BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)		
	)		
Clean Air Act Revised Final Initial Title V Operating Permits	)		
	)		
Issued to Bonanza Creek Energy Operating Company, LLC for the Antelope CPF 13-21 Production Facility, State Antelope O-1 Central Production Facility, State North Platte 42-26 Central Production Facility, and State Pronghorn 41-32 Central Production Facility, Weld County, Colorado	)	Title V Permit Nos.	20OPWE417 20OPWE418 20OPWE419 20OPWE420
	)		
Issued by the Colorado Department of Public Health and Environment, Air Pollution Control Division	)		

PETITION TO OBJECT TO FINAL REVISED INITIAL TITLE V OPERATING PERMIT NOS. 20OPWE417, 20OPWE418, 20OPWE419, AND 20OPWE420 FOR BONANZA CREEK ENERGY OPERATING COMPANY'S OIL AND GAS PRODUCTION FACILITIES

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 revised initial Title V Operating Permits ("revised Title V Permits") issued by the Colorado Department of Public Health and Environment's Air Pollution Control Division ("Division") authorizing Bonanza Creek Energy Operating Company, LLC (hereafter "Bonanza Creek") to operate four oil and gas production facilities, the Antelope CPF 13-21 Production Facility, State Antelope O-1 Central Production Facility, State North Platte 42-26 Central Production Facility, and State Pronghorn 41-32 Central Production Facility, all located in Weld County, Colorado.

Petitioners request the EPA Administrator object on the basis that the revised Title V Permits fail to require sufficient periodic monitoring in response to a 2024 objection issued by the Administrator. *See In the Matter of Bonanza Creek Energy Operating Company, LLC*, Order on Petition No. VIII-2023-11 (Jan. 30, 2024).

The Division's final revised Title V Permits, were all issued on March 24, 2025, are attached as Exhibits 1-4. The associated final Technical Review Documents ("TRDs"), are attached as Exhibits 5-8.

THE BONANZA CREEK FACILITIES AND THE EPA'S OBJECTION

The Bonanza Creek facilities receive and process oil and gas produced from nearby wells. Oil and gas is run through separators to separate oil, gas, and wastewater. Oil and wastewater is dumped into tanks and loaded away by tanker trucks. Gas is processed and compressed with engines and transported via pipeline for further downstream processing. Flares are used to combust waste gas produced at the facilities. Sources of air pollution at the facilities include compressor engines, flares, liquid storage tanks, gas venting, and other activities.

The facilities are major source of volatile organic compounds ("VOCs") and nitrogen oxide ("NO_x") emissions, a large source of carbon monoxide ("CO") emissions, and a significant source of 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 May 19, 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 May 19, 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 May 19, 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 May 19, 2025).

The Bonanza Creek facilities are 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 Bonanza Creek's facilities, directly contribute to high ozone levels in the region.

On January 30, 2024, the EPA Administrator objected to the issuance of the initial Title V Permits for Bonanza Creek's facilities. *See In the Matter of Bonanza Creek Energy Operating Company, LLC*, Order on Petition No. VIII-2023-11 (Jan. 30, 2024). Citing a failure to assure sufficient periodic monitoring of control performance and VOC emissions from the facilities' flares, the Administrator ordered the Division to "revise the permit records to more fully explain how the monitoring in the Permits assures compliance with the requirement to achieve 95 percent VOC control efficiency [and to] revise the Permits as necessary and justify the selected additional requirements in the permit records." *Id*. at 15.

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

On August 7, 2023, the Center petitioned the EPA Administrator to object to the issuance of the initial Title V Permits for the Bonanza Creek facilities. On January 30, 2024, the Administrator objected to the issuance of the initial Title V Permits. Nearly 11 months after the objection, the Division issued draft revised initial permits for public review and comment.

On January 10, 2025, the Center submitted comments on the draft revised permits for the State Antelope CPF 13-21 Production Facility and State Antelope O-1 Central Production Facility, Permit Nos. 20OPWE417 and 20OPWE418, respectively. *See* Exhibit 9, Center for Biological Diversity Comments on Draft Title V Permits (Jan. 10, 2025). On January 15, 2025, the Center submitted comments on the draft revised permits for the State North Platte 42-26 Central Production Facility and State Pronghorn 41-32 Central Production Facility, Permit Nos. 20OPWE419 and 20OPWE420, respectively. *See* Exhibit 10, Center for Biological Diversity Comments on Draft Title V Permits (Jan. 15, 2025).

The Division responded to the Center's comments on the State Antelope CPF 13-21 Production Facility and State Antelope O-1 Central Production Facility permits on January 30, 2025. *See* Exhibit 11, Colorado Air Pollution Control Division, "Response to Comments on Draft Revised Operating Permits" (Jan. 30, 2025). The Division responded to the Center's comments on the State North Platte 42-26 Central Production Facility and State Pronghorn 41-32 Central Production Facility permits on January 31, 2025. *See* Exhibit 12, Colorado Air Pollution Control Division, "Response to Comments on Draft Revised Operating Permits" (Jan. 31, 2025). The permits were subsequently submitted to EPA for review. The EPA did not object to the revised permits. The Division issued final revised initial Title V Permits on March 24, 2025. According to EPA Region 8's "Title V Operating Permit Public Petition Deadline's website, the deadline to file a petition to object is May 19, 2025. *See* Exhibit 13, 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 May 19, 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 revised Title V Permits continue to fail to comply with applicable requirements under the Clean Air Act and fail to satisfy the Administrator's 2024 objection to the permits.

I. Background: The EPA's Objection to the Issuance of the Initial Title V Permits and the Division's Revised Permits

In objecting to the issuance of the initial Title V Permits for Bonanza Creek's facilities, the EPA Administrator found the Division did not assure sufficient periodic monitoring to ensure enclosed combustion devices, or flares, controlling emissions from triethylene glycol dehydrators at the State Antelope CPF 13-21 Production Facility and the State North Platte 42-26 Central Production Facility complied with the applicable 95% control efficiency requirements and applicable VOC emission limits. *See In the Matter of Bonanza Creek Energy Operating Company, LLC*, Order on Petition No. VIII-2023-11 (Jan. 30, 2024) at 15. The EPA Administrator also found the permits for all facilities failed to assure sufficient periodic monitoring to ensure enclosed combustion devices controlling emissions from tanker truck loadout compliance with applicable 95% control efficiency requirements and applicable VOC limits. *See id*. Specifically, the Administrator found the permits inappropriately relied on parametric monitoring that was not linked to quantitative flare performance and appeared to rely on work practices and parametric monitoring requirements that were not federally enforceable. *See id*. at 13-15. The Administrator also noted that while the Division appeared to acknowledge that performance testing and flow metering were necessary to assure compliance with the 95% control efficiency, these requirements were "state-only enforceable." *Id*. at 15.

In the revised permits, the Division removed requirements related to the operation of the triethylene glycol dehydrators at the State Antelope CPF 13-21 Production Facility and the State North Platte 42-26 Central Production Facility, noting the requirements were no longer applicable. For tanker truck loadout, rather than require performance testing of enclosed combustion devices, the Division required only "pressure monitoring," asserting that such monitoring this parameter will assure continuous compliance with the 95% control efficiency requirements. *See e.g*. Exhibit 5, TRD for Permit 20OPWE417 at 4-7. For each permit, the Division determined that, due to the "unique characteristics" of truck loadout, it was not appropriate to require performance testing of the enclosed combustion devices to verify compliance with the 95% control efficiency requirement. *Id*.

In responding to the Administrator's objection and in justifying its monitoring, the Division unfortunately overlooked key information that directly contradicts the agency and failed to provide a rational and reasonable explanation for the new pressure monitoring.

II. The Revised Permits Still Fail to Assure Compliance With Title V Monitoring Requirements

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 revised Title V Permits for the Bonanza facilities continue to fail to require sufficient monitoring to assure compliance with the applicable flare control efficiency requirements and VOC limits related to truck loadout. Below we detail the ongoing deficiencies and need for the Administrator to object.

A. Antelope CPF 13-21 Production Facility, Permit No. 20OPWE417

In response to the Administrator's objection, the Division added a new condition to the revised permit requiring monitoring of enclosed combustion device inlet pressure and valve status during hydrocarbon loadout operations. *See* Exhibit 1, Revised Title V Permit 20OPWE417 at 30, Section II, Condition 2.4. The Division rejected requiring performance testing of the enclosed combustion device to verify compliance with the applicable 95% control efficiency requirement, identifying two issues: the unpredictability of loadout emissions makes it "impractical" to conduct a performance test and the duration of truck loadout is not long enough to conduct a performance test. *See* Exhibit 5, TRD for Permit 20OPWE417 at 6. According to the Division, performance testing is "logistically infeasible." *Id*. at 7. These issues, however, do not actually exist in relation to the enclosed combustion device used to control emission from truck loadout at the Antelope CPF 13-21 Production Facility.

In comments on the draft revised Title V Permit, the Center detailed inconsistency and contradiction in the Division's rationale for not requiring performance testing. *See* Exhibit 9, Center Comments, Technical Comments at 1-3. Notably, the Center called attention to the physical design of the Antelope CPF 13-21 Production Facility and the process of controlling emissions from truck loadout. Pointing specifically to Bonanza Creek's own Title V Permit application, the Center noted that truck loadout vapors are returned to the produced water tanks at the Antelope CPF 13-21 Production Facility, which are then routed to an enclosed combustion device that is required to meet a 95% control efficiency requirement. *See id*. at 2. *See also* Exhibit 14, Initial Title V Permit Application for Permit No. 20OPWE417 at PDF page 17. In fact, Bonanza Creek's application indicates that "One (1) IES 48" ECD [enclosed combustion device]" is used to control VOC emissions from water tanks, slop tanks, and truck loadout. Exhibit 14 at PDF page 20. Highlighting this, the Center stated:

> In light of this, it is difficult to understand how operation of the enclosed combustion device for truck loading would occur so infrequently or unpredictably that periodic performance testing would not be reasonable and necessary to assure compliance. The Division could simply require that the enclosed combustion device controlling emissions from the produced water tanks be tested periodically to assure compliance with the assumed control efficiency.

> This would assure the enclosed combustion device also achieves a 95% control efficiency in relation to truck loadout VOC emissions.

Exhibit 9, Center Comments, Technical Comments at 2.

Put another way, the duration or predictability of truck loadout activity does not appear to relate in any way to the performance of the enclosed combustion device used to control emissions. If the flare used to control emissions from truck loadout is the same used to control emissions from produced water tanks at the Antelope CPF 13-21 Production Facility, then performance testing of this flare could still occur and verify whether the flares are achieving 95% control efficiency, whether or not it is in the process of controlling truck loadout emissions. This is particularly true here where the produced water tanks appear to operate at all times, rather than intermittently and unpredictably. In other words, verification of flare performance does not require that truck loadout occur simultaneously. The duration or predictability of truck loadout emissions are therefore not relevant considerations as to whether performance testing is reasonable, practical, or feasible.

The Division did not respond to the Center's comments on this issue. In response, the Division claimed the Center's comments were "outside the scope of this re-opening procedure," asserting that the Administrator's objection did not relate to the operation of produced water tanks. Exhibit 11 at PDF pages 3-4. Although the Division is correct the Administrator's objection did not address operation of the produced water tanks, the comments were not directed toward the operation of the produced water tanks. Rather, the Center's comments were very specifically directed toward monitoring of the enclosed combustion device used to control emissions from truck loadout, which was precisely the subject of the Administrator's objection. The fact that this control device also control emissions from produced water tanks (and other sources of emissions) does not mean that comments related to the monitoring of its performance are "outside the scope" of the reopening process, as claimed by the Division.

Instead of responding to the Center's comments, the Division reasserted its position, stating, "Because the loadout activities are intermittent and short duration, the division has determined periodic performance testing of the ECD [enclosed combustion device] controlling the hydrocarbon loadout trucks is logistically infeasible and not suitable monitoring for these emission units." Exhibit 11 at PDF pages 3-4. While the Division's premise could be correct if the enclosed combustion device was only used to control VOC emissions from truck loadout, in the case of the Antelope CPF 13-21 Production Facility, the enclosed combustion device controlling emissions from truck loadout is also controlling emissions from the produced water tanks and other sources. This means the intermittency or duration of truck loadout has no bearing on the practicality and feasibility of performance testing as a means to verify compliance with the applicable 95% control efficiency and VOC limits for truck loadout.[1]

[1] The Division also appears to claim in the TRDs for the revised Title V Permits that because truck load is not regulated under the Clean Air Act's New Source Performance Standards ("NSPS") and National Emission Standards for Hazardous Air Pollutants ("NESHAP"), performance testing of flares controlling loadout emissions is not required. However, simply because a pollutant emitting activity may not be regulated under a specific NSPS or NESHAP does not mean that monitoring is not required. As 40 C.F.R. § 70.6(a)(3)(i)(B) states, where an applicable requirement may not require monitoring, a Title V permit must require sufficient periodic monitoring.

In its comments, the Center also pointed to a draft Title V permit for a similar oil and gas production and processing facility also located in Weld County, Colorado that proposed to require performance testing of enclosed combustion devices used to control emissions from truck loadout. *See* Exhibit 9, Center Comments, Technical Comments at 2. Since submitting these comments, the Division finalized that permit, requiring performance testing of all enclosed combustion devices at the facility, including the flare used to control VOC emissions from truck loadout. *See* Exhibit 15, Final Revised Title V Permit for HighPoint Operating Corporation's Anschutz Equus Farms 4-62-28 NWNW, Permit No. 20OPWE423 at 26, Section II, Condition 6 (May 7, 2025). In response to comments, the Division did not address this discrepancy or otherwise respond to the question of why performance testing was reasonable at one facility and not at the Antelope CPF 13-21 Production Facility.

Regardless of the Division's misplaced perspective on performance testing, there is still also no support for the claim that pressure and valve monitoring will assure the flare achieves a 95% VOC control efficiency at all times. The Division claims that when the enclosed combustion device is operating within the manufacturer's specifications for inlet pressure, a 95% control efficiency is achieved at all times. *See* Exhibit 5, TRD at 5. However, the Division cites no information or analysis in support of this assertion, contrary to the Administrator's objection and direction that the Division provide more explanation to justify its determination of sufficient periodic monitoring. Although inlet pressure monitoring may be an important form of parametric monitoring, there is nothing in the record to suggest that there is, at all times, a direct relationship between inlet pressure and control efficiency. While the Center presented numerous examples of flares failing to achieve a 95% control efficiency due to factors other than inlet pressure (e.g., inlet damper, heat load, burner availability, temperature, residence time, gas composition, etc.), including at several facilities in Colorado, the Division did not respond to these examples. *See* Exhibit 9, Center Comments at 3-5.

The Administrator must object to the issuance of the revised Title V Permit for the Antelope CPF 13-21 Production Facility over its continued failure to assure adequate monitoring of the flare used to control emissions from truck loadout operations at the facility. The Division's rationale for not requiring periodic testing to verify flare performance is flawed and contradicted. There is no support for the Division's assertion that additional parametric monitoring of inlet pressure and valves, absent any performance testing, is sufficient to assure compliance with the applicable annual VOC limits and the applicable 95% VOC control efficiency, which apply on a continuous basis.

B. State Antelope O-1 Central Production Facility, Permit No. 20OPWE418

In response to the Administrator's objection, the Division added a new condition to the revised permit requiring monitoring of enclosed combustion device inlet pressure and valve status during hydrocarbon loadout operations. *See* Exhibit 2, Revised Title V Permit 20OPWE418 at 30, Section II, Condition 2.4. The Division rejected requiring performance testing of the enclosed combustion device to verify compliance with the applicable 95% control efficiency requirement, identifying two issues: the unpredictability of loadout emissions makes it "impractical" to conduct a performance test and the duration of truck loadout is not long enough to conduct a performance test. *See* Exhibit 6, TRD for Permit 20OPWE418 at 5-6.

According to the Division, performance testing is "logistically infeasible." *Id*. at 6. These issues, however, do not actually exist in relation to the enclosed combustion device used to control emission from truck loadout at the State Antelope O-1 Central Production Facility.

In comments on the draft revised Title V Permit, the Center detailed inconsistency and contradiction in the Division's rationale for not requiring performance testing. *See* Exhibit 9, Center Comments, Technical Comments at 1-3. Notably, the Center called attention to the physical design of the State Antelope O-1 Central Production Facility and the process of controlling emissions from truck loadout. Pointing specifically to Bonanza Creek's own Title V Permit application, the Center noted that truck loadout vapors are returned to the produced water tanks at the State Antelope O-1 Central Production Facility, which are then routed to an enclosed combustion device that is required to meet a 95% control efficiency requirement. *See id*. at 2. *See also* Exhibit 16, Initial Title V Permit Application for Permit No. 20OPWE418 at PDF page 17. Highlighting this, the Center stated:

> In light of this, it is difficult to understand how operation of the enclosed combustion device for truck loading would occur so infrequently or unpredictably that periodic performance testing would not be reasonable and necessary to assure compliance. The Division could simply require that the enclosed combustion device controlling emissions from the produced water tanks be tested periodically to assure compliance with the assumed control efficiency. This would assure the enclosed combustion device also achieves a 95% control efficiency in relation to truck loadout VOC emissions.

Exhibit 9, Center Comments, Technical Comments at 2.

Put another way, the duration or predictability of truck loadout activity does not appear to relate in any way to the performance of the enclosed combustion device used to control emissions. If the flare used to control emissions from truck loadout is the same used to control emissions from produced water tanks at the State Antelope O-1 Central Production Facility, then performance testing of this flare could still occur and verify whether the flares are achieving 95% control efficiency, whether or not it is in the process of controlling truck loadout emissions. This is particularly true here where the produced water tanks appear to operate at all times, rather than intermittently and unpredictably. In other words, verification of flare performance does not require that truck loadout occur simultaneously. The duration or predictability of truck loadout emissions are therefore not relevant considerations as to whether performance testing is reasonable, practical, or feasible.

The Division did not respond to the Center's comments on this issue. In response, the Division claimed the Center's comments were "outside the scope of this re-opening procedure," asserting that the Administrator's objection did not relate to the operation of produced water tanks. Exhibit 11 at PDF pages 3-4. Although the Division is correct the Administrator's objection did not address operation of the produced water tanks, the comments were not directed toward the operation of the produced water tanks. Rather, the Center's comments were very specifically directed toward monitoring of the enclosed combustion device used to control emissions from truck loadout, which was precisely the subject of the Administrator's objection. The fact that this control device also control emissions from produced water tanks does not mean

that comments related to the monitoring of its performance are "outside the scope" of the reopening process, as claimed by the Division.

Instead of responding to the Center's comments, the Division reasserted its position, stating, "Because the loadout activities are intermittent and short duration, the division has determined periodic performance testing of the ECD [enclosed combustion device] controlling the hydrocarbon loadout trucks is logistically infeasible and not suitable monitoring for these emission units." Exhibit 11 at PDF pages 3-4. While the Division's premise could be correct if the enclosed combustion device was only used to control VOC emissions from truck loadout, in the case of the State Antelope O-1 Central Production Facility, the enclosed combustion device controlling emissions from truck loadout is also controlling emissions from the produced water tanks. This means the intermittency or duration of truck loadout has no bearing on the practicality and feasibility of performance testing as a means to verify compliance with the applicable 95% control efficiency and VOC limits for truck loadout.

Further, as explained above, the Division is requiring performance testing for enclosed combustion devices used to control truck loadout emissions at other similar facilities. *See* Exhibit 15 at 26, Section II, Condition 6 (May 7, 2025). In response to comments, the Division did not address this discrepancy or otherwise respond to the question of why performance testing was reasonable at one facility and not at the State Antelope O-1 Central Production Facility.

Regardless of the Division's misplaced perspective on performance testing, there is still also no support for the claim that pressure and valve monitoring will assure the flare achieves a 95% VOC control efficiency at all times. The Division claims that when the enclosed combustion device is operating within the manufacturer's specifications for inlet pressure, a 95% control efficiency is achieved at all times. *See* Exhibit 6, TRD at 5. However, the Division cites no information or analysis in support of this assertion, contrary to the Administrator's objection and direction that the Division provide more explanation to justify its determination of sufficient periodic monitoring. Although inlet pressure monitoring may be an important form of parametric monitoring, there is nothing in the record to suggest that there is, at all times, a direct relationship between inlet pressure and control efficiency. While the Center presented numerous examples of flares failing to achieve a 95% control efficiency due to factors other than inlet pressure (e.g., inlet damper, heat load, burner availability, temperature, residence time, gas composition, etc.), including at several facilities in Colorado, the Division did not respond to these examples. *See* Exhibit 9, Center Comments, Technical Comments at 3-5.

The Administrator must object to the issuance of the revised Title V Permit for the State Antelope O-1 Central Production Facility over its continued failure to assure adequate monitoring of the flare used to control emissions from truck loadout operations at the facility. The Division's rationale for not requiring periodic testing to verify flare performance is flawed and contradicted. There is no support for the Division's assertion that additional parametric monitoring of inlet pressure and valves, absent any performance testing, is sufficient to assure compliance with the applicable annual VOC limits and the applicable 95% VOC control efficiency, which apply on a continuous basis.

C. State North Platte 42-26 Central Production Facility, Permit No. 20OPWE419

In response to the Administrator's objection, the Division added a new condition to the revised permit requiring monitoring of enclosed combustion device inlet pressure and valve status during hydrocarbon loadout operations. *See* Exhibit 3, Revised Title V Permit 20OPWE419 at 45, Section II, Condition 4.4. The Division rejected requiring performance testing of the enclosed combustion device to verify compliance with the applicable 95% control efficiency requirement, identifying two issues: the unpredictability of loadout emissions makes it "impractical" to conduct a performance test and the duration of truck loadout is not long enough to conduct a performance test. *See* Exhibit 7, TRD for Permit 20OPWE419 at 5-6. According to the Division, performance testing is "logistically infeasible." *Id*. at 6. These issues, however, do not actually exist in relation to the enclosed combustion device used to control emission from truck loadout at the State North Platte 42-26 Central Production Facility.

In comments on the draft revised Title V Permit, the Center detailed inconsistency and contradiction in the Division's rationale for not requiring performance testing. *See* Exhibit 10, Center Technical Comments at 2-5. Notably, the Center called attention to the physical design of the State North Platte 42-26 Central Production Facility and the process of controlling emissions from truck loadout. Pointing specifically to Bonanza Creek's own Title V Permit application, the Center noted that truck loadout vapors are returned to the slop tanks at the State North Platte 42-26 Central Production Facility, which are then routed to enclosed combustion devices that are required to meet a 95% control efficiency requirement. *See id*. at 2. *See also* Exhibit 17, Initial Title V Permit Application for Permit No. 20OPWE419 at PDF page 20. In fact, according to Bonanza Creek's application, enclosed combustion devices ECD-04, ECD-05, ECD-06, and ECD-07 control emissions from the facility's produced water tanks, slop tanks, and truck loadout. *See* Exhibit 17 at PDF pages 78, 81, 84, and 87. Highlighting this, the Center stated:

> In light of this, it is difficult to understand how operation of the enclosed combustion device for truck loading would occur so infrequently or unpredictably that periodic performance testing would not be reasonable and necessary to assure compliance. The Division could simply require that the enclosed combustion device controlling emissions from the produced water tanks be tested periodically to assure compliance with the assumed control efficiency. This would assure the enclosed combustion device also achieves a 95% control efficiency in relation to truck loadout VOC emissions.

Exhibit 10, Center Comments, Technical Comments at 5.

Put another way, the duration or predictability of truck loadout activity does not appear to relate in any way to the performance of the enclosed combustion device used to control emissions. If the flare used to control emissions from truck loadout is the same used to control emissions from slop tanks and produced water tanks at the State North Platte 42-26 Central Production Facility, then performance testing of this flare could still occur and verify whether the flares are achieving 95% control efficiency, whether or not it is in the process of controlling truck loadout emissions. This is particularly true here where the slop tanks and produced water tanks appear to operate at all times, rather than intermittently and unpredictably. In other words, verification of flare performance does not require that truck loadout occur simultaneously. The

duration or predictability of truck loadout emissions are therefore not relevant considerations as to whether performance testing is reasonable, practical, or feasible.

The Division did not respond to the Center's comments on this issue. In response, the Division claimed the Center's comments were "outside the scope of this re-opening procedure," asserting that the Administrator's objection did not relate to the operation of the slop tanks or produced water tanks. Exhibit 12 at PDF page 3. Although the Division is correct the Administrator's objection did not address operation of the slop tanks or produced water tanks, the comments were not directed toward the operation of the slop tanks or produced water tanks. Rather, the Center's comments were very specifically directed toward monitoring of the enclosed combustion devices used to control emissions from truck loadout, which was precisely the subject of the Administrator's objection. The fact that these control devices also control emissions from slop tanks and produced water tanks does not mean that comments related to the monitoring of their performance are "outside the scope" of the reopening process, as claimed by the Division.

Instead of responding to the Center's comments, the Division reasserted its position, stating, "Because the loadout activities are intermittent and short duration, the division has determined periodic performance testing of the ECD [enclosed combustion device] controlling the condensate loadout trucks is logistically infeasible and not suitable monitoring for these emission units." Exhibit 11 at PDF page 4. While the Division's premise could be correct if the enclosed combustion devices were only used to control VOC emissions from truck loadout, in the case of the State North Platte 42-26 Central Production Facility, the enclosed combustion devices controlling emissions from truck loadout are also controlling emissions from the slop tanks and produced water tanks. This means the intermittency or duration of truck loadout has no bearing on the practicality and feasibility of performance testing as a means to verify compliance with the applicable 95% control efficiency and VOC limits for truck loadout.

Further, as explained above, the Division is requiring performance testing for enclosed combustion devices used to control truck loadout emissions at other similar facilities. *See* Exhibit 15 at 26, Section II, Condition 6 (May 7, 2025). In response to comments, the Division did not address this discrepancy or otherwise respond to the question of why performance testing was reasonable at one facility and not at the State North Platte 42-26 Central Production Facility.

Regardless of the Division's misplaced perspective on performance testing, there is still also no support for the claim that pressure and valve monitoring will assure the flare achieves a 95% VOC control efficiency at all times. The Division claims that when the enclosed combustion device is operating within the manufacturer's specifications for inlet pressure, a 95% control efficiency is achieved at all times. *See* Exhibit 7, TRD at 4. However, the Division cites no information or analysis in support of this assertion, contrary to the Administrator's objection and direction that the Division provide more explanation to justify its determination of sufficient periodic monitoring. Although inlet pressure monitoring may be an important form of parametric monitoring that, there is nothing in the record to suggest that there is, at all times, a direct relationship between inlet pressure and control efficiency. While the Center presented numerous examples of flares failing to achieve a 95% control efficiency due to factors other than inlet pressure (e.g., inlet damper, heat load, burner availability, temperature, residence time, gas

composition, etc.), including at several facilities in Colorado, the Division did not respond to these examples. *See* Exhibit 10, Center Comments, Technical Comments at 4-6.

The Administrator must object to the issuance of the revised Title V Permit for the State North Platte 42-26 Central Production Facility over its continued failure to assure adequate monitoring of the flare used to control emissions from truck loadout operations at the facility. The Division's rationale for not requiring periodic testing to verify flare performance is flawed and contradicted. There is no support for the Division's assertion that additional parametric monitoring of inlet pressure and valves, absent any performance testing, is sufficient to assure compliance with the applicable annual VOC limits and the applicable 95% VOC control efficiency, which apply on a continuous basis.

D. State Pronghorn 41-32 Central Production Facility, Permit No. 20OPWE420

In response to the Administrator's objection, the Division added a new condition to the revised permit requiring monitoring of enclosed combustion device inlet pressure and valve status during hydrocarbon loadout operations. *See* Exhibit 4, Revised Title V Permit 20OPWE420 at 36, Section II, Condition 3.3. The Division rejected requiring performance testing of the enclosed combustion device to verify compliance with the applicable 95% control efficiency requirement, identifying two issues: the unpredictability of loadout emissions makes it "impractical" to conduct a performance test and the duration of truck loadout is not long enough to conduct a performance test. *See* Exhibit 7, TRD for Permit 20OPWE419 at 5-6. According to the Division, performance testing is "logistically infeasible." *Id*. at 6. These issues, however, do not actually exist in relation to the enclosed combustion device used to control emission from truck loadout at the State Pronghorn 41-32 Central Production Facility.

In comments on the draft revised Title V Permit, the Center detailed inconsistency and contradiction in the Division's rationale for not requiring performance testing. *See* Exhibit 10, Center Technical Comments at 2-5. Notably, the Center called attention to the physical design of the State Pronghorn 41-32 Central Production Facility and the process of controlling emissions from truck loadout. Pointing specifically to Bonanza Creek's own Title V Permit application, the Center noted that truck loadout vapors are returned to the produced water tanks at the State Pronghorn 41-32 Central Production Facility, which are then routed to enclosed combustion devices that are required to meet a 95% control efficiency requirement. *See id*. at 4. *See also* Exhibit 18, Initial Title V Permit Application for Permit No. 20OPWE420 at PDF page 18. In fact, according to Bonanza Creek's application, enclosed combustion devices ECD-02 controls emissions from the facility's condensate tanks and truck loadout and ECD-03—ECD-012 control emissions from the facility's condensate tanks, produced water tanks, gas venting from separators, and truck loadout. *See* Exhibit 18 at PDF pages 61 and 73. Highlighting this, the Center stated:

> In light of this, it is difficult to understand how operation of the enclosed combustion device for truck loading would occur so infrequently or unpredictably that periodic performance testing would not be reasonable and necessary to assure compliance. The Division could simply require that the enclosed combustion device controlling emissions from the produced water tanks be tested periodically to assure compliance with the assumed control efficiency.

> This would assure the enclosed combustion device also achieves a 95% control efficiency in relation to truck loadout VOC emissions.

Exhibit 10, Center Comments, Technical Comments at 5.

Put another way, the duration or predictability of truck loadout activity does not appear to relate in any way to the performance of the enclosed combustion device used to control emissions. If the flare used to control emissions from truck loadout is the same used to control emissions from produced water tanks and other equipment at the State Pronghorn 41-32 Central Production Facility, then performance testing of this flare could still occur and verify whether the flares are achieving 95% control efficiency, whether or not it is in the process of controlling truck loadout emissions. This is particularly true here where the produced water tanks and other equipment appear to operate at all times, rather than intermittently and unpredictably. In other words, verification of flare performance does not require that truck loadout occur simultaneously. The duration or predictability of truck loadout emissions are therefore not relevant considerations as to whether performance testing is reasonable, practical, or feasible.

The Division did not respond to the Center's comments on this issue. In response, the Division claimed the Center's comments were "outside the scope of this re-opening procedure," asserting that the Administrator's objection did not relate to the operation of the slop tanks or produced water tanks. Exhibit 12 at PDF page 3. Although the Division is correct the Administrator's objection did not address operation of the slop tanks or produced water tanks, the comments were not directed toward the operation of the slop tanks or produced water tanks. Rather, the Center's comments were very specifically directed toward monitoring of the enclosed combustion devices used to control emissions from truck loadout, which was precisely the subject of the Administrator's objection. The fact that these control devices also control emissions from produced water tanks and other equipment does not mean that comments related to the monitoring of their performance are "outside the scope" of the reopening process, as claimed by the Division.

Instead of responding to the Center's comments, the Division reasserted its position, stating, "Because the loadout activities are intermittent and short duration, the division has determined periodic performance testing of the ECD [enclosed combustion device] controlling the condensate loadout trucks is logistically infeasible and not suitable monitoring for these emission units." Exhibit 11 at PDF page 4. While the Division's premise could be correct if the enclosed combustion devices were only used to control VOC emissions from truck loadout, in the case of the State Pronghorn 41-32 Central Production Facility, the enclosed combustion devices controlling emissions from truck loadout are also controlling emissions from the produced water tanks and other equipment. This means the intermittency or duration of truck loadout has no bearing on the practicality and feasibility of performance testing as a means to verify compliance with the applicable 95% control efficiency and VOC limits for truck loadout.

This is underscored by the fact that the revised Title V Permit already requires annual performance testing of the enclosed combustion devices used to control VOC emissions from the facility's condensate storage tanks to verify compliance with applicable control efficiency requirements and VOC limits. *See* Exhibit 4, Title V Permit at 26, Section II, Condition 1.10. It is unclear why the Division concluded this required performance testing should not also inform

compliance with limits applicable to truck loadout at the State Pronghorn 41-32 Central Production Facility.

Further, as explained above, the Division is requiring performance testing for enclosed combustion devices used to control truck loadout emissions at other similar facilities. *See* Exhibit 15, Revised Title V Permit at 26, Section II, Condition 6 (May 7, 2025). In response to comments, the Division did not address this discrepancy or otherwise respond to the question of why performance testing was reasonable at one facility and not at the State Pronghorn 41-32 Central Production Facility.

Regardless of the Division's misplaced perspective on performance testing, there is still also no support for the claim that pressure and valve monitoring will assure the flare achieves a 95% VOC control efficiency at all times. The Division claims that when the enclosed combustion device is operating within the manufacturer's specifications for inlet pressure, a 95% control efficiency is achieved at all times. *See* Exhibit 7, TRD at 4. However, the Division cites no information or analysis in support of this assertion, contrary to the Administrator's objection and direction that the Division provide more explanation to justify its determination of sufficient periodic monitoring. Although inlet pressure monitoring may be an important form of parametric monitoring that, there is nothing in the record to suggest that there is, at all times, a direct relationship between inlet pressure and control efficiency. While the Center presented numerous examples of flares failing to achieve a 95% control efficiency due to factors other than inlet pressure (e.g., inlet damper, heat load, burner availability, temperature, residence time, gas composition, etc.), including at several facilities in Colorado, the Division did not respond to these examples. *See* Exhibit 10, Center Comments, Technical Comments at 4-6.

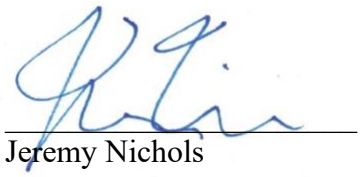
The Administrator must object to the issuance of the revised Title V Permit for the State Pronghorn 41-32 Central Production Facility over its continued failure to assure adequate monitoring of the flare used to control emissions from truck loadout operations at the facility. The Division's rationale for not requiring periodic testing to verify flare performance is flawed and contradicted. There is no support for the Division's assertion that additional parametric monitoring of inlet pressure and valves, absent any performance testing, is sufficient to assure compliance with the applicable annual VOC limits and the applicable 95% VOC control efficiency, which apply on a continuous basis.

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 Permits for Bonanza Creek's Antelope CPF 13-21 Production Facility, State Antelope O-1 Central Production Facility, State North Platte 42-26 Central Production Facility, and State Pronghorn 41-32 Central Production Facility, located in Weld County, Colorado. As this Petition demonstrates, the Title V Permits fail to assure compliance with applicable requirements. The Title V Permits do not set forth sufficient monitoring to assure compliance with limits applicable to the flares controlling emissions from truck loadout at the facilities. The Division's rationale for rejecting requiring regular performance testing of flares to verify compliance with applicable control efficiencies and VOC limits is not supported. Accordingly, the Center requests the Administrator object to the Title V Permit sand require the Division to revise and reissue the Permits in a manner that complies with the requirements of the Clean Air Act.

DATED: May 19, 2025

Respectfully submitted,



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

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TABLE OF EXHIBITS

Exhibit

1. Final Revised Antelope CPF 13-21 Production Facility Title V Permit
2. Final Revised State Antelope O-1 Central Production Facility Title V Permit
3. Final Revised State North Platte 42-26 Central Production Facility Title V Permit
4. Final Revised State Pronghorn 41-32 Central Production Facility Title V Permit
5. Final Revised Antelope CPF 13-21 Production Facility Technical Review Document
6. Final Revised State Antelope O-1 Central Production Facility Technical Review Document
7. Final Revised State North Platte 42-26 Central Production Facility Technical Review Document
8. Final Revised State Pronghorn 41-32 Central Production Facility Technical Review Document
9. Center for Biological Diversity Comments on Draft Title V Permits (Jan. 10, 2025)
10. Center for Biological Diversity Comments on Draft Title V Permits (Jan. 15, 2025)
11. Colorado Air Pollution Control Division, "Response to Comments on Draft Revised Operating Permits" (Jan. 30, 2025)
12. Colorado Air Pollution Control Division, "Response to Comments on Draft Revised Operating Permits" (Jan. 31, 2025)
13. EPA, "Title V Operating Permit Public Petition Deadlines in Region 8"
14. Initial Title V Permit Application for Permit No. 20OPWE417
15. Final Revised Title V Permit for HighPoint Operating Corporation's Anschutz Equus Farms 4-62-28 NWNW, Permit No. 20OPWE423 (May 7, 2025)
16. Initial Title V Permit Application for Permit No. 20OPWE418
17. Initial Title V Permit Application for Permit No. 20OPWE419
18. Initial Title V Permit Application for Permit No. 20OPWE420