



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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DENVER, CO 80202-1129  
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<http://www2.epa.gov/aboutepa/epa-region-8-mountains-and-plains>

Ref: 8P-AR

Rebecca Robert, Air Specialist  
BP America Production Company  
501 Westlake Park Boulevard  
MC: WL1-2.100A  
Houston, Texas 77079

SEP 18 2014

Re: BP America Production Company, Salvador I/II Central Delivery Point, Permit  
# SMNSR-SU-000009-2012.001, Final Synthetic Minor New Source Review Permit

Dear Ms. Robert:

The U.S. Environmental Protection Agency, Region 8 has completed its review of BP America Production Company's (BP's) request to obtain a synthetic minor permit to construct pursuant to the Tribal Minor New Source Review Permit Program at 40 CFR Part 49 (MNSR) for the Salvador I/II Central Delivery Point. Based on the information submitted in BP's application, the EPA hereby issues the enclosed final MNSR permit to construct for the Salvador I/II Central Delivery Point. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from November 21, 2013 to December 23, 2013. The EPA received comments from BP on December 20, 2013 and an addendum to the application on April 4, 2014. No other comments were received during the public comment period. The EPA's response to the public comments is also enclosed. The EPA made several revisions to the permit based on BP's comments and the application addendum, as well as EPA-identified changes necessary for clarification and consistency with other EPA-issued permits. The final permit will be effective on October 20, 2014.

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 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,

A handwritten signature in black ink, appearing to read "Callie A. Videtich". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke extending to the right.

Callie A. Videtich  
Acting Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

Enclosures

cc:

Brenda Jarrell, Air Quality Program Manager, Southern Ute Indian Tribe Environmental Program

# Enclosure -Response to Comments and Changes to Proposed MNSR Permit to Construct

## Adjustments to the Proposed Permit

On April 4, 2014, we received an addendum to the application for the Proposed Permit to Construct for the Salvador I/II Central Delivery Point pursuant to the Tribal Minor New Source Review Permit Program at 40 CFR Part 49 (MNSR). In the addendum to the MNSR application, BP America Production Company (BP) indicated that one (1) of the two (2) 1,334 hp 4 stroke lean burn (4SLB) engines in the proposed permit was permanently shut down and removed from the site in November 2013. As a result, BP is no longer requesting emission limits for this engine. Therefore, we have removed the requirements for a second 1,334 hp 4SLB engine in the final permit.

In addition, BP requested a lower carbon monoxide (CO) emission limit for the 1,467 hp 4 stroke rich burn (4SRB) engine than the limit in the proposed permit. The updated CO emission limit requested by BP is more stringent than the previous CO limit and thus we are incorporating the requested change into the final permit using the administrative permit revision provisions at 40 CFR 49.159(f). We have updated the CO emission limit in the final permit for the 1,467 hp 4SRB engine from 9.70 lbs/hr to 7.76 lbs/hr.

## Comments from BP

### **I. Permit and Technical Support Document, Universal Comment**

1. BP requested to update all occurrences of the facility name in both documents to “Salvador I/II Central Delivery Point ~~Compressor Station~~.”

*The requested change has been made in the final permit. There is no technical support document associated with the final permit and we do not make changes to the technical support document for the proposed permit. BP's comment is a part of the permit record and the necessary correction is, therefore, documented in the permanent permit record.*

### **II. Permit, Section C. Requirements for Engines**

1. In Condition C.3(a) and (b), to clarify that the control efficiencies of the engine catalytic control systems are not enforceable, BP requested to delete the references to control efficiencies and just require that a control device be installed and operated that meets the emission limits specified in the permit.

*We agree that the requested change is warranted. The control efficiencies are a redundant requirement. The emission rate limitations are already enforceable through operating limitations, monitoring, recordkeeping, and reporting requirements in the permit. The condition has been revised in the final permit to address the comment.*

2. In Condition C.3(c), BP requested to revise the frequency at which oxygen sensors are replaced on the AFR controller of the 1,467 hp 4SRB reciprocating internal combustion engine (RICE) to allow for a frequency of one calendar quarter or ninety (90) days of full run time (2,190 hours) versus eighty-three (83) days of full run time (2,000 hours in the proposed permit).

*We agree that the requested change is warranted, as it is also consistent with required operating parameter monitoring frequencies for the engines. The condition has been revised to require the AFR oxygen sensors to be replaced within every 2,190 hours of engine run time in the final permit..*

3. In Condition C.3(d), in lieu of continuous monitoring, BP requested to install equipment to immediately shut down the permitted engines if the engine exhaust temperatures at the inlets to the catalysts exceed 1,350 degrees Fahrenheit for each of the two (2) 1,334 hp 4SLB RICE or 1,250 degrees Fahrenheit for the 1,467 hp 4SRB RICE. BP noted this approach is consistent with the requirements in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary RICE at 40 CFR Part 63, Subpart ZZZZ (NESHAP ZZZZ) for existing non-emergency 4SLB and 4SRB RICE > 500 hp located at an area source of hazardous air pollutants that is not remote and will prohibit the engines from operating if the catalyst inlet temperatures exceed the upper operating temperature limitations. As documented by weekly temperature monitoring by the facility's existing Part 71 permit, BP noted they have demonstrated a history of compliance in maintaining the engine exhaust temperatures at the inlets to these catalysts within the respective operating ranges listed in the proposed permit. BP requested that all conditions related to continuous temperature monitoring be revised accordingly if the EPA agrees to allow high temperature shut-down devices.

*We disagree that the requested changes are warranted. NESHAP ZZZZ regulates hazardous air pollutants (HAP). This permit contains CO emission limits in addition to HAP emission limits. NESHAP ZZZZ allows the use of high temperature shut down devices for existing non-emergency 4SLB stationary RICE >500 hp located at area sources of HAPs that are not remote stationary RICE, but continuous temperature monitoring is still required for new or reconstructed non-emergency 4SLB stationary RICE >500 hp at major sources of HAP. The Salvador I/II Central Delivery Point is a synthetic minor HAP source and would otherwise be a major HAP source in the absence of this permit (and the current Part 71 permit). Additionally, the control device performance can also be affected if an engine operates at temperatures lower than the minimum operating temperature (450°F), an operating parameter for which a high temperature shut down device would not be able to monitor. The requested changes have not been made in the final permit.*

4. In Condition C.3(e), BP requested to revise the condition to exempt startups from the requirement to maintain the engine exhaust temperature of each engine at the inlet to the catalyst bed within the optimum range for catalyst performance, noting that during a cold startup, the inlet catalyst temperature will be below the temperature operating range.

*We agree that the requested change is warranted. Cold startups should be exempt from the operational temperature requirement for the reasons stated in BP's comment. The condition has been revised to address the comment in the final permit, as have the related conditions in the Monitoring Requirements and Recordkeeping Requirements sections of the permit. Additionally, language has been added to clearly define a time period for "startups" as not to exceed 30 minutes, to avoid engines being allowed to operate below the optimum temperature range for an indefinite period of time.*

5. BP requested to reword Condition C.3(f), to clarify the requirement for maintaining the pressure drop across the catalyst bed. Alternatively, BP requested to delete the catalyst differential pressure requirement from the permit and to only comply with the requirement to install equipment to immediately shut down the permitted engines if the engine exhaust temperatures at the inlets to catalysts exceed the high temperature range, which is consistent with NESHAP ZZZZ requirements.

*We agree that clarification is warranted for Condition C.3(f) to more clearly define the baseline pressure drop. The condition has been reworded to address the comment in the final permit and clarify the requirement.*

*We disagree that the alternative proposed revision is warranted. This permit contains CO emission limits in addition to HAP emission limits. NESHAP ZZZZ does not require the pressure drop requirements for existing non-emergency 4SLB stationary RICE >500 hp located at area sources of HAP that are not remote, but pressure drop monitoring is still required for new or reconstructed non-emergency 4SLB stationary RICE >500 hp at major sources of HAP. The Salvador I/II Central Delivery Point is a synthetic minor HAP source and would otherwise be a major HAP source in the absence of this permit (and the current Part 71 permit). Pressure drop across the catalyst bed is a good indicator of potential problems with the control device performance, such as fouling of the catalyst, which might require investigation. We have not removed the requirement to monitor pressure drop across the catalyst. NESHAP ZZZZ regulates HAPs.*

6. For consistency with the New Source Performance Standards (NSPS) for internal combustion engines at 40 CFR Part 60, Subpart JJJJ (NSPS JJJJ) and NEHSAP ZZZZ, BP requested flexibility in Condition C.3(h), to use either manufacturer's recommended maintenance schedules or procedures or other equivalent owner/operator procedures for maintaining the permitted engines and any respective catalytic control systems.

*We agree that the requested change is warranted to provide flexibility for cases where the Permittee has developed equivalent recommended schedules or procedures in lieu of those developed by the manufacturer. The condition has been revised to address the comment in the final permit, as have all other conditions in the permit that reference recommended maintenance schedules or procedures.*

7. In Condition C.3(i), BP requested to delete "~~overhaul or...~~" from the first sentence. BP also requested in Condition C.4(a)(iv), to remove the words "overhauled engines and". BP asserted that overhauls are part of a normal maintenance program, and since the proposed permit already requires ongoing monitoring of CO, NO<sub>x</sub>, and formaldehyde (CH<sub>2</sub>O) emissions, BP agrees to conduct a performance test within 90 days of startup of replacement engines only.

*We disagree that the requested changes are warranted. Our intent with the conditions was to cover situations where the Permittee performs significant maintenance or repair on an engine, more significant for instance, than changing a spark plug, and for lack of a similar term in the MNSR permitting regulations, we used the term overhaul. The conditions pertaining to the comment, as well as all other related conditions, have been revised in the final permit to provide clarification, by using the word rebuild, which is commonly defined as dismantling and reassembling with new parts. We do not consider such activities routine maintenance in the MNSR permitting program. The requested deletion has not been made to either condition in the final permit.*

8. In Condition C.4(a), BP acknowledged EPA's concerns regarding NO<sub>x</sub> emissions and agrees to test and monitor these emissions from the 1,334 hp 4SLB engine even though these engines do not have a permitted NO<sub>x</sub> emission limit. However, BP noted that in lieu of measuring NO<sub>x</sub> emissions, other engine operating parameters, such as percent oxygen in the engine exhaust, could be used as an indication that testing or monitoring is skewed.

*We agree that operating parameters such as percent oxygen in the engine exhaust can be used as an indicator of engine performance. However, percent oxygen would not give an inspector (or the public) any indication of NO<sub>x</sub> emission rates. Oxygen would need to be measured concurrently with NO<sub>x</sub> to*

*determine the emission rate. The portable monitors typically used for periodic monitoring have NO<sub>x</sub>, CO and O<sub>2</sub> all combined into one unit. Therefore, we did not change the language in the final permit to allow percent O<sub>2</sub> monitoring in lieu of NO<sub>x</sub> emissions monitoring. However, upon further research, we determined that in lieu of a NO<sub>x</sub> performance test simultaneous with a CO performance test, data obtained through NO<sub>x</sub> emissions testing using a portable analyzer would be representative and credible evidence to indicate potential engine tuning, provided the analyzer(s) meet the pre and post-test calibration error of the applicable test method. The performance testing requirements for the 1,334 4SLB engine have been revised in the final permit to reflect this change.*

9. In Condition C.4(a), regarding appropriate reference methods, BP requested to delete “Appendix A” after “40 CFR Part 63” and after “40 CFR Part 60.” BP notes that 40 CFR Part 60, Subpart JJJJ and 40 CFR Part 63, Subpart ZZZZ approve ASTM testing methods for measuring engine exhaust emissions that are not included in Appendix A of either Part.

*We disagree that the requested change is warranted, because Appendix A specifically describes approved EPA test methods, while the main regulatory text only refers to them and is specific to emissions units that are subject to a particular subpart, which may or may not apply to the emissions units covered by this permit. The requested deletion has not been made to the final permit. However, we have added “or EPA-approved American Society for Testing and Materials (ASTM) methods” to the list of methods.*

10. In Condition C.4(a)(i), BP requested to allow initial performance testing already conducted for the engines under the facility’s Part 71 operating permit to satisfy the initial performance testing requirement. Alternatively, BP requested confirmation from EPA that for the units that are already in operation, initial performance testing is not required since Condition C.4(a)(i) was specific to performance testing after startup of a new engine.

*We disagree that the requested or alternative proposed changes are warranted. BP’s records, which are required to be saved, will provide sufficient verification that the initial performance test requirement has been met for the existing engines. The condition has not been revised in the final permit, as requested.*

11. In Condition C.4(a)(ii), BP requested subsequent CH<sub>2</sub>O testing on the 1,334 hp 4SLB engine be conducted once per calendar year following the initial performance test. BP noted that as currently written, the condition requires subsequent performance tests on a rolling recurring 12-month basis, which continually moves the scheduling of this test date earlier than the 12-month due date each year every year and does not provide flexibility for scheduling testing due outside of winter months. BP noted that a calendar year frequency allows for a clear testing period and provides flexibility for both BP and third-party test companies in scheduling testing, while still requiring testing annually. Additionally, using similar reasoning, in Condition C.5(c), BP requested to change the recurrence of catalyst pressure drop monitoring from “~~every 30 days~~” to “once every calendar month” to align the monitoring periods for the engines. Also using similar reasoning, BP requested in Condition C.5(f), to change “...at least ~~quarterly~~...” to “...at least once every calendar quarter...” for the requirement to measure CO and NO<sub>x</sub> emissions from each engine using a portable analyzer. In addition, BP requested in Condition C.5(h) to change “...~~quarterly to semi-annually~~...” to “...once per calendar quarter to once per calendar half.” BP also requested, using similar reasoning, in Condition C.5(i) to change “...~~quarterly to semi-annually~~” to “...once per calendar quarter to once per calendar”. BP also requested confirmation from EPA that the obligation to conduct quarterly portable analyzer measurements were fulfilled under the Part 71 permit and that monitoring is currently required only once per calendar half.

*We disagree that the requested changes to the monitoring and testing frequency language are warranted. When interpreted literally, changing the language as requested could result in an extreme situation where the Permittee performs tests, for example, in December of one calendar year, then January of the next calendar year, and then the Permittee would technically not be required to perform the next test until December of the year after that, or nearly 2 years apart. We do not feel that two years apart is sufficiently frequent to verify compliance with the permitted emission limits. If the Permittee is unable to perform required subsequent testing within 12 months of the previous test, or required monitoring within 30 days or 90 days, as applicable, due to weather or other scheduling circumstances, the permit already contains provisions for promptly reporting deviations, which the EPA's Air Toxics and Technical Enforcement Program uses to inform their discretion when determining potential violations. The requested changes have not been made in the final permit*

*Regarding the request for confirmation from EPA that quarterly portable analyzer measurement requirements were already fulfilled under the Part 71 permit such that monitoring is required only semiannually, BP's records, which BP is required to save, will provide sufficient verification of compliance with the monitoring requirement.*

12. In Condition C.4(a)(ii), BP also requested that the annual subsequent CH<sub>2</sub>O testing be considered “monitoring”, thus availing BP of the requirements for prior notification of the scheduled test date, performing tests at required load levels, and submittal of a written report. BP also requested the condition be moved to the monitoring requirements section of the permit.

*We disagree that the requested changes are warranted. The permit contains a specific CH<sub>2</sub>O emission limit that must be accompanied by appropriate performance testing, monitoring, recordkeeping, and reporting requirements to assure compliance with the limit. Additionally, EPA inspectors may determine it is necessary to observe a test of CH<sub>2</sub>O emissions, for which they would not be able to arrange without prior notification of the test. The CH<sub>2</sub>O testing requirement has not been changed in the final permit to be referred to as “monitoring” to avail BP of prior notification, engine load, and reporting requirements, nor has the condition been moved to the Monitoring Requirements section of the permit.*

13. In Conditions C.4(a)(iii) and (iv), BP requested to add a statement that a performance test completed under the condition shall satisfy the requirements for subsequent annual CH<sub>2</sub>O performance testing in Condition C.4(a)(ii), and shall satisfy the requirement for semi-annual monitoring for NO<sub>x</sub> and CO for the relevant monitoring period. BP requested similar provisions be stated in the “Monitoring Requirements” section of the permit.

*We disagree that the requested additional statements is warranted, as the statements would be redundant. The permit already contains provisions allowing performance tests to satisfy monitoring requirements [see Condition (f)(i)]. BP's required records and performance test reporting will provide sufficient verification of compliance with the monitoring requirement. The requested statements have not been added to the final permit.*

14. BP requested to delete Condition C.4(b), because it does not allow for BP to make the necessary adjustments to appropriately load the engines to the load conditions required by Condition C.4(d)(iii), which requires testing be performed at a maximum operating rate of 90% to 110% of the maximum capacity at site elevation. BP notes that since available gas to the facility can fluctuate and the facility uses multiple engines, in order to appropriately load the engines for performance testing, adjustments could be required to load up the engines for performance testing to meet the performance testing load requirement.

*We disagree that the requested deletion is warranted, as a simple clarification would address BP's concern. The condition has not been deleted from the final permit. Instead, the condition has been revised to clarify that artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.*

15. BP requested to delete Condition C.4(c), which specifies that engine tests that demonstrate non-compliance with the CO or CH<sub>2</sub>O emission limits shall not be aborted. BP asserts that at the first indication of a potential non-compliance, they will shut down the engine to appropriately diagnose the issue and implement corrective action. BP asserts that they will not knowingly and willingly run an engine in non-compliance mode without first obtaining approval from EPA to diagnose the related issue and cause of the noncompliance.

*The condition has not been deleted in the final permit as requested. Allowing a test to be aborted if it demonstrates non-compliance defeats the purpose of using testing to verify compliance. The results of a fully completed and valid test that demonstrates non-compliance are valuable information for the Permittee to appropriately diagnose the issue and implement corrective action. The prompt deviation reporting requirements already address notifying the EPA of diagnosis of the issue and any corrective action following a test demonstrating non-compliance with the emission limits.*

16. In Condition C.4(d)(i), BP requested that language be added to require pressure drops across each catalyst bed and inlet temperatures to each catalyst bed to be recorded at least once per test run during all performance tests, in addition to being measured.

*We agree that this change is warranted to ensure that the measurements during testing are recorded. The condition has been revised to address the comment in the final permit.*

17. In Condition C.4(d)(iv), BP requested that they be allowed to perform engine testing at the highest achievable load available at the time of the test, noting that the highest achievable load can change and is not always known immediately prior to conducting a performance test due to field fluctuations. Therefore, a written request for approval of an alternate load level for testing would require a prompt response from EPA.

*We agree that this change is warranted because it would provide for testing at the real-time worst case conservatively high measurement of engine emissions and we have revised the condition in the final permit accordingly.*

18. BP requested confirmation that test plans previously submitted under the facility's Part 71 permit meet Condition C.4(d)(vii) and can be used in lieu of submitting new test plans, noting that the test plans submitted under the Part 71 permit for the 1,334 hp 4SLB engine did not include test procedures for measuring NO<sub>x</sub> emissions. However, since this unit does not have NO<sub>x</sub> emission limits, BP requested that EPA waive the requirement to include the procedures for measuring NO<sub>x</sub> from this unit for the test plans previously submitted under the Part 71 permit.

*The requested revisions resulting from comment 8 above have made the requested clarification for NO<sub>x</sub> emissions testing unnecessary. Additionally, Condition C.4(d)(viii) addresses BP's comment regarding previously submitted test plans, therefore no additional changes have been made to the final permit as a result of this comment..*

19. BP requested to delete Condition C.4(d)(ix), "~~D) Schedule/dates for the test~~" as being a required element in the test plans, since Condition C.4(d)(viii), allows previously approved test plans to

be used and Condition C.4(e), requires a 30-day notification prior to scheduled performance testing.

*We agree that the condition is redundant and have deleted the condition from the final permit.*

20. In Condition C.5(d), BP requested clarification on when the first catalyst pressure drop measurements are due under the permit since the engines are already operating and have completed initial performance testing under the Part 71 permit prior to issuance of this MNSR permit.

*The final permit has not been revised to address the requested clarification. BP is already operating under the testing and monitoring schedule established in the Part 71 permit. This permit action establishes those requirements in the MNSR permit. BP's records, which BP is required to keep will verify compliance with the pressure drop measurement requirements.*

21. In Condition C.5(e)(iii)(A), in lieu of a full portable analyzer test which has to be scheduled, BP requested to conduct a portable analyzer reading until a performance test can be conducted.

*The condition has not been revised as requested in the final permit. A simple portable analyzer measurement that has not been conducted in accordance with an approved protocol containing requirements for calibration and specific measurement time periods is not sufficient to demonstrate that the emission limits are being met for a time period of up to 90 days before a performance test is required after determining the pressure drop deviation.*

22. In Conditions C.5(f)(i), and C.5(k) and (l), BP requested confirmation that the portable analyzer protocols submitted to EPA under the facility's Part 71 permit are considered "monitoring protocols approved by EPA," and, therefore, do not have to be resubmitted. BP noted that the monitoring protocols submitted under the Part 71 permit for the 1,334 hp 4SLB engine do not reference NO<sub>x</sub> as a required measured constituent for monitoring these engines, but the protocol does include the procedures for measuring NO<sub>x</sub> emissions.

*Condition C.5(l) specifies that portable analyzer specifications and monitoring protocols that have already been approved by the EPA for the emission units in the permit may be used in lieu of new protocols unless the EPA requires the submittal and approval of new protocols and specifications. Therefore, since the protocol submitted and approved under the Part 71 permit includes procedures for measuring NO<sub>x</sub> emissions, we do not agree that any action is necessary in response to this comment and therefore, no changes have been made to the final permit. Records of BP's submitted and approved protocols will verify compliance with these conditions.*

23. In Condition C.5(j), BP requested the correction that if the results of 2 consecutive *semi*-annual portable analyzer measurements demonstrate non-compliance with the NO<sub>x</sub> or CO emission limits, the required test frequency shall change from semi-annually to quarterly. As proposed, the condition said 2 consecutive annual measurements.

*The requested correction is warranted and it has been made in the final permit.*

24. In Condition C.5(m), BP requested deleting CH<sub>2</sub>O from the requirement, since the monitoring requirements do not address CH<sub>2</sub>O. The permit addresses subsequent CH<sub>2</sub>O testing in Condition C.4(a)(ii).

*The requested deletion has been made in the final permit; and further, all reference to specific monitored pollutants has been removed, as the requirements for which pollutants need to be monitored for each engine is already stated in previous conditions.*

### **III. Permit, Section E. Requirements for Reporting**

1. In Condition E.1(a), BP requested EPA to confirm whether or not the annual report of actual emissions from “all emission units at the facility” includes emissions from the permitted engines only or if it should include emissions from all sources located at the site. BP also requested to delete “~~All reports shall be certified to truth and accuracy by the responsible official.~~” As “responsible official” is not a term used in the Federal Minor New Source Review Program in Indian Country (40 CFR 49.151 through 49.161).

*The condition has been corrected to require annual emissions only for the emission units covered under this permit. Additionally, the condition has been revised to require reports be certified to truth and accuracy by the person primarily responsible for Clean Air Act compliance for the company, which is a term used in our MNSR application forms.*

2. BP requested to provide clarification and some examples of scenarios that would trigger prompt reporting under Condition E.3(a). BP is unclear on the interpretation of this requirement.

*The condition has been revised in the final permit to provide clarification that prompt deviation reporting is required within 30 days from the discovery of any deviation of the emission limits or operational limitations in the permit that is left uncorrected for more than five (5) days.*

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



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

**40 CFR 49.151**

**# SMNSR-SU-000009-2012.001**

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

**Permittee:**

BP America Production Company

**Permitted Facility:**

Salvador I/II Central Delivery Point  
Southern Ute Indian Reservation  
La Plata County, Colorado

## Summary

On September 5, 2012, we received an application from BP America Production Company (BP) requesting a synthetic minor permit for the Salvador I/II Central Delivery Point in accordance with the requirements of the Tribal Minor New Source Review Permit Program at 40 CFR Part 49 (MNSR).

The Salvador I/II Central Delivery Point is a natural gas production field facility prior to the point of custody transfer. Upstream of the facility are Fruitland Gas (coal-bed methane) wells which are connected to a gathering pipeline system and the inlet of the facility. The Salvador Gas Unit A#1 wellsite is located within the fence of the facility, and the wellsite natural gas commingles with the field gas coming into the facility and passes through an inlet separator. The commingled natural gas composition is primarily methane. In addition, the gas contains some carbon dioxide and is saturated with water vapor. No condensate or natural gas liquids are produced at the site. Free liquid water, water vapor, and entrained lubricating oil are removed from the gas, and the gas is compressed and sent on to third party or BP-owned gathering systems.

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 emission limits and provisions from the following documents:

- A. An operating permit the EPA issued to BP for the Salvador I/II Central Delivery Point on May 20, 2011, in accordance with the Title V Operating Permit Program at 40 CFR Part 71 (Part 71);
- B. A September 5, 2012 application from BP requesting a synthetic minor permit for the Salvador I/II Central Delivery Point; and
- C. An April 4, 2014 addendum to the September 5, 2013 application from BP requesting removal of emission limits for a compressor engine that was shut down and removed from the facility, and also requesting a lower emission limit than proposed for another compressor engine operating at the facility.

The transfer of the requirements from the Part 71 permit, in addition to the incorporation of limits requested by BP in the application into a single permit, consolidates the requirements originating from these documents into one permit.

The EPA determined that this approval will not contribute to National Ambient Air Quality Standard (NAAQS) violations, or have potential adverse effects on ambient air.

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## I. Conditional Permit to Construct

### A. General Information

Facility: BP America Production Salvador I/II Central Delivery Point  
Permit number: SMNSR-SU-000009-2012.001  
SIC Code and SIC Description: 1311- Crude Petroleum and Natural Gas

<u>Site Location:</u>	<u>Corporate Office Location</u>
Salvador I/II Central Delivery Point	BP America Production Company
NE ¼, NW ¼ Sec 28 T33N R7W	380A Airport Road
Southern Ute Indian Reservation	Durango, Colorado 81303
La Plata County, Colorado	

The equipment listed in this permit may only be operated by BP America Production Company at the following location:

Latitude 37.079052, Longitude -107.61829

### 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 requirements for limiting nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and formaldehyde (CH<sub>2</sub>O) engine emissions.
3. Any conditions for this facility or any specific units at this facility established pursuant to any permit issued under the authority of the Prevention of Significant Deterioration Permit Program at 40 CFR 52.21 (PSD) 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 Engines

1. Construction and Operational Limits:
  - (a) The Permittee shall install and operate emission controls as specified in this permit on one (1) reciprocating internal combustion engine used for compression, meeting the following specifications:
    - (i) Operated as a 4-stroke lean-burn (4SLB) engine;
    - (ii) Fired with natural gas; and
    - (iii) Limited to a maximum site rating of 1,334 horsepower (hp).
  - (b) The Permittee shall install and operate emission controls as specified in this permit on one (1) reciprocating internal combustion engine used for compression, meeting the following specifications:

- (i) Operated as a 4-stroke rich-burn (4SRB) engine;
  - (ii) Fired with natural gas; and
  - (iii) Limited to a maximum site rating of 1,467 site rated horsepower (hp).
- (c) 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 the 1,334 hp 4SLB engine shall not exceed:
- (i) 0.88 pounds per hour (lbs/hr) of CO; and
  - (ii) 0.34 lbs/hr of CH<sub>2</sub>O.
- (b) Emissions from the 1,467 hp 4SRB engine shall not exceed:
- (i) 7.76 lbs/hr of CO; and
  - (ii) 6.50 lbs/hr of NO<sub>x</sub>.
- (c) Emission limits specified in this permit shall apply at all times, unless otherwise specified in this permit.

3. Control and Operational Requirements

- (a) The Permittee shall ensure that the 1,334 hp 4SLB engine is equipped with an oxidation catalyst control system capable of reducing uncontrolled CO emissions and uncontrolled CH<sub>2</sub>O emissions to meet the emission limits specified in this permit.
- (b) The Permittee shall ensure that the 1,467 hp 4SRB engine is equipped with a non-catalytic selective reduction (NSCR) and air-to-fuel ratio (AFR) control system capable of reducing uncontrolled CO emissions and uncontrolled NO<sub>x</sub> emissions to meet the emission limits specified in this permit.
- (c) The Permittee shall replace the oxygen (O<sub>2</sub>) sensor on the AFR controller on the 1,467 hp 4SRB engine within every 2,190 hours of engine run time.
- (d) 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.
- (e) Except during startups, which shall not 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 within the following limits:
- (i) For the 1,334 hp 4SLB engine, an inlet temperature of at least 450° F and no more than 1,350° F.

- (ii) For the 1,467 hp 4SRB engine, an inlet temperature of at least 700° F and no more than 1,250° F.
- (f) During operation, the pressure drop across the catalyst bed on each engine shall be maintained to within  $\pm 2$  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.
- (g) 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 (CO<sub>2</sub>) concentration in the gas is not be required to be within pipeline-quality.
- (h) The Permittee shall follow, for each engine and any 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.
- (i) The Permittee may rebuild or replace an existing permitted engine with an engine of the same horsepower rating, and configured to operate in the same manner as the engine being rebuilt or replaced. Any emission limits, requirements, control technologies, testing or other provisions that apply to the permitted engines that are replaced shall also apply to the rebuilt or replacement engines.
- (j) 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 replacement engines.

#### 4. Performance Testing Requirements

- (a) Performance tests shall be conducted on the 1,334 hp 4SLB engine for measuring CO and CH<sub>2</sub>O emissions and on the 1,467 hp 4SRB engine for measuring NO<sub>x</sub> and CO 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 CH<sub>2</sub>O emissions shall be conducted on the 1,334 hp 4SLB engine within 12 months of most recent performance test.
  - (iii) Performance tests shall be conducted within 90 calendar days of the replacement of the catalyst on each engine.
  - (iv) Performance tests shall be conducted within 90 calendar days of startup of all rebuilt and replacement 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 test requirements is not considered engine tuning or adjustments.

- (c) The Permittee shall not abort any engine tests that demonstrate non-compliance with any NO<sub>x</sub>, CO, or CH<sub>2</sub>O emission limits in this permit.
- (d) Performance tests conducted on the 1,334 hp 4SLB engine for measuring CO and CH<sub>2</sub>O emissions and on the 1,467 hp 4SRB engine for measuring NO<sub>x</sub> and CO emissions 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 per test during all performance tests.
  - (ii) All performance tests for NO<sub>x</sub> and CO emissions on the 1,467 4SRB engine shall be performed simultaneously.
  - (iii) The Permittee shall measure NO<sub>x</sub> emissions from the 1,334 hp 4SLB engine simultaneously with all performance test for CO emissions. NO<sub>x</sub> emissions shall be measured using a portable analyzer and protocol approved in writing by the EPA. *[Note to Permittee: Although the permit does not contain NO<sub>x</sub> emission limits for this engine, NO<sub>x</sub> measurement requirements have been included as an indicator to ensure compliance with Condition C.4(b) above.]*
  - (iv) 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 alternate load level after obtaining written approval from the EPA.
  - (v) 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.).
  - (vi) 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.
  - (vii) Performance test plans shall be submitted to the EPA for approval 60 calendar days prior to the date the test is planned.
  - (viii) 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.
  - (ix) 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 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 engine exhaust temperature at the inlet to the catalyst bed on each engine.
- (b) Except during startups, which shall not exceed 30 minutes, if the engine's exhaust temperature at the inlet to the catalyst bed on any one (1) 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 in 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 requirement provided it occurs within the 30-day window. The pressure drop reading can be a one-time measurement on that day, the average of performance test runs conducted on that day, or an average of all the measurements taken on that day if continuous readings are taken.
- (e) If the pressure drop reading exceeds  $\pm 2$  inches of water from the baseline pressure drop reading taken during the most recent performance test, then the following actions shall be taken. The Permittee's completion of any or all of these actions shall not constitute, nor qualify as, an exemption from any other emission limits in this permit:
  - (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 and to re-establish the pressure drop across the catalyst bed. The Permittee shall perform a portable analyzer test for CO and NO<sub>x</sub> to 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. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.

- (f) The Permittee shall monitor CO and NO<sub>x</sub> emissions from the exhaust of the catalytic control system on each engine at least quarterly, to demonstrate compliance with each engines emission limits in this permit. To meet this requirement, the Permittee shall:
- (i) Measure CO and NO<sub>x</sub> 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<sub>x</sub> emissions simultaneously; and
  - (iii) Commence monitoring for CO and NO<sub>x</sub> emissions within 90 calendar days of the Permittee's submittal of the initial performance test results for NO<sub>x</sub> and/or CO emissions, as appropriate, to the EPA.
- (g) 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 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 testing requirements is not considered engine tuning or adjustments.
- (h) For the 1,334 hp 4SLB engine: If the results of consecutive quarterly portable analyzer measurements demonstrate compliance with the CO emission limits, the required monitoring frequency may change from quarterly to semi-annually.
- (i) For the 1,467 hp 4SRB engine: If the results of consecutive quarterly portable analyzer measurements demonstrate compliance with NO<sub>x</sub> and CO emission limits, the required monitoring frequency may change from quarterly to semi-annually.
- (j) For any one (1) engine: If the results of consecutive semi-annual portable analyzer measurements demonstrate non-compliance with the NO<sub>x</sub> and/or CO emission limits, the required test frequency shall revert back to quarterly.
- (k) 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:
- 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
- (l) 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 a new protocol. The Permittee may submit a new protocol for EPA approval at any time.
- (m) 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 for each engine is pipeline quality natural gas in all respects, with the exception of CO<sub>2</sub> 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 or repairs, AFR controller replacements, engine rebuilds, and replacements.
- (h) Records shall be kept of each rebuilt or replacement 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 1<sup>st</sup>. 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<sub>x</sub>, CO, and CH<sub>2</sub>O emissions, as appropriate.
- (c) The report shall be submitted to:

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

The report may be submitted via electronic mail to [r8AirPermitting@epa.gov](mailto: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:

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

All documents may be submitted electronically to [r8airreportenforcement@epa.gov](mailto: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](mailto: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;
  - (b) By April 1<sup>st</sup> 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. *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 to Existing Permitted Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit allowable emissions of a pollutant 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, 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 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 EPA, 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 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:* 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

 

Callie A. Videtich  
Acting Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

Date