BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)	
	)	
Clean Air Act Final Initial	)	
Title V Operating Permit	)	
	)	
Issued to DCP Operating Company, LP	)	Title V Permit No. 21OPWE446
for the Libsack Compressor Station, Weld	)	
County, Colorado	)	
	)	
Issued by the Colorado Department of	)	
Public Health and Environment, Air Pollution	)	
Control Division	)	

PETITION TO OBJECT TO FINAL INITIAL TITLE V OPERATING PERMIT NO. 21OPWE446 FOR DCP'S LIBSACK COMPRESSOR STATION

Pursuant to Section 505(b)(2) of the Clean Air Act, 42 U.S.C. § 7661d(b)(2), and 40 C.F.R. § 70.8(d), the Center for Biological Diversity ("Center" or "Petitioner") petitions the Administrator of the United States Environmental Protection Agency ("Administrator" or "EPA") to object to the final initial Title V Operating Permit ("Title V Permit") issued by the Colorado Department of Public Health and Environment's Air Pollution Control Division ("Division") authorizing DCP Operating Company, LP (hereafter "DCP") to operate the Libsack Compressor Station in Weld County, Colorado.

Petitioners request the EPA Administrator object on the basis that the Title V Permit fails to assure compliance with Title V requirements under the Clean Air Act and fails to assure compliance with applicable limits.

The Division's final Title V Permit, which was issued on March 1, 2025, and the associated final Technical Review Document ("TRD"), are attached as Exhibits 1 and 2, respectively.

THE LIBSACK COMPRESSOR STATION

The Libsack Compressor Station is an oil and gas processing facility. The facility receives gas from nearby wells that is run through separators to remove oil and wastewater and compressed with several large engines and a turbine for transport via pipeline and further processing by additional downstream processing facilities. Two dehydrators are used to remove water from the gas stream and a flare is used to control volatile organic compound ("VOC")

emissions. Sources of air pollution at the Libsack Compressor Station include compressor engines, a turbine, dehydrators, and routine gas venting.

The Libsack Compressor Station is a major source of nitrogen oxide ("NO_x") and carbon monoxide ("CO") emissions, which are released from the compressor engines and turbine, VOCs, which are released from the dehydrators and flare, and other hazardous air pollutants ("HAPs"), including benzene, a known carcinogen. *See* EPA, "Benzene," Summary prepared by EPA available at https://www.epa.gov/sites/default/files/2016-09/documents/benzene.pdf (last accessed April 2, 2025).

NO_x emissions are a byproduct of combustion and include a number of gases known to be harmful to human health and the environment, including nitrogen dioxide. *See* EPA, "Basic information about NO_2," website available at https://www.epa.gov/no2-pollution/basic-information-about-no2 (last accessed April 2, 2025). VOCs include a number of gases known to be extremely harmful to public health, including hazardous air pollutants like benzene, toluene, hexane, and xylene. *See* EPA, "Technical Overview of Volatile Organic Compounds," website available at https://www.epa.gov/indoor-air-quality-iaq/technical-overview-volatile-organic-compounds (last accessed April 2, 2025). Both NO_x and VOCs also react with sunlight to form ground-level ozone, a respiratory irritant and the key ingredient of smog. *See* EPA, "Ground-level Ozone Basics," website available at https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics (last accessed April 2, 2025).

The Libsack Compressor Station is located in the Denver Metro/North Front Range severe ozone nonattainment area. Due to nearly 20 years of ongoing violations of national ambient air quality standards ("NAAQS") for ground-level ozone, this nine county region with a population of more than four million people has been classified a "severe" ozone nonattainment area. Emissions of NO_x and VOCs, including from the Libsack Compressor Station, directly contribute to high ozone levels in the region.

Annually, the facility has the potential to emit 80.8 tons of NO_x, 119.6 tons of CO, and 99.5 tons of VOCs, including 7.8 tons of benzene, 6.7 tons of toluene, and 2.6 tons of xylene,

PETITIONER

The Center for Biological Diversity is a nonprofit, 501(c)(3) conservation organization. The Center's mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health through science, policy, and environmental law. Based on the understanding that the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked, the Center is working to secure a future for animals and plants hovering on the brink of extinction, for the ecosystems they need to survive, and for a healthy, livable future for all of us.

PROCEDURAL BACKGROUND

The Center submitted comments on the draft Libsack Compressor Station Title V Permit on June 26, 2024. *See* Exhibit 3, Center for Biological Diversity Comments on Draft Title V Permit (June 26, 2024). The Division responded to the Center's comments on December 17, 2024. *See* Exhibit 4, Colorado Air Pollution Control Division, "Response to Comments on Draft Operating Permit" (Dec. 17, 2024). The proposed permit was subsequently submitted to EPA for the agency's 45-day review. According to EPA Region 8's Title V Operating Permit Public Petition Deadlines webpage, the agency's 45-day review concluded on February 3, 2025. *See* EPA, "Title V Operating Permit Public Petition Deadlines in Region 8," website available at https://www.epa.gov/caa-permitting/title-v-operating-permit-public-petition-deadlines-region-8 (last accessed April 2, 2025). EPA did not object to the proposed permit. The Division issued the final permit on March 1, 2025.

Pursuant to 42 U.S.C. § 7661d(b)(2), this petition is now timely submitted within 60 days following a lack of objection from the EPA during the agency's 45-day review period.

GENERAL TITLE V PERMITTING REQUIREMENTS

The Clean Air Act prohibits qualifying stationary sources of air pollution from operating without or in violation of a valid Title V permit, which must include conditions sufficient to "assure compliance" with all applicable Clean Air Act requirements. 42 U.S.C. §§ 7661c(a), (c); 40 C.F.R. §§ 70.6(a)(1), (c)(1). "Applicable requirements" include all standards, emissions limits, and requirements of the Clean Air Act, including all requirements in an applicable implementation plan, or SIP. 40 C.F.R. § 70.2. Congress intended for Title V to "substantially strengthen enforcement of the Clean Air Act" by "clarify[ing] and mak[ing] more readily enforceable a source's pollution control requirements." S. Rep. No. 101-228, at 347, 348 (1990), *as reprinted in* A Legislative History of the Clean Air Act Amendments of 1990, at 8687, 8688 (1993). As EPA explained when promulgating its Title V regulations, a Title V permit should "enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements." Operating Permit Program, Final Rule, 57 Fed. Reg. 32,250, 32,251 (July 21, 1992). Among other things, a Title V permit must include compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. 42 U.S.C. § 7661c(c); 40 C.F.R. §§ 70.6(a)(1), (c)(1).

Under the Clean Air Act, "any person" may petition EPA to object to a proposed permit "within 60 days after the expiration of [EPA's] 45-day review period." 42 U.S.C. § 7661d(b)(2); *see also* 40 C.F.R. § 70.8. Each objection in the petition must have been "raised with reasonable specificity during the public comment period provided for in § 70.7(h) of this part, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period." 40 C.F.R. § 70.8(d). Any objection included in the petition "must be based on a claim that the permit, permit record, or permit process is not in compliance with applicable requirements or requirements [of 40 C.F.R. Part 70]." 40 C.F.R. § 70.12(a)(2).

Upon receipt of a petition, EPA "*shall* issue an objection within [60 days] if the petitioner demonstrates to the Administrator that the permit is not in compliance with the requirements of this chapter, including the requirements of the applicable implementation plan." 42 U.S.C. § 7661d(b)(2) (emphasis added); *see also* 40 C.F.R. § 70.8(c) ("The Administrator will object to the issuance of any proposed permit determined by the Administrator not to be in compliance with applicable requirements or requirements under this part."). When deciding whether a petitioner has met this demonstration requirement, EPA will evaluate the entirety of the permit record, including the statement of basis and response to comments. *See In re Valero Refining-Texas, L.P.*, Order on Petition No. VI-2021-8 (June 30, 2022). Indeed, EPA's review of a Title V petition is confined to the petition itself, including exhibits, the permitting record, and any final permit that may be available. *See* 40 C.F.R. § 70.13.

GROUNDS FOR OBJECTION

For the reasons set forth below, the Title V Permit fails to comply with applicable requirements under the Clean Air Act. The issues discussed below were raised in comments on the draft Title V Permit for the Libsack Compressor Station.

I. The Title V Permit Does not Ensure Adequate Monitoring to Assure the Dehydrators Comply with Applicable Emission Limits

A Title V permit must set forth monitoring requirements to assure compliance with the permit terms and conditions. *See* 42 U.S.C. § 7661c(c). To this end, a Title V permit must contain "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit[.]" 40 C.F.R. § 70.6(a)(3)(i)(B); *see also* 40 C.F.R. § 70.6(c)(1) (Title V permits must contain monitoring requirements "sufficient to assure compliance with the terms and conditions of the permit."). Where a Title V permit fails to require sufficient monitoring to assure compliance, the permit cannot provide information necessary to determine whether a source is in compliance and therefore is unenforceable as a practical matter, contrary to Title V of the Clean Air Act. *See* 42 U.S.C. § 7661c(a) (stating that Title V permits shall include "enforceable emission limitations and standards").

Here, the Title V Permit for the Libsack Compressor Station does not set forth sufficient monitoring to assure compliance with NOx, CO, and VOC limits applicable to the two glycol dehydrators, AIRS ID 005 and AIRS ID 010, at the Libsack Compressor Station. Of primary concern is that the Permit does not assure sufficient monitoring of the enclosed combustion device, or flare, used to control emissions from the dehydrators. Although Section II, Condition 2 sets forth explicit quantitative annual limits on these pollutants, as well as requires the flare to achieve a minimum 95% VOC destruction efficiency, the Title V Permit does not set forth adequate monitoring to assure compliance with these limits.

In comments, the Center detailed concerns over inadequate monitoring from the flare and the failure of the draft Title V Permit to set forth sufficient monitoring to assure compliance. *See*

Exhibit 3, Center Comments on Draft Title V Permit, Technical Comments at 1-8. The Center flagged that the draft Title V Permit failed to require any periodic testing of NO_x and CO emissions to verify emission factors and compliance with applicable limits, and failed to require any periodic testing of VOCs and VOC destruction efficiency to assure compliance with applicable limits. The Center highlighted the draft Title V Permit's improper reliance on qualitative parametric monitoring to assure compliance with quantitative limits.

In response to the Center's comments, the Division agreed that the draft Title V Permit failed to require sufficient monitoring and in particular failed to require sufficient testing. The Division offered a one sentence response: "To address these concerns the Division added ongoing federally enforceable performance testing for the ECD to the Operating Permit at Section II, Condition 2.2.4." Exhibit 4, Division Response to Comments at Unnumbered p. 3. Although the Center appreciates that the Division acknowledged the deficiencies in the draft Title V Permit and agreed to require some performance testing of the flare to assure compliance with applicable limits, the final Title V Permit unfortunately still does not set forth sufficient monitoring that assures compliance with applicable limits.

Section II, Condition 2.2.4.1 requires performance testing to verify compliance with applicable NO_x, CO, and VOC limits, and the minimum 95% VOC destruction efficiency, for the flare. Unfortunately, while the Title V Permit requires an initial compliance test within 180 days of permit issuance, the Permit requires testing only every five years thereafter. This appears too infrequent to assure continuous compliance with the applicable annual limits and the 95% VOC destruction efficiency.

It is first critical to highlight that the Division provided no rationale for determining that performance testing only once every five years is sufficiently periodic to assure ongoing and continuous compliance with the limits applicable to the dehydrators. In its response to comments, the Division simply acknowledged the deficiency in the draft Title V Permit and added Condition 2.2.4.1 into the final Title V Permit. This lack of a rationale alone is grounds for the Administrator to object.

As the EPA has made clear, "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." *In the Matter of CITGO Refining and Chemicals Company, L.P.*, Order on Petition No. VI-2007-01 at 7-8 (May 28, 2009) (granting petition because permitting authority "did not articulate a rationale for its conclusions that the monitoring requirements… are sufficient to assure compliance") (hereinafter, "CITGO Order"); *see also* 40 C.F.R. § 70 .7(a)(5). In general, the EPA has described five factors that should be relied upon in determining appropriate monitoring under Title V, including:

> (1) The variability of emissions from the unit in question; (2) the likelihood of a violation of the requirements; (3) whether add-on controls are being used for the unit to meet the emission limit; (4) the type of monitoring, process, maintenance, or control equipment data already available for the emission unit; and (5) the type and frequency of the monitoring requirements for similar emission units at other facilities.

CITGO Order at 7-8 (May 28, 2009). These five factors are generally applied on a case-by-case basis. *Id*. at 7.

In this case, even though the Center commented that sufficiently frequent performance testing must be required, there is no explanation as to how the Division determined that testing once every five years was sufficient for the Libsack Compressor Station. In comments, the Center noted the frequency of testing for NOx and CO must be sufficiently frequent and urged the Division to require at least monthly testing to verify compliance. *See* Exhibit 3, Center Comments on Draft Title V Permit, Technical Comments at 2. The Center also commented that it was questionable whether once-every-five-year testing of flare VOC destruction efficiency, which is required by state-only rules, was sufficiently frequent. *See id*., Technical Comments at 9. The Division did not respond to these comments.

Here, the five-year frequency of the performance testing requirement appears far too infrequent to assure compliance with the 95% minimum VOC destruction efficiency requirement, as well as the annual VOC, NO_x, and CO limits.

Indeed, the Division's awareness over the need to ensure adequate and regular (i.e., more frequently than every five years) testing and monitoring of flares is reflected in its own policies, regulations, and in other permits issued in Colorado. For example, in a Title V Permit for an oil and gas production facility in Jackson County, Colorado the Division required semiannual testing of a flare to assure compliance with an applicable 98% VOC control efficiency requirement. In Title V Permit No. 17OPJA401 issued for the Bighorn 0780 S17 CTB Facility, the Division required:

> On a semi-annual basis, a source compliance test shall be conducted on the TCI 4800 control device to measure the emission rate of Volatile Organic Compounds (VOC) in order to demonstrate the enclosed combustor achieves a minimum destruction efficiency of 98% for VOC, and to monitor compliance with the annual emission limits[.]

Exhibit 5, Air Pollution Control Division Colorado Operating Permit, D90 Energy, LLC—Bighorn 0780 S17 CTB Facility, Permit No. 17OPJA401 (Jan. 1, 2020) at Section II, Condition 2.8.

Similarly, the Division has adopted a policy requiring at least annual testing of flares whenever a permittee requests a VOC control efficiency greater than 95%. *See* Exhibit 6, Air Pollution Control Division, "Oil and Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%," Permitting Section Memo 20-02 (Feb. 4, 2020) at 4-5. It is not clear why, in light of this policy, the Division did not require more frequent testing of the flare at the Libsack Compressor Station. There is no support for requiring annual or semi-annual testing only when VOC destruction efficiency requirements are higher than 95%.

The Division may believe that, in conjunction with parametric monitoring required by the Title V Permit, once-every-five-year testing is sufficient. However, for this unstated belief to be true, the Division would have to demonstrate that parametric monitoring assures compliance with applicable quantitative limits, including the 95% VOC control efficiency, during the time

between testing. The Division made no such demonstration. To the contrary, all indications are that the parametric monitoring set forth in the Title V Permit will not assure compliance.

As the Center detailed in its comments, to the extent the Title V Permit requires parametric monitoring of the flare, this monitoring does not assure compliance with the applicable quantitative limits, in particular the applicable 95% VOC destruction efficiency requirement. In comments, the Center detailed that while the draft Title V Permit relied upon presence of pilot light monitoring and visible emissions monitoring, monitoring these parameters does not yield data representative of the source's compliance with applicable quantitative limits, contrary to 40 C.F.R. § 70.6(a)(3)(i)(B). *See* Exhibit 3, Center Comments on Draft Title V Permit, Technical Comments at 3-5. The Center also provided numerous examples of flares at oil and gas production and processing facilities failing to achieve a minimum 95% VOC destruction efficiency, even where there was a pilot light present and even where visible emission limits were met. *See id*. Technical Comments at 5-7.

In its response to comments, the Division did not respond to the Center's specific concerns that pilot light monitoring and visible emission monitoring were insufficient to assure compliance with the applicable quantitative limits in Section II, Condition 2. The Division simply responded, "This federally enforceable monitoring represents practically enforceable limits and is consistent with EPA's intent for Title V testing, recordkeeping, and reporting requirements." Exhibit 4, Division Response to Comments at Unnumbered p. 2. While the parametric monitoring in the Title V Permit may indeed be federally enforceable and consistent with "EPA's intent," it nevertheless is not sufficient to assure compliance with the applicable quantitative limits.

The EPA has generally rejected the Division's reliance on pilot light monitoring and visible emissions monitoring to assure compliance with applicable quantitative emission limits, including VOC destruction efficiency limits, for flares at oil and gas production and processing facilities. *See* In *the Matter of Bonanza Creek Operating Company, LLC*, Order on Petition No. VIII-2023-11 (Jan. 30, 2024); *In the Matter of DCP Operating Company LP, Platteville Natural Gas Processing Plant*, Order on Petition No. VIII-2023-14 (April 2, 2024); In *the Matter of HighPoint Operating Corporation, Anschutz Equus Farms 4-62-28*, Order on Petition No. VIII-2024-6. Here, any reliance on such parametric monitoring in the intervening time between flare performance testing appears similarly unsupported and insufficient to assure compliance with applicable limits. Without more frequent performance testing of the flare, the Title V Permit does not set forth sufficient monitoring under Title V.

The Administrator must object to the issuance of the Title V Permit for the Libsack Compressor Station over the failure of the permit to assure adequate monitoring of the flare used to control emissions from the facility's two glycol dehydrators. Although the Division required once-every-five-year performance testing to verify compliance with applicable limits set forth at Section II, Condition 2 there is no support for the conclusion that once-every-five-year testing is sufficiently frequently enough to assure compliance with the applicable annual NO_x, CO, and VOC limits and the applicable 95% VOC destruction efficiency, which apply on a continuous basis.

II. Gas Venting Limits in the Title V Permit are Unenforceable and Lack Sufficient Monitoring to Assure Compliance

Section II, Conditions 4 and 5 of the Title V Permit establish applicable limits for gas venting from turbine compressor blowdowns and gas venting from the blowdown of pig receivers and pig launchers, AIRS ID 009 and 011, respectively. Among other requirements, the Title V Permit limits VOC emissions from turbine compressor blowdowns to 4.9 tons per year VOC emissions from pigging blowdowns to 7.4 tons per year. *See* Exhibit 1, Title V Permit at 35 and 37. These Conditions, however, are not enforceable as a practical matter, do not set forth sufficient monitoring, and overall do not assure compliance with the applicable limits. The Center raised these issues with reasonable specificity on pages 8-10 of the technical comments attached to the September 13, 2024 comment letter.

A. Background

Emission limitations and standards within a Title V permit must be "enforceable." 42 U.S.C. § 7661c(a). To be enforceable, terms and conditions must be enforceable as a practical matter. *See* In *the Matter of Plains Marketing LP, et al.*, Order on Petition Nos. IV-2023-1 and IV-2023-3 at 30 (Sept. 18, 2023). Inherent in this requirement is that limitations and standards must be unambiguous, understandable, and capable of informing regulators and the public as to what is actually required. *See e.g. In the Matter of West Elk Coal Mine*, Order on Petition VIII-2024-3 at 33 (May 24, 2024) (noting that ambiguity can render conditions unenforceable). Further, to be enforceable and assure compliance, a Title V permit must set forth monitoring that assures compliance with permits terms and conditions, including "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit[.]" 40 C.F.R. § 70.6(a)(3)(i)(B); *see also* 42 U.S.C. § 7611c(c) and 40 C.F.R. § 70.6(c)(1); *see also In the Matter of XTO Energy Inc., Wildcat Compressor Station*, Order on Petition No. VI-2023-4 (Aug. 7, 2023) at 19-21 (objecting to permit that failed to set forth methodologies for demonstrating compliance with applicable limits).

B. Conditions 4 and 5 are Unenforceable as a Practical Matter

To begin with, as the Center commented, it is not clear what specific activities are authorized to emit in accordance with Conditions 4 and 5.

1. Condition 4

With regards to Condition 4, the Center commented:

> It is first concerning that it is not clear what constitutes a turbine compressor blowdown event. The draft Title V permit already establishes VOC limits for the turbine compressors. It is not clearly defined or specifically explained how blowdown events are distinguished from normal operations and how DCP properly categorizes and tracks blowdown events. It is also not clear what constitutes a normal blowdown event from an abnormal blowdown event during upsets or malfunctions that may not be authorized.

Exhibit 3, Center Comments on Draft Title V Permit, Technical Comments at 8. As the Center flagged, although a "turbine compressor blowdown" event is clearly a distinct form of operation of the turbine at the Libsack Compressor Station, it is unclear how this operation is defined such that one can reliably and accurately identify when a "turbine compressor blowdown" event occurs and when emissions must be monitored pursuant to Condition 4.

The Division's response to the Center's comment did not resolve this issue and led to no changes to Condition 4 between the draft and final Title V Permit.

The Division firstly responded that, "The VOC emission limitations for turbine operation identified by the commentor are permitted under the requirements of Section II, Condition 3 off the permit and are those emissions associated with fuel combustion by the turbines to drive compressors." Exhibit 4, Division Response to Comments at Unnumbered p. 3. However, the Title V Permit does not limit blowdown VOC emissions to only those emissions not associated with fuel combustion at the Libsack Compressor station. In fact, neither Condition 3 or 4 of the Title V Permit state that the applicable VOC emission limits depend upon whether or not combustion is occurring. This does not appear to be a legitimate parameter for determining whether or not a blowdown is occurring and whether or not the VOC limit at Condition 4 applies.

The Division next responded:

> The VOC emission limitations for blowdown emissions permitted under the provisions of Section II, Condition 4 of the permit are subject to the provisions of Colorado Regulation No. 7, Part B, Section II.H and therefore utilize the definition of "blowdown" (included in Colorado Regulation No. 7, Part B, Section II.A.4) as "the depressurization of equipment or piping to reduce system pressure."

Exhibit 4, Division Response to Comments at Unnumbered p. 3. While the definition of "blowdown" is helpful, it is not incorporated or referenced in the Title V Permit and therefore sheds no clear light as to what a "compressor turbine blowdown" specifically means at the Libsack Compressor Station. Further, although Section II, Condition 4.3.1.1 of the Title V Permit requires compliance with Air Quality Control Commission ("AQCC") Regulation No. 7, Part B, Section II.H, this regulation is a "state-only" regulation and indeed is designated as "State Only" in the Title V Permit. To the extent this definition of "blowdown" may apply, it appears that it is only as a state-only requirement that is not federally enforceable.

Overall, the Division's response to the Center's comments did not provide sufficient clarity to determine what precisely constitutes a "compressor turbine blowdown," meaning Condition 4 remains unenforceable as a practical matter.

2. Condition 5

With regards to Condition 5, the Center commented:

> To begin with, it is not clear what the draft Title V permit is referring to with regards to the seven processes. The permit appears to simply incorporate by reference provisions of Permit No. 11WE4175. Condition 17 generally identifies the seven processes as associated with pigging blowdown events, but does not provide any details as to what these processes actually entail, where emissions are released, and how pigging blowdown events are accurately categorized and tracked. For example, while process 7 is described as "20" high pressure pig launcher blowdown event," it is not clear what constitutes a "high pressure" pig launcher (as opposed to a "low pressure" pig launcher), what "20"" even refers to (Diameter of pipe? Length of pipe? Size of valve?), and whether this is a discrete emission point or whether emissions are released from diffuse points. It is also just not clear what a "pig launcher" is. The Title V permit needs to include more detail for Condition 5 to be enforceable as a practical matter.

Exhibit 3, Center Comments on Draft Title V Permit, Technical Comments at 10. As the Center flagged, the draft Title V Permit lacked clarity needed to reliably and accurately identify when one or more of the pig launching/pig receiving blowdown events occurs, where they occur, and when emissions must be monitored pursuant to Condition 5.

Of particular concern is that the Title V Permit does not explicitly identify the pigging activities subject to Condition 5. Instead, the Title V Permit simply lists seven "processes," literally as "Process 1," "Process 2," etc. Although the Title V Permit appears to rely on the underlying construction permit to provide clarity as to the seven processes subject to Condition 5, the underlying permit lacks sufficient specificity.

Construction Permit 11WE1475, which is attached to the Title V Permit in Appendix H, lists the seven processes at Condition 17. These processes are identified based on an "inch" figure, a high or low pressure qualifier, and the phrase "event." For example, Process 01 is "10" low pressure pig receiver blowdown event." To begin with, it is not clear what constitutes an "event." It is not clear whether an "event" means any instance of venting from a pig launcher/pig receiver or means some other explicitly defined moment of venting. Second, it is not clear whether the "high pressure" or "low pressure" qualifier refers to discrete pig launchers and/or receivers or simply instances of venting under variable pressure. For example, Process 03 is a "12" low pressure pig receiver blowdown event" and Process 05 is a "12" high pressure pig receiver blowdown event." Both events involve 12" pig receivers, but it is not clear whether this is in reference to two separate pig receivers or a venting event involving different pressures at the same pig receiver. If the latter, then it is not clear what distinguishes a "low pressure" from a "high pressure" pigging event. Finally, although the "inch" figures likely refer to some type of pipeline measurement, it is unclear whether they refer to pipeline diameter, valve diameters, valve length, or some other measurement.

The Division's response to the Center's comment did not resolve this issue and led to no changes to Condition 5 between the draft and final Title V Permit.

In response to comments on this issue, the Division asserted, "These common operations and pieces of equipment do not need to be more explicitly defined in the Title V Permit[.]"

Exhibit 4, Response to Comments at Unnumbered Page 4. In support of its response, the Division points to EPA's July 10, 1995 "White Paper for Streamlined Development of Part 70 Permit Applications." However, EPA's 1995 White Paper does not support the Division's assertion.

For one, the 1995 White Paper was intended to guide states in the development of streamlined Title V permit applications and does not speak to the development of the content of Title V permits themselves. The Division quotes one paragraph of EPA's 1995 White Paper, which states that a description of emission units "can be quite general." EPA White Paper at 8. This paragraph is from Part B, Section 2 of EPA's White Paper, which refers to the type of information required to be included in Title V Permit applications. This paragraph does not refer to the required content of Title V permits or otherwise provide guidance on how states should draft permit content in relation to the need to ensure the description of emission units assures compliance with applicable requirements.

If anything, the EPA's 1995 White Paper actually appears at odds with the Division's response. While acknowledging that certain emission activities may be generically grouped in Title V permit applications, such grouping of activities may occur only "where (1) the class of activities or emissions units subject to the requirement can be unambiguously defined in a generic manner and where (2) effective enforceability of that requirement does not require a specific listing of subject units or activities[.]" EPA White Paper at 10. Here, for the activities subject to Condition 5, the Title V Permit has not unambiguously defined the activities. Further, effective enforceability of Condition 5 requires that more specificity be provided to enable reliable identification and enforcement of applicable limits.

Overall, the Division's response to the Center's comments did not provide sufficient clarity to determine what precisely comprises the seven pig receiving/pig launching processes, meaning Condition 5 remains unenforceable as a practical matter.

C. Conditions 4 and 5 Fail to Set Forth Sufficient Monitoring to Assure Compliance With Applicable VOC Limits

A Title V permit must set forth monitoring requirements to assure compliance with the permit terms and conditions. *See* 42 U.S.C. § 7661c(c). To this end, a Title V permit must contain "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit[.]" 40 C.F.R. § 70.6(a)(3)(i)(B); *see also* 40 C.F.R. § 70.6(c)(1) (Title V permits must contain monitoring requirements "sufficient to assure compliance with the terms and conditions of the permit."). Where a Title V permit fails to require sufficient monitoring to assure compliance, the permit cannot provide information necessary to determine whether a source is in compliance and therefore is unenforceable as a practical matter, contrary to Title V of the Clean Air Act. *See* 42 U.S.C. § 7661c(a) (stating that Title V permits shall include "enforceable emission limitations and standards").

In the case of the Libsack Compressor Station, the Title V Permit fails to set forth sufficient monitoring to assure compliance with the applicable limits set forth in Conditions 4

and 5. The Center raised this issue with reasonable specificity on pages 8 and 10 of the technical comments attached to the September 13, 2024 comment letter.

To demonstrate compliance with the applicable emission limits, Conditions 4 and 5 require DCP to calculate VOC emissions based on assumed "pound per event" emission factors. These VOC emission factors, however, are based on the assumption that every venting event will release a fixed volume of gas at a fixed temperature and pressure. These assumed volumes, temperatures and pressures are set forth in the "Notes to Permit Holder" section of Construction Permit 11WE1475 on page 42 and pages 44-46. There is no support for these assumptions in the record and no support for these assumptions to serve as sufficient monitoring that demonstrates compliance with applicable limits.

For these assumptions to be valid, there would either need to be limits on the volume of gas vented, temperature, and pressure, or physical or operational design constraints that effectively limit potential VOC emissions. As the Colorado SIP states, a facility's potential to emit pollutants is based on "[t]he maximum capacity of a stationary source to emit a pollutant under its physical and operational design." AQCC Regulation No. 3, Part A, Section I.B.37. To the extent that limitations on potential to emit are imposed, such limits must be "state enforceable and federally enforceable." *Id*.

In this case, neither Condition 4 or 5 nor underlying Construction Permit 11WE1475 establish state and federally enforceable limits on the volume of gas vented, as well as the pressure at which gas is vented and the temperature at which gas is vented, which also both affect volume. There appears to be no legitimate limit on the ability of DCP to vent more gas at variable temperatures and pressure that would lead to higher than assumed volumes of VOC emissions. Further, there is no information in the Title V Permit, the TRD, and the underlying Construction Permit that the assumed volumes, temperatures, and pressures reflect "the maximum capacity" of the Libsack Compressor Station to emit VOCs under its physical and operational design. Indeed, in DCP's application for the Title V Permit, the company indicates the VOC emission factors for pigging blowdowns was based on "Engineering Estimate." Exhibit 7, DCP Title V Permit Application (Jan. 6, 2021) at PDF pp. 102 and 233. This indicates the assumptions regarding the volume, temperature and pressure of vented are not based on actual limits, but on estimated rates that are dependent upon when and for how long DCP chooses to vent gas.

In other Title V permits, the Division has established federally enforceable limits and monitoring of volume, temperature, and pressure to assure accurate monitoring of VOC emissions associated with gas venting at oil and gas production and processing facilities. In a Title V permit issued recently for a gas compressor station also in Weld County, the Division established a VOC limit for 20 different "blowdown events," including blowdowns related to pigging and compressor units. Exhibit 7, Air Pollution Control Division Colorado Operating Permit, Rockies Express Pipeline LLC REX Cheyenne Hub Compressor Station, Permit No. 21OPWE480 (Jan. 1, 2025) at 48 and 50, Section II, Condition 3. To assure compliance with the applicable limits, the Title V permit established federally enforceable limits on the "unique physical volume between isolation valves" and required monitoring of temperature and pressure

during each blowdown event. *See id*. REX Cheyenne Hub Compressor Station Title V Permit at 48-51, Section II, Conditions 3.1, 3.2, 3.3, and 3.4.

In response to comments, the Division asserted that the volume of the compressor turbine is "a static value based on the actual equipment and construction of the facility." Exhibit 4, Response to Comments at Unnumbered Page 3. While this may be the case, because the Title V Permit does not require monitoring of temperature and pressure, it does not assure sufficient monitoring that ensures compliance with applicable limits. For pigging, the Division does not state that the volume of pigging is based on any "static value," but rather simply asserts that the emission factors are based on "each pigging operations volume." Exhibit 4, Response to Comments at Unnumbered Page 5. Here, it is not evident that the pig receiving/pig launching operations volumes are, in fact, fixed values that are physically or operationally limited.

The Division also stated that methods for monitoring and recording the volume of gas vented at the Libsack Compressor Station are "consistent with the calculation methodologies outlined" in Permitting Section Memo 20-04, or PS Memo 20-04, which is a November 6, 2020 Colorado Air Pollution Control Division memo meant to provide state-level guidance regarding "Routine or Predictable Gas Venting Emissions Calculations and Instructions on Permitting for Oil and Natural Gas Operations." Exhibit 4, Response to Comments at Unnumbered Pages 3 and 4-5.

Referencing PS Memo 20-04 in response to the Center's comments does not fulfill the Division's duty to assure the Title V Permit sets forth sufficient monitoring that assures compliance with applicable requirements. For one, the Title V Permit does not reference or otherwise rely in any explicit way on PS Memo 20-04. Thus, even if PS Memo 20-04 may set forth some monitoring, this monitoring is not set forth in the Title V Permit.

Additionally, PS Memo 20-04 is not a federally enforceable guidance memo. Rather it is a state-issued guidance document that, at best, is state-only enforceable (if the document is enforceable at all). The Title V Permit cannot rely on non-federally enforceable monitoring to assure compliance with the federally enforceable limits in Conditions 4 and 5.

Finally, PS Memo 20-04 does not actually set forth any specific monitoring requirements. Rather, it sets forth non-binding options for permittees in Colorado to monitor routine or predictable gas venting emissions. Although the Division claims that the monitoring required in the Title V Permit is "consistent with the calculation methodologies outlined in Permit Section Memo 20-04," it is not even clear what specific calculation methodologies the Division is referring to or how these methodologies ensure accurate monitoring at the Libsack Compressor Station. If anything, PS Memo 20-04,simply sets forth various generic methods for calculating the volume of emissions from routine or predictable gas venting, including "using a flow meter" or calculating using "division-approved equations and parametric monitoring during the routine or predictable gas venting event (i.e., temperature and pressure)," but does not constitute sufficient monitoring that assures compliance with applicable limits at the Libsack Compressor Station.

In its response to comments, the Division asserted, "this draft permit is consistent with EPA's intent for Title V testing, recordkeeping, and reporting requirements." Exhibit 4, Response to Comments at unnumbered page 3. Contrary to the Division's assertion, not only is the Title V Permit inconsistent with EPA intent, it is also inconsistent with applicable Title V statutory and regulatory requirements.

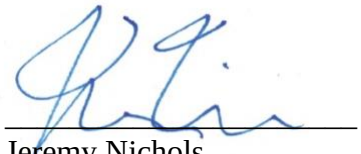
The EPA has already objected to virtually identical Title V permits setting forth gas venting limits at other oil and gas processing facilities. *See In the Matter of Lucid Energy Delaware, LLC, Frac Cat Compressor Station and Big Lizard Compressor Station*, Order on Petition Nos. VI-2022-05 and VI-2022-11 (Nov. 16, 2022) at 15-19; *In the Matter of XTO Energy Inc., Wildcat Compressor Station*, Order on Petition No. VI-2023-4 (Aug. 7, 2023) at 19-21 ("*Wildcat Order*"). While these permits established gas venting VOC emission limits, they did not set forth sufficient monitoring to assure compliance with the limits. In objecting, the Administrator specifically held that because the Title V permits did not require permittees to follow any particular monitoring or recordkeeping methodology related to measuring the volume of vented gas, the permits did not "'set forth" monitoring sufficient to assure compliance. 42 U.S.C. § 7661c(c)." *Wildcat Order* at 20. Here, for the same reasons, EPA must object to the issuance of the Title V Permit for the Libsack Compressor Station.

CONCLUSION

Pursuant to 42 U.S.C. § 7611d(b)(2) and 40 C.F.R. § 70.8(d), the EPA must object to the issuance of the Title V Permit for the Libsack Compressor Station in Weld County, Colorado. As this Petition demonstrates, the Title V Permit fails to assure compliance with applicable requirements. The Title V Permit does not set forth sufficient monitoring to assure compliance with limits applicable to the flare controlling emissions from the dehydrators and does not assure compliance with applicable limits on gas venting at the facility. Accordingly, the Center requests the Administrator object to the Title V Permit and require the Division to revise and reissue the Permit in a manner that complies with the requirements of the Clean Air Act.

DATED: April 2, 2025

Respectfully submitted,



Jeremy Nichols
Senior Advocate
Environmental Health Program
Center for Biological Diversity
1536 Wynkoop St., Ste. 421
Denver, CO 80202
303-437-7663
jnichols@biologicaldiversity.org

Pursuant to 40 C.F.R. § 70.8(d), copies of this petition have been concurrently transmitted to the following parties:

Michael Ogletree, Director
Colorado Air Pollution Control Division
4300 Cherry Creek Drive South
Denver, CO 80246

DCP Operating Company, LP
3026 4th Ave.
Greeley, CO 80631

TABLE OF EXHIBITS

Exhibit

1. Final Libsack Compressor Station Title V Permit

2. Final Libsack Compressor Station Title V Permit Technical Review Document

3. Comments of the Center for Biological Diversity on the draft initial Title V Permit for the Libsack Compressor Station

4. Colorado Air Pollution Control Division Response to Center for Biological Diversity Comments

5. Air Pollution Control Division Colorado Operating Permit, D90 Energy, LLC—Bighorn 0780 S17 CTB Facility, Permit No. 17OPJA401 (Jan. 1, 2020)

6. Air Pollution Control Division, "Oil and Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%," Permitting Section Memo 20-02 (Feb. 4, 2020)

7. Air Pollution Control Division Colorado Operating Permit, Rockies Express Pipeline LLC REX Cheyenne Hub Compressor Station, Permit No. 21OPWE480 (Jan. 1, 2025)