibility for compliance of the facility.

E. Requirements for Reporting

1. Annual Emission Reports
 - (a) The Permittee shall submit a written 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 CO and CH₂O emissions.

(c) The report shall be submitted to:

U.S. Environmental Protection Agency, Region 8
Air and Radiation Division
Tribal Air Permitting Program, 8ARD-PM
1595 Wynkoop Street
Denver, Colorado 80202

The report may be submitted via electronic mail to r8airpermitting@epa.gov.

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

Branch Chief, Air and Toxics Enforcement Branch, 8ENF-AT
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Documents may be submitted electronically to r8airreportenforcement@epa.gov.

3. The Permittee shall promptly submit to the EPA a written report of any deviations of permit requirements, a description of the probable cause of such deviations and any corrective actions or preventative measures taken. A “prompt” deviation report is one that is post marked or submitted via electronic mail to r8airreportenforcement@epa.gov as follows:
- (a) Within 30 days from the discovery of any deviation of the emission or operational limits that is left un-corrected for more than 5 days after discovering the deviation;
- (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 written report for any required performance tests to the EPA Regional Office within 60 days after completing the tests.
5. The Permittee shall submit any record or report required by this permit upon EPA request.

II. General Provisions

A. Conditional Approval

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit. 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 EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
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. *NAAQS and PSD Increment:* The permitted source shall not cause or contribute to a NAAQS 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 Units/Limits:* For proposed modifications, as defined at §49.152(d), that would increase an emission unit's 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 EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
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 EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR Part 2, Subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:
 - (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 a later effective date is specified in the permit or unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. If within 30 days after the service of notice of the final permit issuance, a person petitions the Environmental Appeals Board to review any condition(s) of the final permit in accordance with 40 CFR 49.159(d), the specific terms and conditions of the permit that are the subject of the request for review must be stayed.
17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air and Radiation Division Director shall be notified in writing at the address shown below if the company is sold or changes its name.
- U.S. Environmental Protection Agency, Region 8
Air and Radiation Division
Tribal Air Permitting Program, 8ARD-PM
1595 Wynkoop Street
Denver, Colorado 80202
18. *Invalidation of Permit:* Unless this permitted source of emissions is an existing source, this permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the construction of the approved phases of a phased construction project. The Permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.
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 EPA within 60 days of such date, unless this permitted source is an existing source.

B. Authorization:

Authorized by the United States Environmental Protection Agency, Region 8

1/19/2022

X Carl Daly

Signed by: CARL DALY
Carl Daly
Acting Director
Air and Radiation Division