UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8P-AR

Shon Rhoton
Midstream Operations Manager
Anadarko Uintah Midstream, LLC
P.O. Box 173779
Denver, Colorado 80202-3779

SEP -5 2017

Re: Anadarko Uintah Midstream, LLC, Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery
Permit #SMNSR-UO-000027-2012.001
Final Synthetic Minor New Source Review Permit and Response to Comments

Dear Mr. Rhoton:

The U.S. Environmental Protection Agency Region 8 has completed its review of Anadarko Uintah Midstream, LLC's application request to obtain a synthetic minor source permit pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49 for the Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery, located on Indian country lands within the Uintah and Ouray Indian Reservation, in Uintah County, Utah. This permit was requested in response to the requirement at 40 CFR 49.153(a)(3)(v) for existing sources that obtained synthetic minor status through an enforceable mechanism other than an MNSR permit.

The facility is subject to a March 27, 2008, federal Consent Decree between the United States of America (Plaintiff), and the state of Colorado, the Rocky Mountain Clean Air Action and the Natural Resources Defense Council (Plaintiff-Intervenors) and Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT). Anadarko requested the MNSR permit to incorporate enforceable requirements of the Consent Decree applicable to volatile organic compound (VOC) emissions from two (2) tri-ethylene glycol (TEG) dehydration systems and pneumatic controllers operating at the facility, such that the Consent Decree may be terminated. Additionally, Anadarko requested enforceable requirements for the installation and operation of a catalytic control system on each of seven (7) natural gas-fired 4-stroke lean-burn (4SLB) reciprocating internal combustion engines used for compliance with the Consent Decree.

Based on the information submitted in Anadarko's permit application, the EPA hereby issues the enclosed final synthetic MNSR permit for the Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from June 12, 2016 to July 13, 2017. The EPA received comments from Anadarko on July 11, 2017. No other comments were received during the public comment period. The EPA's responses to the comments are enclosed. The EPA made several revisions to the permit based on Anadarko's comments, and made additional changes for consistency in permit language among other Anadarko MNSR permits related to the 2008 Consent Decree. The final permit will be effective on October 5, 2017.

Pursuant to 40 CFR 49.159, within 30 days after the final permit decision has been issued, any person who commented on the specific terms and conditions of the draft permit may petition the Environmental Appeals Board to review any term or condition of the permit. Any person who failed to comment on the specific terms and conditions of this permit may petition for administrative review only to the extent that the changes from the draft to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review begins with this dated notice of the final permit decision. If an administrative review of the final permit is requested, the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

If you have any questions concerning the enclosed final permit, please contact Claudia Smith of my staff at (303) 312-6520.

Sincerely,

Monica S. Morales
Director, Air Program
Office of Partnerships and Regulatory Assistance

Enclosures (2)

cc: Minnie Grant, Air Coordinator, Energy, Minerals and Air, Ute Indian Tribe
Bruce Pargeets, Assistant Director, Energy, Minerals and Air, Ute Indian Tribe (w/o enclosures)
Natalie Ohlhausen, Senior HSE Representative, Anadarko Uintah Midstream, LLC

EPA Responses to Comments from Anadarko Uintah Midstream, LLC (APC), on the Proposed Synthetic MNSR Permit for the Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery Pursuant to the MNSR Permit Program at 40 CFR Part 49

I Permit Wide Comment

1. "**APC Comment:** Natural gas and pipeline quality natural gas are referenced in several places in the proposed permit. This facility compresses unprocessed gas more commonly referred to as wet gas that undergoes processing at the Chipeta Gas Plant. There is no equipment present at this facility to meet a specific fuel gas requirement. Therefore, APC requests all references to natural gas and pipeline quality be removed from this permit."

EPA Response: We have replaced all references to natural gas in the permit with references to field gas and have removed the condition related to specific fuel gas requirements to accurately reflect operations at the facility. The condition numbering has been adjusted accordingly.

II Condition Specific Comments

2. "**C. Requirements for the Low-Emission Dehydrator**

2. Recordkeeping Requirements
~~(b) Records shall be kept of all required inspections, including repairs made in response to leaks detected in the closed-vent system.~~

APC Comment: This permit does not contain inspection requirements for Low-Emission Dehydration units. APC requests that this condition be removed from the permit."

EPA Response: We agree that the recordkeeping requirement is inappropriate, as there is no closed-vent system inspection requirement in the permit. We have removed this requirement from the permit as requested and adjusted the condition numbering accordingly.

3. "**D. Requirements for 4SLB Compressor Engines**
3. Performance Test Requirements
(e) All performance tests conducted on the engines shall meet the following requirements:
~~(i) All performance tests shall be conducted at maximum operating rate (90% to 110% of the maximum achievable load available at the time of the test). The Permittee may submit to the EPA a written request for approval of an alternate load level for testing, but shall only test at that alternative level after obtaining written approval from the EPA.~~

APC Comment: This is not a condition of testing under the consent decree. APC requests that this condition be removed from the permit.

(ii) Each test shall consist of at least one (1) 21-minute or longer valid test run *or (2) consecutive 21-minute or longer valid test run, one pre-catalyst and one post-catalyst run*;

> **APC Comment**: Appendix F of Consent Decree, *Carbon Monoxide Control Efficiency Portable Analyzer Monitoring Protocol*, requires two consecutive 21 min test runs, one pre and one post catalyst. APC is requesting that this condition clarify that either consecutive or simultaneous test runs are acceptable for determining compliance.

(g) If a permitted engine is not operating, the Permittee does not need to start up the engine solely to conduct the performance test. The performance test requirements apply when the ~~engine begins operating~~ *again a shutdown engine is restarted and operates more than 720 consecutive hours (30 days) in a given semi-annual period. If an engine is permanently shutdown prior to testing, the Permittee does not need to start up the engine solely to conduct the performance test*.

> **APC Comment**: Compression equipment in the field can see infrequent or seasonal use depending on demand. This operating mode will be more likely to occur as production in this field continues to decline. APC is requesting establishing a runtime threshold for testing shutdown equipment as well as provisions for equipment that will be permanently shutdown. This should reduce the need to restart equipment specifically to conduct testing.
>
> A minimum of 30 days is required in order to make the appropriate testing notifications to the EPA per condition (f) above. If an engine is shutdown and restarts but operated for less than 30 days, the Permittee would be required to start the engine up again in order to meet the testing requirements. Requiring engines that run a minimum of 30 days (720 hrs) during a 6-month period would capture engines that are run long enough to meet the test notification requirements."

EPA Response: We have revised Section D. Requirements for 4SLB Compressor Engines, generally as requested, with some differences in verbiage/style that align better with standard permit language guidelines and which we believe do not contradict the intent of the applicant's requested changes. We agree that the intent of the requested permit was simply to incorporate requirements from the Consent Decree, and therefore, the conditions should be consistent with the conditions of the Consent Decree, to the extent that they meet the requirements for a MNSR permit. Specifically regarding the requested change to the condition clarifying that an engine that is not operating does not need to be started up solely for the purpose of conducting a performance test, we agree that applying a runtime threshold of at least 30 days in a given semi-annual period before triggering the requirement to retest an engine that was shut down and has been restarted is a reasonable change that prevents non-compliance with the 30-day test notification requirement in condition (f).

4. "**D. Requirements for Pneumatic Controllers**

1. *The Permittee shall not operate any high-bleed pneumatic controllers. High-bleed controllers are defined as any controller with the capacity to bleed in excess of 6 standard cubic feet of gas*

per hour (50,000 scf/yr) in normal operations. ~~All pneumatic controllers shall be low-bleed controllers or operated using instrument air.~~

APC Comment: APC is requesting to make the language change consistent with the requirements of the consent decree to not operate high-bleed pneumatic controllers."

EPA Response: We have revised Section E. Requirements for Pneumatic controllers generally as requested (noting it is Section E, not Section D, as the comment indicated). We agree that the intent of the requested permit was simply to incorporate requirements from the Consent Decree, and therefore, the conditions should be consistent with the conditions of the Consent Decree, to the extent that the conditions meet the requirements for a MNSR permit.

5. "**G. Requirements for Reporting**
1. Test reports shall be submitted within 60 days after each required initial engine and catalytic control system performance test.

APC Comment: APC requests that all test reports be submitted in the annual report for consistency."

EPA Response: We have not revised the permit as requested. We presume APC is requesting the revision for consistency with the Consent Decree, which requires submittal of subsequent performance test reports with the annual report (emphasis added). However, the CD requires submittal of initial test reports within 60 days of performing the test (emphasis added). We view replacement and rebuilt engines as new engines, for which the initial test of the originally operated engine is not representative, and which require initial tests. Therefore, requiring submittal of the initial performance test results within 60 days of the initial test is consistent with the Consent Decree. For additional consistency with the Consent Decree, we have revised Condition D.3(a)(i) to require the initial performance test no later than 60 calendar days after installation of the catalyst (rather than after achieving the maximum production rate at which the facility will be operated, but no later than 180 days after initial startup as proposed). We have also added the requirement to submit a performance test report no later than 30 days after each retest after a failed initial test, for consistency with the Consent Decree.

United States Environmental Protection Agency
Region 8, Air Program
1595 Wynkoop Street
Denver, CO 80202

Air Pollution Control
Minor Source Permit to Construct

40 CFR 49.151

 # SMNSR-UO-000027-2012.001

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

Permittee:

Anadarko Uintah Midstream, LLC

Permitted Facility:

Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery
Uintah and Ouray Indian Reservation
Uintah County, Utah

Summary

On September 6, 2012, the EPA received an application from Anadarko Uintah Midstream, LLC (Anadarko), requesting a synthetic minor permit for the Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program. On February 18, 2015, November 15, 2016 and April 3, 2017, the EPA received updated applications from Anadarko to completely replace each previously submitted application.

This permit action applies to existing facilities operating on Indian country lands within the Uintah and Ouray Indian Reservation in Utah.

This permit does not authorize the construction of any new emission sources, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. This permit is intended only to incorporate required and requested enforceable emission limits and operational restrictions from a March 27, 2008, federal Consent Decree (CD) between the United States of America (Plaintiff), and the State of Colorado, the Rocky Mountain Clean Air Action and the Natural Resources Defense Council (Plaintiff-Intervenors), and Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT) and the April 3, 2017 synthetic MNSR application. Anadarko has requested legally and practically enforceable requirements for the installation and operation of two (2) low-emission tri-ethylene glycol (TEG) dehydration systems for dehydrating gas compressed into a high-pressure pipeline, consistent with the CD. Anadarko also requested enforceable requirements for installation and operation of a catalytic control system on each of seven (7) field gas-fired 4-stroke lean-burn (4SLB) reciprocating internal combustion engines (used for field gas compression at the facility), including associated carbon monoxide (CO) control efficiency requirements, consistent with the CD. Lastly, Anadarko requested an enforceable requirement to install and operate only low-bleed or instrument air-driven pneumatic controllers, consistent with the CD.

Upon compliance with the permit, Anadarko will have legally and practically enforceable restrictions on emissions that can be used when determining the applicability of other Clean Air Act (CAA) permitting requirements, such as those imposed by the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR part 52 and the Title V Operating Permit Program at 40 CFR part 71 (Part 71 Permit Program).

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

Table of Contents

I. Conditional Permit to Construct

A. General Information

Facility:	Anadarko Uintah Midstream, LLC – Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery
Permit Number:	SMNSR-UO-000027-2012.001
SIC Code and SIC Description:	1311- Crude Petroleum and Natural Gas

Site Location:
Antelope Flats and Sand Wash Compressor Stations with South Central Tank Battery
SE/NW Sec 12 T9S R22E
Uintah and Ouray Indian Reservation
Uintah County, Utah
Latitude 39.995703N, Longitude -109.4683111W

Corporate Office Location
Anadarko Uintah Midstream, LLC
P.O. Box 173779
Denver, Colorado 80202-3779

The equipment listed in this permit shall be operated by Anadarko Uintah Midstream, LLC at the location described above.

B. Applicability

1. This federal Permit to Construct is being issued under authority of the MNSR Permit Program.

2. The requirements in this permit have been created, at the Permittee's request and pursuant to the MNSR permit program, to establish legally and practically enforceable emissions restrictions for a TEG dehydration system and pneumatic controllers and control of CO emissions from field gas-fired engines.

3. Any conditions established for this facility or any specific units at this facility pursuant to any permit issued under the authority of the PSD Permit Program or the MNSR Permit Program shall 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 the Low-Emission Dehydrator

1. Construction and Operational Limits

   (a) The Permittee shall install, operate and maintain no more than two (2) TEG Low-Emission Dehydration units that each meet the specifications set forth in Appendix A of this permit and shall mean a dehydration unit that:

      (i) Incorporates an integral vapor recovery function such that the dehydrator cannot operate independent of the vapor recovery function;

(ii) Either returns the captured vapors to the inlet of the facility where the dehydrator is located or routes the captured vapors to the facility's fuel gas supply header; and

(iii) Is designed and operated to emit less than 1.0 ton of VOC in any consecutive 12-month period, inclusive of VOC emissions from the reboiler burner.

(b) Only the dehydration units that are designed and operated as specified in this permit are approved for installation and operation under this permit.

2. Recordkeeping Requirements: Records shall be kept of the manufacturer specifications for each TEG Low-Emission Dehydration unit, and a certification that it meets the specifications in this permit for a Low-Emission Dehydration unit. The certification shall be signed by the person the Permittee has designated as primarily responsible for CAA compliance for the source and shall include the following: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete."

3. Requirements under **Section C. Requirements for the Low-Emission Dehydrator** shall be effective upon termination of the March 27, 2008, federal CD between the United States of America (Plaintiff), and the State of Colorado, the Rocky Mountain Clean Air Action and the Natural Resources Defense Council (Plaintiff-Intervenors), and Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT).

D. Requirements for 4SLB Compressor Engines

1. Construction and Operational Requirements

(a) The Permittee shall install and operate emission controls as specified in this permit on seven (7) existing engines used for field gas compression, all meeting the following specifications:

(i) Operated as a 4-stroke lean-burn engine;
(ii) Fired with field gas; and
(iii) Four (4) engines limited to a maximum site rating of 1,340 horsepower (hp) and three (3) engines limited to a maximum site rating of 2,370 hp.

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

2. Control, Operation and Maintenance Requirements

(a) The Permittee shall install, continuously operate and maintain a catalytic control system on each engine that is capable of reducing the uncontrolled emissions of CO by at least 93.0% by weight when the engine is operating at a 90% load or higher.

(b) The Permittee shall follow, for each engine and its respective catalytic control system, the manufacturer's recommended maintenance schedule and procedures or equivalent procedures developed by the Permittee or vendor, to ensure optimum performance of each engine and its respective catalytic control system to ensure compliance with the CO control efficiency requirement in this permit.

(c) The Permittee may rebuild an existing permitted engine 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 operational requirements, control technologies, testing or other provisions that apply to the engines that are rebuilt or replaced shall also apply to the replacement engines.

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

3. Performance Test Requirements

(a) Performance tests shall be conducted on each engine and catalytic control system for measuring CO to demonstrate compliance with the control efficiency requirement specified in this permit. The performance tests shall be conducted in accordance with the Carbon Monoxide Control Efficiency Portable Analyzer Monitoring Protocol in Appendix B of this permit to measure the oxygen (O_2) and CO concentrations at the inlet (pre-catalyst) and outlet (post-catalyst) of the catalytic control system.

(i) Initial performance tests shall be conducted no later than 60 calendar days after installation of the catalytic control system, including installation of the catalytic control system on engines that are rebuilt or replaced. The results of initial performance tests conducted prior to the effective date of this permit may be used to demonstrate compliance with the initial performance test requirements, provided the tests were conducted in an equivalent manner as the performance test requirements in this permit.

(ii) Subsequent performance tests shall be conducted semi-annually on each engine. After compliance is demonstrated for two (2) consecutive tests, the testing frequency may be reduced to annually. If an annual test indicates non-compliance, then the Permittee shall resume semi-annual testing.

(b) The Permittee may submit to the EPA a written request for approval of alternate test methods, but shall only use the alternate test methods after obtaining written approval from the EPA.

(c) The Permittee shall not perform engine tuning or make any adjustments to engine settings, catalytic control system settings, processes or operational parameters immediately prior to the engine testing or during the engine testing. Any such tuning or adjustments may result in a determination by the EPA that the test is invalid.

(d) The Permittee shall not abort any engine tests that demonstrate non-compliance with the CO control efficiency requirement specified in this permit.

(e) All performance tests conducted on the engines shall meet the following requirements:

(i) Each test shall consist of at least two (2) consecutive 21-minute or longer valid test runs, one (1) pre-catalyst run and one (1) post-catalyst run;

(ii) The CO control efficiency shall be determined based on the pre- and post-catalyst CO measurements;

(iii) If the catalyst fails to meet the CO control efficiency requirement specified in this permit, appropriate steps shall be taken to correct the deficiency and the catalyst shall be retested within 30 days after the failed test.

(iv) Performance test plans for alternate test methods shall be submitted to the EPA for approval at least 60 calendar days prior to the date the test is planned.

(v) Alternate 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 and test methods);
(E) Quality assurance plan (calibration procedures and frequency and field documentation; and
(F) Data processing and reporting (description of data handling and quality control procedures, report content).

(f) 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.

(g) If a permitted engine is not operating, the Permittee does not need to start up the engine solely to conduct the subsequent performance test. The subsequent performance test requirements apply when the engine is restarted and operates more than 720 consecutive hours (or 30 consecutive days) in a given semi-annual period. If an engine for which the EPA has been notified of a scheduled test is permanently shut down prior to testing, the Permittee does not need to start up the engine solely to conduct the performance test.

4. Recordkeeping Requirements

(a) Records shall be kept of manufacturer and/or vendor specifications for each engine, catalytic control system and portable analyzer.

(b) Records shall be kept of all calibration and maintenance conducted for each engine, catalytic control system and portable analyzer.

(c) Records shall be kept of all required testing in this permit. The records shall include the following:

(i) The date, place and time of portable analyzer measurements;

(ii) The company or entity that performed the portable analyzer measurement;
(iii) The portable analyzer measurement techniques or methods used;
(iv) The results of such measurements; and
(v) The operating conditions as existing at the time of measurement.

(d) Records shall be kept of all engine rebuilds and engine replacements.

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

(f) Records shall be kept of each time a deviation in the CO control efficiency required in this permit is detected for an engine. The Permittee shall include in the record the cause of the problem, the corrective action taken and the timeframe for bringing the CO control efficiency into compliance.

5. Requirements under **Section D. Requirements for 4SLB Compressor Engines** shall be effective upon termination of the March 27, 2008, federal CD between the United States of America (Plaintiff), and the State of Colorado, the Rocky Mountain Clean Air Action and the Natural Resources Defense Council (Plaintiff-Intervenors), and Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT).

E. Requirements for Pneumatic Controllers

1. The Permittee shall not operate any high-bleed pneumatic controllers. High-bleed controllers are defined as any controller with the capacity to bleed in excess of 6 standard cubic feet of gas (scf) per hour (50,000 scf per year) in normal operation. The Permittee is not required to install low or no-bleed pneumatic controllers if the use of low or no-bleed pneumatic devices is not technically or operationally feasible.

2. Records shall be kept of manufacturer's and/or vendor's specifications for each pneumatic controller that is not operated using instrument air.

3. Records shall be kept of the determination for each high-bleed pneumatic controller that is installed and operated if the use of low or no-bleed pneumatic devices is not technically or operationally feasible.

4. Requirements under **Section E. Requirements for Pneumatic Controllers** shall be effective upon termination of the March 27, 2008, federal CD between the United States of America (Plaintiff), and the State of Colorado, the Rocky Mountain Clean Air Action and the Natural Resources Defense Council (Plaintiff-Intervenors), and Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT).

F. 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.

G. Requirements for Reporting

1. Test reports shall be submitted within 60 days after each required initial engine and catalytic control system performance test.

2. The Permittee shall submit a report to the EPA no later than 30 days after each retest after a failed initial test. The retest report shall include a summary of the steps taken to comply and the retest results.

3. Annual Reports

   (a) The Permittee shall submit a written annual report of all required monitoring and testing conducted on emission units at the facility covered under this permit each year no later than March 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 designated by the Permittee as responsible for CAA compliance for the facility.

   (b) The report shall include:

      (i) A summary of the results of each required initial engine and catalytic control system performance test;
      (ii) Test reports for all required subsequent engine and catalytic control system performance tests; and
      (iii) A summary of all deviations of permit conditions and corrective actions taken, per paragraph I.G.5. of this permit.

4. All documents required to be submitted under this permit shall be submitted to:

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

   Documents may be submitted via electronic mail to R8AirReportEnforcement@epa.gov.

5. The Permittee shall promptly submit to the EPA a written report of any deviations of control or operational limits specified in this permit 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 r8airreportenforcement@epa.gov as follows:

   (a) Within 30 days from the discovery of a deviation that would cause the Permittee to exceed the control or operational limits in this permit if left uncorrected for more than 5 days after discovering the deviation; and

(b) By March 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 control or operational limits, included as part of the Annual Reports required in this permit.

6. 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 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 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 CAA 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 Increments:* 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 Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 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 40 CFR 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, the Permittee 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 this 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 Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.

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

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 startup of this permitted source to the EPA within 60 days of such date, unless this permitted source of emissions is an existing source.

B. Authorization

Authorized by the United States Environmental Protection Agency, Region 8

Monica S. Morales 9/5/17

Monica S. Morales Date
Director, Air Program
Office of Partnerships and Regulatory Assistance

Appendix A

Low-Emission Dehydrator Specifications

[Copy of Appendix C to the CD in the matter of United States of America and the State of Colorado V. Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT), Low-Emission Dehydrator Specifications]

Appendix B

Carbon Monoxide Control Efficiency Portable Analyzer Monitoring Protocol

[Copy of Appendix F to the CD in the matter of United States of America and the State of Colorado V. Kerr-McGee Corporation (Civil Action No. 07-CV-01034-EWN-KMT), Carbon Monoxide Control Efficiency Portable Analyzer Monitoring Protocol]