

**United States Environmental Protection Agency
Region 8 Air Program
Air Pollution Control Minor Source Permit to Construct
Technical Support Document for
Proposed Permit No. SMNSR-SU-000009-2015.003**



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

In accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49, this federal permit to construct is being issued under authority of the Clean Air Act (CAA). The EPA has prepared this technical support document describing the conditions of this permit and presents information that is germane to this permit action.

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I. Introduction

On October 21, 2015, we received an application from BP America Production Company (BP) requesting a synthetic minor permit for a modification project at the existing Salvador I/II Central Delivery Point in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49. The Salvador I/II Central Delivery Point currently operates as a synthetic minor source of carbon monoxide (CO) with respect to the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR Part 52 and hazardous air pollutants (HAP) with respect to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR Part 63, through a synthetic minor MNSR permit (#SMNSR-SU-000009-2012.002) issued on December 4, 2014.

BP requested authorization to construct a new emission source, and to establish legally and practically enforceable emission limitations for the new emissions source, as well as an existing emissions source. BP has proposed to construct a new 1,874, or lower, site-rated horsepower (hp) four-stroke lean-burn (4SLB) compressor engine equipped with an oxidation catalyst control system and to establish carbon monoxide (CO) and formaldehyde emission limits and associated operational limitations for the engine. Additionally, on October 30, 2015, BP replaced an existing unpermitted compressor engine with a maximum site-rated 1,138 hp 4SLB compressor engine, and has requested to establish legally and practically enforceable requirements to install and operate an oxidation catalyst control system on that engine and limit CO and formaldehyde emissions.

This proposed permit contains emission limits, operational limitations, and emission control requirements, and associated monitoring, recordkeeping, and reporting requirements, for the facility and/or certain pollutant emission-generating units or activities approved for construction and installation.

II. Facility Description

The Salvador I/II Central Delivery Point is a natural gas production field compression facility located within the exterior boundary of the Southern Ute Indian Reservation in Southwest Colorado. 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. The operating schedule for the facility is 24 hours per day for 365 days per year.

The emission units identified in Table 1 are currently installed and/or operating at the facility. The information provided in this table is for informational purposes only and is not intended to be viewed as enforceable restrictions or open for public comment. The units and/or control requirements identified here either existed prior to the promulgation of the MNSR permitting program or have been approved through the alternative methods as identified below. Table 2, Facility-Wide Emissions, provides an accounting of the allowable emissions under the current facility configuration, including enforceable restrictions under existing MNSR permits, in comparison to the estimated facility-wide post-change potential emissions and proposed post-change allowable emissions for the modification project.

Table 1. Existing Emission Units

Unit Description	Controls	Original Preconstruction Approval Date & Permit Number
Two (2) Natural gas-fired, 4-stroke lean-burn (4SLB) RICE each with a maximum site rating of 1,334 hp	Oxidation Catalyst	No pre-construction approval required for the installation of the engine. Installed prior to the promulgation of the MNSR permitting program. Control requirements originally authorized in the April 2007 Part 71 Permit # V-SU-0009-04.00. Currently authorized in MNSR Permit #SMNSR-SU-000009-2012.002, December 4, 2014.
Natural gas-fired, 4SLB RICE with a maximum site rating of 1,138 hp	None	No pre-construction approval required for the installation of the engine on October 30, 2015, which replaced a previously existing 655 hp 4SLB RICE. Potential emissions increase qualified as true minor modification of an existing oil and natural gas source ¹ . Control requirements have been requested for this engine as part of this proposed MNSR permit action.
Natural gas-fired, 4SLB RICE with a maximum site rating of 1,334 hp	None	No pre-construction approval for the installation of the engine. Installed prior to the promulgation of the MNSR permitting program.
Natural gas-fired, 4-stroke rich-burn (4SRB) RICE with a maximum site rating of 1,467 hp	Non-Selective Catalytic Reduction (NSCR)	No pre-construction approval required for the installation of the engine. Installed prior to the promulgation of the MNSR permitting program. Control requirements originally authorized in the April 2007 Part 71 Permit # V-SU-0009-04.00. Currently authorized in MNSR Permit #SMNSR-SU-000009-2012.002, December 4, 2014.
Tri-ethylene glycol dehydration unit with a maximum natural gas processing capacity of 45 MMscfd & flash tank for tri-ethylene glycol dehydrator	None	No pre-construction approval required for the installation of the dehydration unit. Installed prior to the promulgation of the MNSR permitting program.
Miscellaneous organic liquid storage tanks	None	No pre-construction approval required for the installation of the organic liquid storage tanks. Installed prior to the promulgation of the MNSR permitting program.
Five (5) natural gas-fired tank heaters with a maximum rating of 0.25 MMBtu/hr	None	No pre-construction approval required for the installation of the tank heaters. Installed prior to the promulgation of the MNSR permitting program.
Two (2) natural gas-fired tank heaters with a maximum rating of 0.15 MMBtu/hr	None	No pre-construction approval required for the installation of the tank heaters. Installed prior to the promulgation of the MNSR permitting program.
Natural gas-fired tank heater with a maximum rating of 0.26 MMBtu/hr	None	No pre-construction approval required for the installation of the tank heater. Installed prior to the promulgation of the MNSR permitting program.

¹ Under the MNSR Permit Program at 40 CFR 49.151(c)(1)(iii)(A), an owner or operator of a true minor oil and natural gas new source or modification is not required to obtain a permit prior to construction until on or after March 2, 2016.

Table 2. Facility-Wide Emissions

Pollutant	Current Allowable Emissions (tpy)*	Post-Change Potential Emissions (tpy)*	Proposed Allowable Emissions (tpy)*	Proposed Change in Allowable Emissions (tpy)	
PM	2.26	2.84	2.84	-	tpy – tons per year PM – Particulate Matter PM ₁₀ – Particulate Matter less than 10 microns in size PM _{2.5} – Particulate Matter less than 2.5 microns in size SO ₂ – Sulfur Dioxide NO _x – Nitrogen Oxides CO – Carbon Monoxide VOC – Volatile Organic Compounds CO ₂ – Carbon dioxide CH ₄ – Methane N ₂ O – Nitrous oxide HFCs – Hydrofluorocarbons PFCs – Perfluorocarbons SF ₆ – Sulfur hexafluoride CO ₂ e – Equivalent CO ₂ . A measure used to compare the emissions from various greenhouse gases based upon their global warming potential (GWP) <i>HFCs, PFCs, and SF₆ emissions are not created for oil and gas production operations.</i>
PM ₁₀	2.26	2.84	2.84	-	
PM _{2.5}	2.26	2.84	2.84	-	
SO ₂	0.11	0.14	0.14	-	
NO _x	89.76	103.68	111.31	+21.55	
CO	103.37	150.20	84.46	-18.91	
VOC	49.09	65.31	65.31	+16.23	
Greenhouse Gases					
CO ₂ (mass basis)	21,537.19	28,288.83	28,288.83	+6,751.65	
CH ₄ (mass basis)	2,184.22	2,184.35	2,184.35	+0.13	
N ₂ O (mass basis)	0.56	0.57	0.57	+0.01	
HFCs (mass basis)	0	0	0	-	
PFCs (mass basis)	0	0	0	-	
SF ₆ (mass basis)	0	0	0	-	
GHG _{total} (mass basis)	23,721.97	30,473.75	30,473.75	+6,751.78	
CO₂e (Total)	82,513.24	89,271.86	89,271.86	+6,758.62	
Hazardous Air Pollutants (HAPs)					
Acetaldehyde	0.00	0.00	0.00	-	
Acrolein	0.00	0.00	0.00	-	
Benzene	0.00	0.00	0.00	-	
Ethyl-Benzene	0.00	0.00	0.00	-	
Toluene	0.00	0.00	0.00	-	
n-Hexane	0.00	0.00	0.00	-	
Xylene	0.00	0.00	0.00	-	
Formaldehyde	8.84		9.35	+0.51	
Total HAPs	8.84		9.35	+0.51	

* The current allowable emissions represent the current facility configuration and account for existing legally and practically enforceable restrictions. The post-change potential emissions include the potential uncontrolled emissions from the proposed modification project. The proposed allowable emissions represent the controlled emissions of the proposed modification project.

III. Proposed MNSR Permit Emission Limits and Controls

According to the requirements at 40 CFR 49.154(c), the EPA must determine the emission limitations required in a site-specific MNSR permit by conducting a case-by-case control technology review to determine the appropriate level of control, if any, to assure that the National Ambient Air Quality Standard (NAAQS) are achieved. In carrying out this case-by-case control technology review, the EPA must consider the following factors: 1) local air quality conditions; 2) typical control technology or other emission reduction measures used by similar sources in surrounding areas; 3) anticipated economic growth; and 4) cost effective emission reduction alternatives. For this permit, the EPA

considered regulations that apply to stationary reciprocating internal combustion engines (RICE). The Standards of Performance for Spark Ignition Internal Combustion Engines at 40 CFR Part 60, Subpart JJJJ (NSPS JJJJ) contain requirements for the installation and operation of spark ignition internal combustion engines that minimize the emissions of NO_x, CO, and VOC from the combustion of natural gas. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for RICE at 40 CFR Part 63, Subpart ZZZZ (NESHAP ZZZZ) contain requirements for the maximum achievable control technology (MACT) for the installation and operation of natural gas-fired RICE that minimize the emissions of hazardous air pollutants (HAP), such as formaldehyde, from the combustion of natural gas.

The natural gas industry uses engines to compress natural gas as it is processed and prior to further downstream pipeline distribution. BP currently uses a combination of four (4) natural gas-fired 4SLB RICE and one (1) natural gas-fired 4SRB RICE at the facility. BP is proposing to construct and additional maximum 1,874 hp natural gas-fired 4SLB RICE at the facility. BP is also proposing to install an oxidation catalyst control system on one (1) of the existing 4SLB RICE that is currently uncontrolled.

Lean-burn engines produce NO_x, CO, VOC and HAP emissions. The HAP emissions consist primarily of formaldehyde. The primary form of emission control for lean-burn engines is oxidation catalyst. The oxidation catalyst is effective for CO, VOC, and formaldehyde. These catalysts do not typically control NO_x emissions. However, lean-burn engines are designed to operate with more dilute natural gas streams (a higher air-to-fuel ratio). Because they operate on more dilute natural gas streams, lean-burn engines also operate at lower combustion temperatures producing less NO_x emissions.

We are proposing the use of oxidation catalysts on the one (1) new maximum 1,874 hp 4SLB RICE and one (1) existing maximum 1,138 hp 4SLB RICE, which are capable of reducing uncontrolled emissions of CO emissions by at least 90% and formaldehyde emissions by at least 60% at a maximum operating rate, and CO and formaldehyde pounds per hour (lb/hr) emissions limits. The maximum 1,874 hp 4SLB RICE must meet an emission limitation of 1.03 lbs/hr for CO and 0.46 lb/hr for formaldehyde. The 1,138 hp 4SLB RICE must meet emission limitations of 0.64 lbs/hr for CO and 0.32 lb/hr for formaldehyde. We are also proposing emissions control maintenance requirements consisting of limits on the temperature of the engine exhaust entering the catalysts and a limit on the exhaust pressure drop across the catalysts.

The proposed permit establishes emission control requirements that are consistent with what is required of natural gas-fired 4SLB RICE across the country in NAAQS attainment areas. As such, the proposed control technologies are considered widely available and after considering anticipated economic growth in the area and more cost-effective alternatives, we determined that it was not necessary to make any additional changes to the proposal at this time.

IV. Air Quality Review

The Federal Minor New Source Review Regulations at 40 CFR 49.154(d) require that an Air Quality Impact Assessment (AQIA) modeling analysis be performed if there is reason to be concerned that new construction would cause or contribute to a NAAQS or PSD increment violation. If an AQIA reveals that the proposed construction could cause or contribute to a NAAQS or PSD increment violation, such impacts must be addressed before a pre-construction permit can be issued.

The area surrounding the project area is currently considered to attain the NAAQS for all criteria

pollutants. Data was collected and reviewed from the EPA’s Air Quality Statistics (AQS) database for air monitors in La Plata County for 2012-2014. These data confirmed that the air quality in La Plata County has not exceeded the NAAQS standards for criteria pollutants (CO, nitrogen dioxide (NO₂), ozone (O₃), PM_{2.5} and PM₁₀) for the most recent available three years of data. The available data is summarized in Table 3.

Table 3. 2012-2014 Air Quality Data for La Plata County

Site Name and AQS Number	NAAQS Pollutant & Standard Criteria	2012*	2013*	2014*	2014 Design Value*	Current NAAQS Standard
Ute #1 08-067-7001	O ₃ – 4 th Max 8-hr (ppm)	0.67	0.069	0.067	0.067	0.070 (as of October 1, 2015)
Ute #3 08-67-7003		0.069	0.067	0.065	0.067	
Ute #1 08-067-7001	NO ₂ – 98 th Percentile, 1- hr (ppb)	27.0	28.0	22.0	26.0	100
Ute #3 08-67-7003		29.0	35.0	24.0	29.0	
08-067-7001	PM _{2.5} – 98 th Percentile, 24-hr (µg/m ³)	9.8	26.4	7.1	14	35
Ute #3 08-67-7003		10.3	26.0	7.4	15	
Ute #1 08-067-7001	PM _{2.5} – Weighted Mean, annual (µg/m ³)	4.1	4.0	3.6	3.9	12
Ute #3 08-67-7003		0.8	1.7	1.3	1.3	
Ute #1 08-067-7001	CO 8-hour Average, Yearly max value(ppm)	0.6	1.3	1.0	0 Exceedances	100 ppm, Not to be exceeded more than once per year
Four Corners 08-067-0004	PM 10 - 98 th Percentile, 24-hr (µg/m ³) Yearly max value	80	38	38	0 Exceedances	150 µg/m ³ , Not to be exceeded more than once per year

* The AQS database, located online at <http://www.epa.gov/aqs>, is updated by state, local, and tribal organizations who generate, review and submit the data. Compliance with the NAAQS is determined by comparison to a “design value” that is calculated based on a three year average of the annual standard criteria values for each NAAQS pollutant. Regulatory design value data is available online at <http://www3.epa.gov/airtrends/values.html>. The values in this table represent data reported as accessed on February 17, 2016. Exceptional Events are excluded, which should not be used to determine background air quality or NAAQS compliance.

Salvador I/II CDP Proposed Modification Characteristics and Estimated Emissions

The Salvador I/II CDP is located at an elevation of 6,371 feet above mean sea level. The area immediately surrounding the site is relatively flat with gently sloping terrain. The annual average precipitation for 2010 – 2014 was 12.58 inches, with the highest annual precipitation of 15.18 inches occurring in 2013. The average highest temperature during this timeframe was 94 degrees Fahrenheit, while the average lowest temperature was -10.6 degrees Fahrenheit. The highest temperatures were measured during the months of June, July, and August, while the lowest temperatures were measured in January and December.²

According to information BP provided, engineering design is not yet completed for the proposed project, as the oxidation catalyst manufacturers and models have not yet been selected and the third-party compressor skid designs have not yet been submitted. The 1,138 hp 4SLB engine and the 1,874 hp 4SLB engine stack heights are estimated to be approximately 20 feet and 23 feet above the ground, respectively. The 1,874 hp 4SLB engine is proposed to be installed near the southeast corner of the site near the 1,138 hp 4SLB engine and near the fence line of the property.

The Salvador I/II CDP is an existing synthetic minor source for the purposes of the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR Part 52. The proposed project is not a major modification, as defined under the PSD Permit Program, as the potential to emit all NSR-regulated pollutants for the project are less than 250 tpy and the proposed increase in allowable emissions for all NSR regulated pollutants for the project are less than the respective significant emission rates for major PSD sources at 40 CFR 52.21(b)(23)(i). The proposed project is estimated to result in an increase in allowable emissions of 21.55 tpy NO_x and 16.23 tpy VOC, and a decrease of 18.91 tpy CO emissions. For both NO_x and VOC, which are precursors to ozone formation, the significant emission rates for existing major PSD sources is 40 tpy. Although the background concentration of ozone in La Plata County is considered relatively high in comparison to the NAAQS, a less than 22 tpy increase in NO_x emissions and a less than 17 tpy increase in VOC emissions is expected to have very little effect on localized formation of ozone, given that both are approximately half of the PSD significance thresholds for a major source. Therefore, the impacts to local air quality from the proposed project are not expected to be significant and should not have an adverse impact on attainment of the NAAQS or cause or contribute to PSD increment violation. We have determined that an AQIA modeling analysis is not required for this permit action.

V. Tribal Consultations and Communications

We offer Tribal Government Leaders an opportunity to consult on each synthetic minor source permit action. We offered the Chairman of the Southern Ute Indian Tribe an opportunity to consult on this permit action via letter dated February 29, 2016. To date, we have not received a response to the consultation offer letter sent to the Tribe.

All minor source applications (synthetic minor, modification to an existing major source, new true minor or general permit) are submitted to both the Tribe and the EPA per the application instructions (see <http://www.epa.gov/caa-permitting/tribal-nsr-permitting-region-8>). The Tribe has 10 business

² 2010-2014 data accessed from the National Centers for Environmental Information, National Oceanic and Atmospheric Administration, Climate Data Online website at <http://www.ncdc.noaa.gov/cdo-web/>, for the Ignacio 8E Station (Latitude: 37.086° N, Longitude: -107.533° W).

days to respond to us with questions and comments on the application. In the event an AQIA is triggered, we email a copy of that document to the Tribe as soon as we receive it.

Additionally, we will notify the Southern Ute Indian Tribe of the public comment period for the draft permit and provide copies of the notice of public comment opportunity to post in various locations of their choosing on the Reservation. We also notify the Tribe of the issuance of the final permit.

VI. Environmental Justice

On February 11, 1994, the President issued Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Executive Order calls on each federal agency to make environmental justice a part of its mission by "identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations."

The EPA defines "Environmental Justice" as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and polices. The EPA's goal with respect to Environmental Justice in permitting is to enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable under existing environmental laws. *Overburdened* is used to describe the minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards.

This discussion describes our efforts to identify overburdened communities and assess potential effects in connection with issuing this permit in La Plata County within the exterior boundaries of the Southern Ute Indian Reservation.

A. Environmental Impacts to Potentially Overburdened Communities

This permit action authorizes the construction of new air emission sources with the potential to emit air pollutants at minor source levels under the MNSR Permit Program. The facility is located in a rural area primarily used for natural gas production, livestock grazing, and other agricultural uses. The total net emissions increases for this project are well below the major source PSD thresholds and significance levels for all criteria pollutants.

The ambient air measurements show existing air quality in the project area currently meets the NAAQS. The new emission sources, engines, would be controlled using common natural gas combustion emission controls. The local meteorology along with the facility's gently sloping terrain would encourage transport and dispersion of pollutant emissions. Therefore, the impacts to local air quality from the proposed project are not expected to be significant.

For purposes of Executive Order 12898 on environmental justice, the EPA has recognized that compliance with the NAAQS is "emblematic of achieving a level of public health protection that, based on the level of protection afforded by a primary NAAQS, demonstrates that minority or low-income populations will not experience disproportionately high and adverse human health or environmental effects due to the exposure to relevant criteria pollutants." *In re Shell Gulf of Mexico, Inc. & Shell Offshore, Inc.*, 15 E.A.D., slip op. at 74 (EAB 2010). This is because the NAAQS are

health-based standards, designed to protect public health with an adequate margin of safety, including sensitive populations such as children, the elderly, and asthmatics.

Based on the findings described above, the EPA has concluded that issuance of the permit is not expected to have disproportionately high or adverse human health effects on overburdened communities in the vicinity of the facility on the Southern Ute Indian Reservation.

B. Enhanced Public Participation

Given the presence of potentially overburdened communities in the vicinity of the facility, we are providing an enhanced public participation process for this permit.

1. Interested parties can subscribe to an EPA listserv that notifies them of public comment opportunities on the Southern Ute Indian Reservation for proposed air pollution control permits via email at <http://www.epa.gov/caa-permitting/caa-permitting-epas-mountains-and-plains-region>.
2. All minor source applications (synthetic minor, modification to an existing facility, new true minor or general permit) are submitted to both the Tribe and the EPA per the application instructions (see <http://www.epa.gov/caa-permitting/tribal-nsr-permitting-region-8>).
3. The Tribe has 10 business days to contact the EPA with preliminary questions, comments, and concerns on the application.
4. In the event an AQIA is triggered, we email a copy of that document to the Tribe within 5 business days from the date we receive it.
5. We notify the Tribe of the public comment period for the proposed permit and provide copies of the notice of public comment opportunity to post in various locations of their choosing on the Reservation. We also notify the Tribe of the issuance of the final permit.

VII. Authority

Requirements under 40 CFR 49.151 to obtain a MNSR permit apply to new and modified minor stationary sources, and minor modifications at existing major stationary sources (“major” as defined in 40 CFR 52.21). In addition, the MNSR program provides a mechanism for an otherwise major stationary source to voluntarily accept restrictions on its potential to emit to become a synthetic minor source. The EPA is charged with direct implementation of these provisions where there is no approved Tribal implementation plan for implementation of the MNSR regulations. Pursuant to Section 301(d)(4) of the CAA (42 USC 7601(d)), the EPA is authorized to implement the MNSR regulations at 40 CFR 49.151 in Indian country. The Salvador I/II Central Delivery Point is located within the exterior boundaries of the Southern Ute Indian Reservation in the southwestern part of the State of Colorado. The exact location is Latitude 37.079052N, Longitude -107.61829W, in La Plata County, Colorado.

VIII. Public Notice & Comment, Hearing, and Appeals

A. Public Notice

In accordance with 40 CFR 49.157, we must provide public notice and a 30-day public comment period to ensure that the affected community and the general public have reasonable access to the application and proposed permit information. The application, the proposed permit, this technical support document, and all supporting materials for the proposed permit are available at:

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

and

US EPA Region 8
Air Program Office
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

All documents are available for review at our office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding Federal holidays). Additionally, the proposed permit and technical support document can be reviewed on our website at <http://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8>.

Any person may submit written comments on the proposed permit and may request a public hearing during the public comment period. These comments must raise any reasonably ascertainable issue with supporting arguments by the close of the public comment period (including any public hearing). Comments may be sent to us at the address above, or sent via an email to r8airpermitting@epa.gov, with the topic “Comments on Proposed MNSR Permit for BP America Salvador I/II Central Delivery Point”.

B. Public Hearing

A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised at the hearing. We will hold a hearing whenever there is, on the basis of requests, a significant degree of public interest in a proposed permit. We may also hold a public hearing at our discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.

C. Final MNSR Permit Action

In accordance with 40 CFR 49.159, a final permit becomes effective 30 days after permit issuance, unless: (1) a later effective date is specified in the permit; or (2) appeal of the final permit is made as detailed in the next section; or (3) we may make the permit effective immediately upon issuance if no comments resulted in a change in the proposed permit or a denial of the permit. We will send notice of the final permit action to any individual who commented on the proposed permit during the public

comment period. In addition, we will add the source to a list of final CAA permit actions which is posted on our website at <http://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8>. Anyone may request a copy of the final MNSR permit at any time by contacting the Region 8 Tribal Air Permit Program at (800) 227-8917 or sending an email to r8airpermitting@epa.gov.

D. Appeals to the Environmental Appeals Board (EAB)

In accordance with 40 CFR 49.159, within 30 days after a final permit decision has been issued, any person who filed comments on the proposed permit or participated in the public hearing may petition the Board to review any condition of the permit decision. The 30-day period within which a person may request review under this section begins when the Region has fulfilled the notice requirements for the final permit decision. Motions to reconsider a final order by the EAB must be filed within 10 days after service of the final order. A petition to the EAB is, under section 307(b) of the CAA, a prerequisite to seeking judicial review of the final agency action. For purposes of judicial review, final agency action occurs when we deny or issue a final permit and agency review procedures are exhausted.