BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Petition Nos. VIII-2025-9, VIII-2025-10, and VIII-2025-12

In the Matter of

DCP Operating Company, LP

Libsack Compressor Station
Permit No. 21OPWE446

Rocky Turbine Compressor Station
Permit No. 21OPWE431

Northstar Compressor Station
Permit No. 21OPWE434

Issued by the Colorado Department of Public Health and Environment

---

ORDER DENYING PETITIONS FOR OBJECTION TO TITLE V OPERATING PERMITS

I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) received three petitions (collectively the "Petitions") from the Center for Biological Diversity (the "Petitioner") pursuant to Clean Air Act (CAA) section 505(b)(2).[1] The first petition, dated April 2, 2025, (the "Libsack Petition") requests that the EPA Administrator object to operating permit No. 21OPWE446 (the "Libsack Permit") issued by the Colorado Department of Public Health and Environment (CDPHE) to the DCP Operating Company, LP, Libsack Compressor Station ("Libsack") in Weld County, Colorado. The second petition, dated April 3, 2025, (the "Rocky Turbine Petition") requests that the EPA Administrator object to operating permit No. 21OPWE431 (the "Rocky Turbine Permit") issued by CDPHE to the DCP Operating Company, LP, Rocky Turbine Compressor Station ("Rocky Turbine") in Weld County, Colorado. The third petition, dated April 14, 2025, (the "Northstar Petition") requests that the EPA Administrator object to operating permit No. 21OPWE434 (the "Northstar Permit") issued by CDPHE to the DCP Operating Company, LP, Northstar Compressor Station ("Northstar") in Weld County, Colorado. The three Permits were issued pursuant to title V of the CAA and title 5 of the Code of Colorado Regulations

---

[1] 42 U.S.C. § 7661d(b)(2).

(CCR) 1001-5, Part C.[2] These types of operating permits are also known as a title V permits or part 70 permits.

Based on a review of the Petitions and other relevant materials, including the Permits, the permit records, and relevant statutory and regulatory authorities, and as explained in Section IV of this Order, the EPA denies the Petitions requesting that the EPA Administrator object to the Permits.

II. STATUTORY AND REGULATORY FRAMEWORK

A. Title V Permits

CAA section 502(d)(1) requires each state to develop and submit to the EPA an operating permit program to meet the requirements of title V of the CAA and the EPA's implementing regulations at 40 C.F.R. part 70.[3] The state of Colorado submitted a title V operating permit program on November 5, 1993. The EPA granted interim approval of Colorado's operating permit program in January 1995 and full approval in August 2000.[4]

All major stationary sources of air pollution and certain other sources are required to apply for and operate in accordance with title V operating permits that include emission limitations and other conditions as necessary to assure compliance with applicable requirements of the CAA, including the requirements of the applicable implementation plan.[5] One purpose of the title V operating permit program is to "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."[6] Title V operating permits compile and clarify, in a single document, the substantive air quality control requirements derived from numerous provisions of the CAA. By clarifying which requirements apply to emission units at the source, title V operating permits enhance compliance with those applicable requirements of the CAA. The title V operating permit program generally does not impose new substantive air quality control requirements, but does require that permits contain adequate monitoring, recordkeeping, and reporting requirements to assure the source's compliance with the underlying substantive applicable requirements.[7] Thus, the title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source's emission units and for providing adequate monitoring, recordkeeping, and reporting to

---

[2] 42 U.S.C. §§ 7661–7661f; 5 CCR 1001-5, Part C; *see also* 40 C.F.R. part 70 (title V implementing regulations).

[3] 42 U.S.C. § 7661a(d)(1).

[4] *See* 60 Fed. Reg. 4563 (Jan. 24, 1995) (interim approval); 61 Fed. Reg. 56368 (Oct. 31, 1996) (revising interim approval); 65 Fed. Reg. 49919 (Aug. 16, 2000) (full approval). This program is codified in 5 CCR 1001-5, Part C.

[5] 42 U.S.C. §§ 7661a(a), 7661b, 7661c(a).

[6] 57 Fed. Reg. 32250, 32251 (July 21, 1992).

[7] 40 C.F.R. § 70.1(b); *see* 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

assure compliance with such requirements.

B. Review of Issues in a Petition

State and local permitting authorities issue title V permits pursuant to their EPA-approved title V operating permit programs. Under CAA section 505(a) and the relevant implementing regulations found at 40 C.F.R. § 70.8(a), states are required to submit each proposed title V operating permit to the EPA for review.[8] Upon receipt of a proposed permit, the EPA has 45 days to object to final issuance of the proposed permit if the EPA determines that the proposed permit is not in compliance with applicable requirements under the CAA.[9] If the EPA does not object to a permit on the Agency's own initiative, any person may, within 60 days of the expiration of the EPA's 45-day review period, petition the Administrator to object to the permit.[10]

Each petition must identify the proposed permit on which the petition is based and identify the petition claims.[11] Any issue raised in the petition as grounds for an objection must be based on a claim that the permit, permit record, or permit process is not in compliance with applicable requirements or requirements under 40 C.F.R. part 70.[12] Any arguments or claims the petitioner wishes the EPA to consider in support of each issue raised must generally be contained within the body of the petition.[13]

The petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the permitting authority (unless the petitioner demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period).[14]

In response to such a petition, the CAA requires the Administrator to issue an objection if a petitioner demonstrates that a permit is not in compliance with the requirements of the CAA.[15] Under CAA section 505(b)(2), the burden is on the petitioner to make the

---

[8] 42 U.S.C. § 7661d(a).

[9] 42 U.S.C. § 7661d(b)(1); 40 C.F.R. § 70.8(c).

[10] 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d).

[11] 40 C.F.R. § 70.12(a).

[12] 40 C.F.R. § 70.12(a)(2).

[13] If reference is made to an attached document, the body of the petition must provide a specific citation to the referenced information, along with a description of how that information supports the claim. In determining whether to object, the Administrator will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *Id.*

[14] 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d); *see* 40 C.F.R. § 70.12(a)(2)(v).

[15] 42 U.S.C. § 7661d(b)(2); *see also New York Public Interest Research Group, Inc. v. Whitman*, 321 F.3d 316, 333 n.11 (2d Cir. 2003) (*NYPIRG*).

required demonstration to the EPA.[16] As courts have recognized, CAA section 505(b)(2) contains both a "discretionary component," under which the Administrator determines whether a petition demonstrates that a permit is not in compliance with the requirements of the CAA, and a nondiscretionary duty on the Administrator's part to object if such a demonstration is made.[17] Courts have also made clear that the Administrator is only obligated to grant a petition to object under CAA section 505(b)(2) if the Administrator determines that the petitioner has demonstrated that the permit is not in compliance with requirements of the CAA.[18] When courts have reviewed the EPA's interpretation of the ambiguous term "demonstrates" and its determination as to whether the demonstration has been made, they have applied a deferential standard of review.[19] Certain aspects of the petitioner's demonstration burden are discussed in the following paragraphs. A more detailed discussion can be found in the preamble to the EPA's proposed petitions rule.[20]

The EPA considers a number of factors in determining whether a petitioner has demonstrated noncompliance with the CAA.[21] For each claim, the petitioner must identify (1) the specific grounds for an objection, citing to a specific permit term or condition where applicable; (2) the applicable requirement as defined in 40 C.F.R. § 70.2, or requirement under 40 C.F.R. part 70, that is not met; and (3) an explanation of how the term or condition in the permit, or relevant portion of the permit record or permit process, is not adequate to comply with the corresponding applicable requirement or requirement under 40 C.F.R. part 70.[22]

If a petitioner does not satisfy these requirements and provide sufficient citations and analysis, the EPA is left to work out the basis for the petitioner's objection, which is

---

[16] 42 U.S.C. § 7661d(b)(2); *see WildEarth Guardians v. EPA*, 728 F.3d 1075, 1081–82 (10th Cir. 2013); *MacClarence v. EPA*, 596 F.3d 1123, 1130–33 (9th Cir. 2010); *Sierra Club v. EPA*, 557 F.3d 401, 405–07 (6th Cir. 2009); *Sierra Club v. Johnson*, 541 F.3d 1257, 1266–67 (11th Cir. 2008); *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 677–78 (7th Cir. 2008); *cf. NYPIRG*, 321 F.3d at 333 n.11.

[17] *Sierra Club v. Johnson*, 541 F.3d at 1265–66 ("[I]t is undeniable [that CAA section 505(b)(2)] also contains a discretionary component: it requires the Administrator to make a judgment of whether a petition demonstrates a permit does not comply with clean air requirements."); *NYPIRG*, 321 F.3d at 333.

[18] *Citizens Against Ruining the Environment*, 535 F.3d at 677 (stating that CAA section 505(b)(2) "clearly obligates the Administrator to (1) determine whether the petition demonstrates noncompliance and (2) object *if* such a demonstration is made" (emphasis added)); *see also Sierra Club v. Johnson*, 541 F.3d at 1265 ("Congress's use of the word 'shall' . . . plainly mandates an objection *whenever* a petitioner demonstrates noncompliance." (emphasis added)).

[19] *See, e.g., Voigt v. EPA*, 46 F.4th 895, 902 (8th Cir. 2022), *WildEarth Guardians*, 728 F.3d at 1081–82; *MacClarence*, 596 F.3d at 1130–31..

[20] When the EPA finalized this rulemaking in 2020, the Agency referred back to (but did not repeat) the proposed rule's extensive background discussion regarding the petitioner's demonstration burden. *See* 85 Fed. Reg. 6431, 6433, 6439 (Feb. 5, 2020) (final rule); 81 Fed. Reg. 57822, 57829–31 (Aug. 24, 2016) (proposed rule); *see also In the Matter of Consolidated Environmental Management, Inc., Nucor Steel Louisiana*, Order on Petition Nos. VI-2011-06 and VI-2012-07 at 4–7 (June 19, 2013) (*Nucor II Order*).

[21] *See generally Nucor II Order* at 7.

[22] 40 C.F.R. § 70.12(a)(2)(i)–(iii).

contrary to Congress's express allocation of the burden of demonstration to the petitioner in CAA section 505(b)(2).[23] Relatedly, the EPA has pointed out in numerous previous orders that generalized assertions or allegations did not meet the demonstration standard.[24] Also, the failure to address a key element of a particular issue presents further grounds for the EPA to determine that a petitioner has not demonstrated a flaw in the permit.[25]

Another factor the EPA examines is whether the petitioner has addressed the state or local permitting authority's decision and reasoning contained in the permit record.[26] This includes a requirement that petitioners address the permitting authority's final decision and final reasoning (including the state's response to comments) where these documents were available during the timeframe for filing the petition. Specifically, the petition must identify where the permitting authority responded to the public comment and explain how the permitting authority's response is inadequate to address (or does not address) the issue raised in the public comment.[27]

The information that the EPA considers in determining whether to grant or deny a petition submitted under 40 C.F.R. § 70.8(d) generally includes, but is not limited to, the administrative record for the proposed permit and the petition, including attachments

---

[23] *See MacClarence*, 596 F.3d at 1131 ("[T]he Administrator's requirement that [a title V petitioner] support his allegations with legal reasoning, evidence, and references is reasonable and persuasive."); *see also In the Matter of Murphy Oil USA, Inc.*, Order on Petition No. VI-2011-02 at 12 (Sept. 21, 2011) (denying a title V petition claim where petitioners did not cite any specific applicable requirement that lacked required monitoring); *In the Matter of Portland Generating Station*, Order on Petition at 7 (June 20, 2007) (*Portland Generating Station Order*).

[24] *See, e.g., In the Matter of Luminant Generation Co., Sandow 5 Generating Plant*, Order on Petition No. VI-2011-05 at 9 (Jan. 15, 2013); *see also Portland Generating Station Order* at 7 ("[C]onclusory statements alone are insufficient to establish the applicability of [an applicable requirement]."); *In the Matter of BP Exploration (Alaska) Inc., Gathering Center #1*, Order on Petition Number VII-2004-02 at 8 (Apr. 20, 2007); *In the Matter of Georgia Power Company*, Order on Petitions at 9–13 (Jan. 8, 2007) (*Georgia Power Plants Order*); *In the Matter of Chevron Products Co., Richmond, Calif. Facility*, Order on Petition No. IX-2004–10 at 12, 24 (Mar. 15, 2005).

[25] *See, e.g., In the Matter of EME Homer City Generation LP and First Energy Generation Corp.*, Order on Petition Nos. III-2012-06, III-2012-07, and III-2013-02 at 48 (July 30, 2014); *see also In the Matter of Hu Honua Bioenergy*, Order on Petition No. IX-2011-1 at 19–20 (Feb. 7, 2014); *Georgia Power Plants Order* at 10.

[26] 81 Fed. Reg. at 57832; *see Voigt*, 46 F.4th at 901–02; *MacClarence*, 596 F.3d at 1132–33; *see also, e.g., Finger Lakes Zero Waste Coalition v. EPA*, 734 Fed. App'x *11, *15 (2d Cir. 2018) (summary order); *In the Matter of Noranda Alumina, LLC*, Order on Petition No. VI-2011-04 at 20–21 (Dec. 14, 2012) (denying a title V petition issue where petitioners did not respond to the state's explanation in response to comments or explain why the state erred or why the permit was deficient); *In the Matter of Kentucky Syngas, LLC*, Order on Petition No. IV-2010-9 at 41 (June 22, 2012) (denying a title V petition issue where petitioners did not acknowledge or reply to the state's response to comments or provide a particularized rationale for why the state erred or the permit was deficient); *Georgia Power Plants Order* at 9–13 (denying a title V petition issue where petitioners did not address a potential defense that the state had pointed out in the response to comments).

[27] 40 C.F.R. § 70.12(a)(2)(vi).

to the petition. The administrative record for a particular proposed permit includes the draft and proposed permits, any permit applications that relate to the draft or proposed permits, the statement required by § 70.7(a)(5) (sometimes referred to as the "statement of basis"), any comments the permitting authority received during the public participation process on the draft permit, the permitting authority's written responses to comments, including responses to all significant comments raised during the public participation process on the draft permit, and all materials available to the permitting authority that are relevant to the permitting decision and that the permitting authority made available to the public according to § 70.7(h)(2). If a final permit and a statement of basis for the final permit are available during the EPA's review of a petition on a proposed permit, those documents may also be considered when determining whether to grant or deny the petition.[28]

III. BACKGROUND

A. The Libsack Facility and Permitting History

Libsack, owned by the DCP Operating Company, LP, is located in Greeley, Weld County, Colorado. This area is classified as being in severe nonattainment for the 8-hour ozone standard. Libsack is a natural gas gathering and transmission facility. Emission units at Libsack include triethylene glycol dehydrators, internal combustion engines, a natural gas-fired turbine, and natural gas venting activities. Libsack is a title V major source of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxides (NO_x).

On January 26, 2021, the DCP Operating Company, LP applied for an initial title V permit for Libsack. On May 31, 2024, CDPHE published notice of a draft permit, subject to a public comment period that ended on June 30, 2024. On December 17, 2024, CDPHE submitted a proposed permit, along with its responses to public comments ("Libsack RTC") and technical review document ("Libsack TRD"), to the EPA for the Agency's 45-day review. The EPA's 45-day review period ended on January 31, 2025, during which time the Agency did not object to the proposed permit. On March 1, 2025, CDPHE issued the final Libsack Permit.

B. The Rocky Turbine Facility and Permitting History

Rocky Turbine, owned by the DCP Operating Company, LP, is located in Gill, Weld County, Colorado. This area is classified as being in severe nonattainment for the 8-hour ozone standard. Rocky Turbine is a natural gas compression and dehydration facility. Emission units at Rocky Turbine include a triethylene glycol dehydrator, natural gas-fired turbines, a produced water storage tank, and truck loading activities. Rocky Turbine is a title V major source of VOC and NO_x.

[28] 40 C.F.R. § 70.13.

On January 25, 2021, the DCP Operating Company, LP applied for an initial title V permit for Rocky Turbine. On May 31, 2024, CDPHE published notice of a draft permit, subject to a public comment period that ended on June 30, 2024. On December 23, 2024, CDPHE submitted a proposed permit, along with its responses to public comments ("Rocky Turbine RTC") and technical review document ("Rocky Turbine TRD"), to the EPA for the Agency's 45-day review. The EPA's 45-day review period ended on February 6, 2025, during which time the Agency did not object to the proposed permit. On March 1, 2025, CDPHE issued the final Rocky Turbine Permit.

C. The Northstar Facility and Permitting History

Northstar, owned by the DCP Operating Company, LP, is located in Galeton, Weld County, Colorado. This area is classified as being in severe nonattainment for the 8-hour ozone standard. Northstar is a natural gas compressor station. Emission units at Northstar include a triethylene glycol dehydrator, natural gas-fired turbines, a produced water storage tank, and truck loading activities. Northstar is a title V major source of VOC and NO_x.

On January 25, 2021, the DCP Operating Company, LP applied for an initial title V permit for Northstar. On May 31, 2024, CDPHE published notice of a draft permit, subject to a public comment period that ended on June 30, 2024. On December 30, 2024, CDPHE submitted a proposed permit, along with its responses to public comments ("Northstar RTC") and technical review document ("Northstar TRD"), to the EPA for the Agency's 45-day review. The EPA's 45-day review period ended on February 13, 2025, during which time the EPA did not object to the proposed permit. On March 1, 2025, CDPHE issued the final Northstar Permit.

D. Timeliness of Petitions

Pursuant to the CAA, if the EPA does not object to a proposed permit during the Agency's 45-day review period, any person may petition the Administrator within 60 days after the expiration of the 45-day review period to object.[29] The EPA's 45-day review period for the Libsack Permit ended on January 31, 2025. The EPA's website indicated that any petition seeking the Agency's objection to the Libsack Permit was due on or before April 7, 2025. The Libsack Petition was submitted April 2, 2025. The EPA's 45-day review period for the Rocky Turbine Permit ended on February 6, 2025. The EPA's website indicated that any petition seeking the Agency's objection to the Rocky Turbine Permit was due on or before April 8, 2025. The Rocky Turbine Petition was submitted April 3, 2025. The EPA's 45-day review period for the Northstar Permit ended on February 13, 2025. The EPA's website indicated that any petition seeking the Agency's objection to the Northstar Permit was due on or before April 16, 2025. The

[29] 42 U.S.C § 7661d(b)(2).

Northstar Petition was submitted April 14, 2025. Therefore, the EPA finds that the Petitioner timely filed the Petitions.

IV. EPA DETERMINATIONS ON PETITION CLAIMS

A. Claim 1: The Petitioner Claims That "The Title V Permit Does Not Ensure Adequate Monitoring to Assure the Dehydrators Comply with Applicable Emission Limits."

The three Petitions contain nearly identical claims challenging nearly identical permit terms applicable to similar units across the three facilities.

Petition Claim: First, the Petitioner asserts that all title V permits must set forth monitoring requirements to assure compliance with all permit terms and conditions, and that where a permit fails to do so, it is unenforceable as a practical matter.[30]

The Petitioner identifies the various units and applicable emission limits at issue in each Permit—*e.g.*, two glycol dehydrators (AIRS ID 005 and 010) and an associated enclosed combustion device (ECD) at Libsack subject to annual NO_x, CO, and VOC emission limits and a 95 percent VOC destruction efficiency requirement.[31] The Petitioner claims that the Permits do not set forth sufficient monitoring of the ECDs controlling emissions from these units to assure compliance with the applicable emission limits and destruction efficiency requirements.

The Petitioner notes that, in public comments, it pointed out that the draft permits did not require any periodic testing of emissions to verify emission factors used to demonstrate compliance with the applicable NO_x and CO limits or to assure compliance with the VOC destruction efficiency requirements. The Petitioner asserts that, in response to its comments, CDPHE "agreed" that the monitoring in the draft permits was inadequate and, therefore, added periodic performance testing of the ECDs.[32]

---

[30] Libsack Petition at 4 (citing 42 U.S.C. § 7661c(a), (c); 40 C.F.R. § 70.6(a)(3)(i)(B), (c)(1)); Rocky Turbine Petition at 4 (same); Northstar Petition at 4 (same).

[31] Libsack Petition at 4. The Petitioner similarly identifies glycol dehydrators and associated ECDs at Rocky Turbine and Northstar subject to annual NO_x, CO, and VOC emission limits and 95 percent VOC destruction efficiency requirements. Rocky Turbine Petition at 4; Northstar Petition at 4.

[32] Libsack Petition at 4–5 (citing Libsack RTC at PDF p. 3); Rocky Turbine Petition at 5 (citing Rock Turbine RTC at PDF p. 3); Northstar Petition at 5 (citing Northstar RTC at PDF p. 2).

The Petitioner claims that the frequency of testing—once every five years, in every case—is insufficient to assure compliance with the applicable emission limits and destruction efficiency requirements.[33]

In support, the Petitioner contends that more frequent testing is clearly needed due to CDPHE's "own policies, regulations, and [] other permits issued in Colorado."[34] The Petitioner specifically references a permit for a different oil and gas production facility in Colorado that requires semiannual testing of an ECD that is required to achieve 98 percent VOC control efficiency.[35] The Petitioner also references a memorandum that it claims establishes a policy requiring at least annual testing of ECDs whenever a permittee requests a VOC control efficiency greater than 95 percent.[36]

The Petitioner argues that there is no support for the idea that more frequent testing is only necessary at VOC destruction efficiencies greater than 95 percent. The Petitioner characterizes this cutoff as an arbitrary threshold and contends that ECDs required to meet either 95 percent or greater than 95 percent VOC destruction efficiency are just as likely to fail to achieve the required destruction efficiency.[37]

The Petitioner claims that the parametric monitoring in the Permits—specifically referring to pilot light and visible emissions monitoring—cannot substitute for more frequent testing because the parametric monitoring "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)."[38] The Petitioner also asserts that its comments on the draft permits identified numerous examples of ECDs failing to achieve required destruction efficiencies, even where such parametric monitoring was in place, and argues that these examples reveal the deficiency of the parametric monitoring in the Permits.[39] Further,

---

[33] Libsack Petition at 5–7; Rocky Turbine Petition at 5–7; Northstar Petition at 5–8. The Petitioner identifies relevant performance testing requirements in Condition 2.2.4.1 of the Libsack Permit, Condition 2.2.5.1 of the Rocky Turbine Permit, and Condition 2.2.5 of the Northstar Permit. Libsack Petition at 5; Rocky Turbine Petition at 5; Northstar Petition at 5. All permit conditions referenced in this Order are in Section II of each permit unless otherwise indicated.

[34] Libsack Petition at 6; Rocky Turbine Petition at 6; Northstar Petition at 6.

[35] Libsack Petition at 6 (citing Libsack Petition Ex. 5, *Air Pollution Control Division Colorado Operating Permit No. 17OPJA401* at Section II, Condition 2.8 (Jan. 1, 2020)); Rocky Turbine Petition at 6 (same); Northstar Petition at 6 (same).

[36] Libsack Petition at 6 (citing Libsack Petition Ex. 6, *Oil and Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%, Permitting Section Memo 20-02* at 4–5 (Feb. 4, 2020); Rocky Turbine Petition at 6 (same); Northstar Petition at 6 (same).

[37] Libsack Petition at 6–7; Rocky Turbine Petition at 6; Northstar Petition at 6–7.

[38] Libsack Petition at 7; Rocky Turbine Petition at 7; Northstar Petition at 7.

[39] Libsack Petition at 7 (citing Libsack Petition Ex. 3 at 5–7); Rocky Turbine Petition at 7 (citing Rocky Turbine Petition Ex. 3 at 5–7); Northstar Petition at 7 (citing Northstar Petition Ex. 3 at 5–7).

the Petitioner claims that the EPA has previously "generally rejected" reliance on this kind of parametric monitoring to assure compliance with quantitative limits.[40]

The Petitioner claims that CDPHE's RTCs did not resolve these issues but merely provided general responses asserting that the Permits' monitoring requirements were sufficient.[41]

Additionally and relatedly, the Petitioner alleges that CDPHE's failure to justify the testing frequency in the permit records is grounds for objection to the Permits.[42] The Petitioner claims that even though its comments on the draft permits addressed the subject of testing frequency and questioned "whether once-every-five-year testing of flare VOC destruction efficiency, which is required by state-only rules, was sufficiently frequent," CDPHE did not respond or provide a rationale to support the five-year testing frequency.[43]

EPA Response: For the following reasons, the EPA denies the Petitioner's requests for objection on this claim.

All title V permits must "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions."[44] Determining whether monitoring is adequate in a particular circumstance is generally a context-specific determination made on a case-by-case basis.[45] The EPA has previously found that periodic stack testing alone is insufficient to assure compliance with short-term emission limits.[46] The EPA has also found that periodic stack testing in combination with other parametric monitoring or inspection and maintenance requirements may be sufficient to assure compliance with

---

[40] Libsack Petition at 7 (citing *In the Matter of Bonanza Creek Operating Company, LLC*, Order on Petition No. VIII-2023-11 (Jan. 30, 2024) (*Bonanza Creek Order*); *In the Matter of DCP Operating Company LP, Platteville Natural Gas Processing Plant*, Order on Petition No. VIII-2023-14 (Apr. 2, 2024) (*DCP Platteville I Order*); *In the Matter of HighPoint Operating Corporation, Anschutz Equus Farms 4-62-28,* Order on Petition No. VIII-2024-6 (July 31, 2024) (*HighPoint Equus Farms Order*); Rocky Turbine Petition at 7 (same); Northstar Petition at 7 (same).

[41] Libsack Petition at 7 (citing Libsack RTC at PDF p. 2); Rocky Turbine Petition at 7 (citing Rocky Turbine RTC at PDF p. 3); Northstar Petition at 7 (citing Northstar RTC at PDF p. 2).

[42] Libsack Petition at 5–6 (citing 40 C.F.R. § 70 .7(a)(5); *In the Matter of CITGO Refining and Chemicals Company, L.P.*, Order on Petition No. VI-2007-01 at 7–8 (May 28, 2009) (*CITGO Order*)); Rocky Turbine Petition at 5–6 (same); Northstar Petition at 5 (same).

[43] Libsack Petition at 6 (citing Libsack Petition Ex. 3 at 2, 9); Rocky Turbine Petition at 6 (citing Rocky Turbine Petition Ex. 3 at 2, 8); Northstar Petition at 6 (citing Northstar Petition Ex. 3 at 1–2, 5–8).

[44] 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1).

[45] *CITGO Order* at 7.

[46] *See e.g., In the Matter of Oak Grove Management Company, Oak Grove Steam Electric Station*, Order on Petition No. VI-2017-12 at 25–26 (Oct. 15, 2021); *In the Matter of Owens-Brockway Glass Container Inc.*, Order on Petition No. X-2020-2 at 14–15 (May 10, 2021).

short-term emission limits.[47]

Here, the monitoring requirements designed to assure compliance with the emission limits and VOC destruction efficiency requirements applicable to the dehydrators and ECDs include, generally, initial and periodic (once every five years) testing requirements to demonstrate that the ECDs achieve the required 95 percent VOC destruction efficiency, operating the ECDs with a pilot light present and auto-igniter, daily visual inspections to verify pilot light presence and auto-igniter functionality, daily visible emissions observations, and operation and maintenance of the ECDs consistent with manufacturer specifications.

The Petitioner never holistically considers this combined approach to compliance assurance and thereby fails to demonstrate that the Permits overall do not assure compliance with the emission limits and VOC destruction efficiency requirements.

In particular, the Petitioner's claim about testing frequency lacks any arguments specific to the facilities, ECDs, and emissions at issue. Instead, the Petitioner relies almost entirely on what it describes as CDPHE's "policy" of requiring more frequent (annual) testing when permittees request VOC control efficiencies greater than 95 percent. The memorandum cited by the Petitioner appears to be non-binding guidance and, as such, could not conclusively establish the necessary testing frequency in any particular case.[48] Moreover, the guidance does not directly apply to the ECDs at these facilities since they are not required to achieve a VOC control efficiency greater than 95 percent. In characterizing this threshold as "arbitrary," the Petitioner appears to suggest, without support, that the guidance should be revised or extended, and then used as a basis for imposing similarly frequent annual testing for lower control efficiencies.[49] To the extent the memorandum could be informative here, the Petitioner does not relate any substantive details or technical analysis from the memorandum, or any other relevant technical analysis, that would indicate why certain testing frequencies are more or less appropriate for certain levels of destruction efficiency. That is, the Petitioner fails to present any evidence as to why the annual testing frequency recommended in the memorandum should be applied to the ECDs at these facilities.

Determining the adequacy of monitoring in a particular circumstance is generally a fact-based, context-specific determination. To guide this determination, the EPA has previously explained:

> Variability of emissions is a key factor in determining the appropriate

---

[47] *See, e.g., In the Matter of Public Service of New Hampshire, Schiller Station*, Order on Petition No. VI-2014-04 at 15 (July 28, 2015); *In the Matter of Xcel Energy, Cherokee Station*, Order on Petition No. VIII-2010-XX at 11–12 (Sept. 29, 2011).

[48] Oil & Gas Section, Colorado Air Pollution Control Division, *Permitting Section Memo 20-02, Oil & Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%* (Feb. 4, 2020).

[49] Libsack Petition at 6–7; Rocky Turbine Petition at 6; Northstar Petition at 6–7.

> frequency of monitoring. If emissions are relatively invariable and well-understood (*e.g.*, PM_{10} emissions from an uncontrolled natural gas-fired boiler), frequent monitoring may not be necessary. However, the more variable or less well-understood the emissions, the less likely that a single stack test will reflect the operating conditions (and emissions) between stack tests, and the greater the need for more frequent stack testing or parametric monitoring between stack tests.[50]

The Petitioner does not provide any evidence or make any arguments related to the variability of emissions from the ECDs. The examples of ECDs that have been found to operate below required efficiencies that the Petitioner provided in its public comments on the draft permits do not necessarily evince emissions variability in between tests.[51] The Petitioner offers no other analysis or evidence that would suggest emissions from an ECD that has been shown via testing to meet a certain destruction efficiency would vary significantly on timescales shorter than the five-year interval between tests required by the Permits.

Notably, the Permits' testing requirements are designed to function in concert with parametric monitoring requirements. The Petitioner's cursory dismissal of the Permits' parametric monitoring requirements is predicated on the assumption that their purpose is to provide quantitative information about VOC destruction efficiency and that the EPA previously rejected similar parametric monitoring requirements for that purpose. However, this is a mistaken assumption and a mischaracterization of the EPA's prior orders.[52]

Those orders objected to permits with similar parametric monitoring requirements in a context in which the permits at issue did not require any periodic testing to quantitatively validate control or destruction efficiency. For example, in the *DCP Platteville I Order*, the EPA wrote of similar parametric monitoring requirements:

> The Petitioner provides a detailed, condition-by-condition refutation of these monitoring requirements, explaining for each permit condition how, in its opinion, the monitoring is unrelated to achieving a specific control efficiency. The Petitioner persuasively argues that these monitoring requirements may ensure the ECD is not malfunctioning, and that combustion is actually occurring. Therefore, they may also ensure that the ECD maintains a certain, initial control efficiency. It is unclear to the EPA, however, how the monitoring requirements assure that the ECD

---

[50] *In the Matter of BP Products North America, Inc., Whiting Business Unit*, Order on Petition No. V-2021-9 at 20 (Mar. 4, 2022).

[51] *See e.g.*, Libsack Petition Ex. 3 at 6–7.

[52] *Bonanza Creek Order; DCP Platteville I Order* at 7–13; *HighPoint Equus Farms Order* at 7–11.

> continually achieves the specific 95 percent control efficiency required in the Permit.[53]

Contrary to the Petitioner's implications, the EPA did not find that the parametric monitoring requirements were more generally deficient or that they could not serve a useful function in the context of a permit that requires periodic testing and quantitative validation of VOC destruction efficiency. Parametric monitoring need not always or exclusively provide additional quantitative information on destruction efficiency to contribute to compliance assurance for such a requirement. By the Petitioner's own admission, the information that the parametric monitoring supplies is relevant to ECD performance and emissions. The EPA previously indicated that similar parametric monitoring may ensure that an ECD functions properly and maintains destruction efficiency in between the tests that provide quantitative information on such destruction efficiency.[54] Here, the Petitioner does not allege, much less demonstrate, that the parametric monitoring requirements in the Permits are ineffective for such a purpose or insufficient to assure compliance when combined with periodic testing requirements.

In summary, the Petitioner fails to demonstrate that five-year testing is insufficiently frequent to assure compliance with 95 percent VOC destruction efficiency requirements or emission limits applicable to the dehydrators and ECDs.

The Petitioner also claims that CDPHE failed to provide a sufficient rationale for the testing frequency in violation of 40 C.F.R. § 70.7(a)(5). As the Petitioner points out, 40 C.F.R. § 70.7(a)(5) requires states to prepare "a statement that sets forth the legal and factual basis for the draft permit conditions." The EPA's regulations do not dictate the specific content or level of detail that must be contained in such a statement, which the EPA often calls a "statement of basis."

The EPA generally evaluates permit record-focused claims under 40 C.F.R. § 70.7(a)(5) by evaluating whether the permit record as a whole—not only the statement of basis, but also the response to comments and potentially other parts of the permit record—supports the terms and conditions of the permit.[55]

The EPA has granted title V petitions in which a permitting authority failed to explain the basis for its monitoring decisions in response to public comments. In so doing, the EPA clarified:

---

[53] *DCP Platteville I Order* at 11.

[54] *See id.*

[55] *See, e.g., In the Matter of US Steel Seamless Tubular Operations, LLC, Fairfield Works Pipe Mill*, Order on Petition No. IV-2021-7 at 8–9 (June 16, 2022) (*US Steel Fairfield Order*).

> EPA is not suggesting that [the state] must go out of its way to explain the technical basis for every condition of every permit it has issued to a source each time it renews a title V permit. However, when a state receives public comments raising legitimate challenges to the sufficiency of [a] monitoring provision, the EPA expects [the state] to engage with these comments and explain the basis for its decisions (or specifically identify where any prior justification may be found).[56]

In these cases, the obligation for a permitting authority to explain the basis for individual permit terms is inextricably tied to the prompting of public comments. The EPA has never interpreted 40 C.F.R. § 70.7(a)(5) to require permitting authorities to proactively justify every permit term or monitoring requirement.[57]

Additionally, the EPA's evaluation of petition claims under 40 C.F.R. § 70.7(a)(5) considers whether "the petitioner has demonstrated that the permitting authority's alleged failure resulted in, or may have resulted in, a deficiency in the content of the permit."[58] Where petitioners have failed to demonstrate a flaw in a permit resulting from permit record-focused concerns, the EPA has denied related claims alleging a deficiency with the permit record with respect to 40 C.F.R. § 70.7(a)(5).[59]

Here, CDPHE's RTCs primarily address the focus of the Petitioner's public comments—the lack of periodic testing in the draft permits—and assert that the added five-year testing requirements, in combination with parametric monitoring requirements, are "consistent with EPA's intent for title V testing, recordkeeping, and reporting requirements."[60] Additionally, as previously explained, the Petitioner has failed to demonstrate any flaw in the Permits with respect to testing frequency. The EPA, therefore, denies the Petitioner's requests for objection on this claim.

B. Claim 2: The Petitioner Claims That "The Title V Permit Does Not Assure Compliance with Applicable VOC Emission Limits for Gas Venting" Because It Is Unclear Which Specific Activities Are Authorized to Emit.

---

[56] *In the Matter of Valero Refining-Texas, Valero Houston Refinery*, Order on Petition No. VI-2021-8 at 62 (June 30, 2022); *see In the Matter of BP Amoco Chemical Company, Texas City Chemical Plant*, Order on Petition No. VI-2017-6 at 18 (July 20, 2021) (same).

[57] *See In the Matter of Suncor Energy (U.S.A.), Inc., Commerce City Refinery, Plant 2 (East)*, Order on Petition Nos. VIII-2022-13 & VIII-2022-14 at 28–34 (July 31, 2023).

[58] *US Steel Fairfield Order* at 8.

[59] *See, e.g., In the Matter of Waelz Sustainable Products, LLC*, Order on Petition No. V-2021-10 at 18–19 (Mar. 14, 2023); *US Steel Fairfield Order* at 8–10; *In the Matter of U.S. Dep't of Energy, Hanford Operations*, Order on Petition Nos. X-2014-01 & X-2013-01 at 25–26 (May 29, 2015); *In the Matter of Tesoro Refining and Marketing Co., Martinez, California Facility*, Order on Petition No. IX-2004-6 at 25, 44 (Mar. 15, 2005); *In the Matter of Sirmos Division of Bromante Corp.*, Order on Petition No. II-2002-03 at 15–16 (May 24, 2004).

[60] Libsack RTC at PDF p. 2; Rocky Turbine RTC at PDF p. 2; Northstar RTC at PDF p. 2.

This claim is only present in the Libsack Petition; therefore, the following summary and response only applies to the Libsack Petition and Libsack Permit.

Petition Claim: The Petitioner first asserts that emission limitations and standards within a title V permit must be "enforceable," and to be enforceable, the limits must be enforceable as a practical matter.[61] The Petitioner further contends that title V permits must be unambiguous, understandable, and capable of informing regulators and the public as to what is required.[62]

The Petitioner then claims that Conditions 4 and 5 of the Libsack Permit, which establish a 4.9-tons per year limit on VOC emissions from turbine compressor blowdowns and a 7.4-tons per year limit on pigging blowdowns, are not enforceable as a practical matter because it is not clear what specific activities are authorized to emit in accordance with these conditions.[63] First, regarding Condition 4 of the Libsack Permit, which includes the requirements for natural gas venting from turbine compressor blowdowns, the Petitioner argues that while a "turbine compressor blowdown" is clearly a distinct form of operation, 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.[64]

The Petitioner contends that the Libsack RTC did not resolve comments raising this issue. First, the Petitioner asserts that a portion of the Libsack RTC states that "the VOC emission limitations for turbine operation identified by the commentor are permitted under the requirements of Section II, Condition 3 of[] the permit and are those emissions associated with fuel combustion by the turbines to drive compressors."[65] The Petitioner dismisses this statement, arguing that the Libsack Permit neither limits blowdown emissions to only those emissions not associated with fuel combustion nor states that the applicable VOC limits depend on whether combustion is occurring.

The Petitioner also notes that CDPHE explained:

> 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.

---

[61] Libsack Petition at 8 (citing *In the Matter of Plains Marketing LP, et al.,* Order on Petition Nos. IV-2023-1 and IV-2024-3 at 30 (Sept. 18, 2023)).
[62] *Id.* (citing *In the Matter of West Elk Coal Mine,* Order on Petition No. VIII-2024-3 at 33 (May 24, 2024) (*West Elk Order*).
[63] *Id.*
[64] *Id.* at 9.
[65] *Id.* (quoting Libsack RTC at PDF p.3).

7, Part B, Section II.A.4) as "the depressurization of equipment or piping to reduce system pressure."[66]

The Petitioner states that while the definition of "blowdown" is helpful, that definition is not incorporated or referenced in the Libsack Permit and therefore does not clarify what a "compressor turbine blowdown" specifically means. The Petitioner further argues that Colorado Regulation No. 7, Part B, Section II.H is a "state-only" regulation and is not federally enforceable.[67]

With regard to Condition 5 of the Libsack Permit, the Petitioner notes that Construction Permit 11WE1475, which is incorporated by reference and attached to the Libsack Permit, identifies seven pigging processes set forth in the Libsack Permit.[68] The Petitioner raises a concern that the Libsack Permit does not identify these pigging activities, but merely lists them as "Process 1," "Process 2," etc., and relies on the incorporated construction permit to provide further detail.[69] Additionally, the Petitioner claims that specific terms such as "event," "high pressure," "low pressure," and "inch" are not clear in the descriptions of the processes. The Petitioner argues the meaning of "event" is unclear, as well as whether "high pressure" or "low pressure" refers to discrete pig launchers/receivers or venting under variable pressure and whether "inch" refers to pipeline diameter, valve diameter, valve length, or some other measurement.[70]

In conclusion, the Petitioner states that, in the Libsack RTC, CDPHE asserts that these "common operations and pieces of equipment do not need to be more explicitly defined," referencing the EPA's July 10, 1995 "White Paper for Streamlined Development of Part 70 Permit Applications" ("White Paper 1").[71] The Petitioner contests CDPHE's statement, arguing that White Paper 1 is only applicable to permit applications, not permits themselves. The Petitioner also argues that White Paper 1 indicates that grouping of activities can only occur when the units subject to the same requirement can be unambiguously defined in a generic manner and enforceability of that requirement does not require a specific listing of subject units or activities. The Petitioner claims that, in the case of the Libsack Permit, the activities are not unambiguously defined and the "effective enforceability of Condition 5 requires that more specificity be provided to enable reliable identification and enforcement of applicable limits."[72]

EPA Response: For the following reasons, the EPA denies the Petitioner's request for objection on this claim.

---

[66] *Id.* (quoting Libsack RTC at PDF p.3).
[67] *Id.*
[68] *Id.* at 10.
[69] *Id.*
[70] *Id.*
[71] *Id.* at 10–11 (quoting Libsack RTC at PDF p.4).
[72] *Id.* (citing White Paper 1 at 10).

The EPA has confronted the issue of allegedly unclear permit terms in numerous previous orders. The EPA has clarified that "[p]ermits typically do not include a list of all relevant definitions, nor is that required by any applicable requirement."[73] Generally, the petitioner must show that the vagueness or ambiguity resulting from an undefined term leads directly to a flaw in the permit to demonstrate grounds for an EPA objection. For example, the EPA has granted a petition claim in which ambiguity rendered monitoring conditions insufficient to assure compliance with emission limits.[74] The EPA has also denied petition claims in which the undefined term is a "commonly used regulatory term, and the plain meaning of the term is clear" or in which the petitioner failed to explain why a term was so vague or subject to multiple interpretations as to render a permit condition unenforceable as a practical matter.[75]

Regarding Condition 4 of the Libsack Permit, the Petitioner alleges that the term "turbine compressor blowdown" is unclear and, therefore, the VOC emission limit is unenforceable as a practical matter. However, this term is commonly used in relation to the operation of compressor stations and its meaning in the context of Libsack is sufficiently clear. As referenced in the Libsack RTC, Colorado Regulation No. 7, Part B, Section II.A.4 defines "blowdown" as "the depressurization of equipment or piping to reduce system pressure."[76] Here, it is clear that the equipment that is being depressurized is the turbine compressor. Because the term is clear enough on its face, there is not any ambiguity about what operations are subject to this limit on blowdowns. Therefore, the Petitioner has not demonstrated a need for the Libsack Permit to include (or incorporate by reference) a definition of this term to assure compliance with the underlying applicable requirement.

Regarding Condition 5 of the Libsack Permit, which limits VOC emissions from pigging operations, terms such as "event," "high-pressure," "low-pressure," and "inch" are commonly used in relation to pigging operations and their meaning in the context of Libsack is sufficiently clear. The Petitioner's argument that it is unclear whether an "event" means an instance of venting from a pig launcher or receiver or "some other explicitly defined moment of venting" does not demonstrate that the term is subject to

---

[73] *In the Matter of Louisville Gas and Electric Company, Trimble County,* Order on Petition at 24 (Sept. 10, 2008).

[74] *West Elk Order* at 31–34.

[75] *In the Matter of Midwest Generation, LCC, Crawford Generating Station*, Order on Petition No. V-2004-2 at 19 (Mar. 25, 2005); *see In the Matter of South 32 Hermosa Inc., South32 Hermosa Project,* Order on Petition No. IX-2024-20 at 12 (May 30, 2025); *In the Matter of Piedmont Green Power, LLC*, Order on Petition No. IV-2015-2 at 25 (Dec. 13, 2016).

[76] As the Petitioner recognizes, this definition—and the definition discussed in the following paragraphs—are contained within the state-only enforceable portion of the Colorado regulations and are not themselves federally enforceable. That distinction is immaterial to the EPA's response. Regardless of whether these definitions are federally enforceable, they illustrate that there is no ambiguity or reasonable dispute regarding the meaning of the same terms used throughout both federally enforceable and state-only enforceable portions of the Libsack Permit.

multiple interpretations as to render Condition 5 of the Libsack Permit unenforceable as a practical matter. It is clear that an "event" means an instance of venting.

Regarding the distinction between "high-pressure" and "low-pressure" pigging operations, the Petitioner has similarly not demonstrated that these phrases are subject to misunderstanding in the context of determining which activities are subject to the VOC limit at issue. Construction Permit 11WE1475 indicates that emission factors for low-pressure pig receivers are based on an absolute pressure of 412.2 pounds per square inch absolute (psia) and emission factors for high-pressure pig receivers are based on an absolute pressure of 1,162.2 psia.[77] These values are consistent with the definition of "high-pressure pigging pipelines" in Colorado Regulation No. 7, Part B, Section II.A.15, which refers to "a pigging pipeline with a normal operating pressure (average annual operating pressure) of 500 pounds per square inch gauge (psi) or greater." The Petitioner does not acknowledge or provide any analysis of these clarifications within Construction Permit 11WE1475 or the regulatory definition and fails to demonstrate that these terms are so vague as to render Condition 5 of the Libsack Permit unenforceable as a practical matter.

Finally, regarding the term "inch," the Petitioner has failed to demonstrate that any ambiguity in the meaning of the term "inch" could have any meaningful impact on understanding which activities are subject to the VOC limits at issue. Both the Libsack Permit and Construction Permit 11WE1475 clearly list seven pigging processes of differing sizes and pressures corresponding to seven activities at the facility. These seven activities are related to specific pieces of equipment with fixed physical dimensions that Libsack can reasonably distinguish for purposes of compliance. The Petitioner has failed to demonstrate that the term "inch" is so vague as to render Condition 5 of the Libsack Permit unenforceable as a practical matter.

The EPA, therefore, denies the Petitioner's request for objection on this claim.

C. Claim 3: The Petitioner Claims That "The Title V Permit Does Not Assure Compliance with Applicable VOC Emission Limits for Gas Venting" Because the Permit Fails to "Set Forth Sufficient Monitoring to Assure Compliance with Applicable VOC Limits."

This claim is only present in the Libsack Petition; therefore, the following summary and response only applies to the Libsack Petition and Libsack Permit.

Petition Claim: The Petitioner first asserts that title V permits must set forth monitoring requirements to assure compliance with permit terms and conditions and that monitoring must be "sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit."[78] The Petitioner also

---

[77] *See* Libsack Permit at PDF pp. 137–139.

[78] Libsack Petition at 11 (citing 42 U.S.C. § 7661c(c), 40 C.F.R. § 70.6(a)(3)(i)(B) and (c)(1)).

states that where a title V permit fails to require sufficient monitoring to assure compliance, the permit cannot provide the information necessary to determine whether a source is in compliance and, therefore, is unenforceable as a practical matter.[79]

The Petitioner then claims that the Libsack Permit fails to set forth sufficient monitoring requirements to assure compliance with VOC limits on compressor and pigging blowdowns set forth in Conditions 4 and 5. The Petitioner contends that Conditions 4 and 5 of the Libsack Permit require Libsack to calculate VOC emissions based on assumed "pound per event" emission factors. The Petitioner asserts that these emission factors assume that every venting event releases a fixed volume of gas at a fixed temperature and pressure. The Petitioner states that these assumed volumes, temperatures, and pressures are set forth in the "Notes to Permit Holder" section of Construction Permit 11WE1475 but that there is no support for these assumptions in the permit record and no support that these assumptions serve as sufficient monitoring to demonstrate compliance with VOC limits. The Petitioner claims that "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."[80]

The Petitioner contends that neither Condition 4 or 5 of the Libsack Permit nor 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."[81] The Petitioner argues that the absence of such limits allows Libsack to vent gas at variable temperatures and pressures that could result in higher-than-assumed VOC emissions. The Petitioner further claims that the Libsack Permit, permit record, and Construction Permit 11WE1475 are devoid of information confirming that the assumed volumes, temperatures, and pressures reflect "the maximum capacity" of Libsack to emit under its physical and operational design. The Petitioner asserts that, in the Libsack Permit application, the VOC emission factors for pigging blowdowns were based on "Engineering Estimate[s]," indicating that the "assumptions regarding the volume, temperature and pressure of vented [gas] are not based on actual limits, but on estimated rates that are dependent upon when and for how long DCP chooses to vent gas[82] OBJ

The Petitioner notes that CDPHE, in the Libsack RTC, asserts that the volume of the compressor turbine is "a static value based on the actual equipment and construction of the facility."[83] The Petitioner argues that even if this is the case regarding volume, "because the Title V Permit does not require monitoring of temperature and pressure, it

---

[79] *Id.* (citing 42 U.S.C. § 7661c(a)).
[80] *Id.* at 11–12.
[81] *Id.* at 12.
[82] *Id.* (citing Petition Ex. 7, Libsack Title V Permit Application at PDF pp. 102 and 233 (Jan. 6, 2021)).
[83] *Id.* at 13 (quoting Libsack RTC at PDF p. 3).

does not assure sufficient monitoring that ensures compliance with applicable limits."[84] The Petitioner notes that for pigging, CDPHE 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," which the Petitioner argues are not clearly fixed values.[85]

The Petitioner also notes CDPHE's statement that methods for monitoring and recording the volume of gas vented at Libsack are "consistent with the calculation methodologies outlined" in PS Memo 20-04, a state-level guidance regarding "Routine or Predictable Gas Venting Emissions Calculations and Instructions on Permitting for Oil and Natural Gas Operations."[86] The Petitioner claims that this explanation is inadequate because the Libsack Permit does not reference or incorporate PS Memo 20-04, and it is not a federally enforceable document. The Petitioner also claims that the specific methods set forth in PS Memo 20-04 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)," are insufficient to assure compliance with applicable requirements.[87]

Finally, the Petitioner states that the EPA has "objected to virtually identical Title V permits setting forth gas venting limits at other oil and gas processing facilities."[88] The Petitioner claims that the EPA held that these permits failed to set forth sufficient monitoring to assure compliance with VOC emission limits for gas venting because the permits did not require any particular monitoring or recordkeeping methodology related to measuring the volume of vented gas.[89] The Petitioner concludes that here, for the same reasons, the EPA must object to the issuance of the Libsack Permit.

EPA Response: For the following reasons, the EPA denies the Petitioner's request for objection on this claim.

---

[84] *Id.*

[85] *Id.* (citing Libsack RTC at PDF p. 5). The Petitioner also claims that in other title V permits, "[CDPHE] 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." *Id.* at 12–13 (citing Rockies Express Pipeline LLC REX Cheyenne Hub Compressor Station, Permit No. 21OPWE480 at 48 and 50, Section II, Condition 3 (Jan. 1, 2025) ("Cheyenne Hub Permit")). The Petitioner also claims that the Cheyenne Hub Permit established federally enforceable limits on the "unique physical volume between isolation valves" and required monitoring of temperature and pressure during each blowdown event. *Id.* (citing Cheyenne Hub Permit at 48–51, Section II, Conditions 3.1, 3.2, 3.3, and 3.4).

[86] *Id.* (citing Libsack RTC at PDF p. 3 and 4–5).

[87] *Id.*

[88] *Id.* at 14 (citing *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 at 15–19 (Nov. 16, 2022) (*Lucid Frac Cat/Big Lizard Order*); *In the Matter of XTO Energy Inc., Wildcat Compressor Station*, Order on Petition No. VI-2023-4 at 19–21 (Aug. 7, 2023) (*Wildcat Order*)).

[89] *Id.* (citing 42 U.S.C. § 7661c(c); *Wildcat Order* at 20).

To assure compliance with the VOC limits on compressor and pigging blowdowns, Conditions 4.1 and 5.1 of the Libsack Permit require Libsack to utilize the monitoring and calculation methodologies specified in Construction Permit 11WE1475. Construction Permit 11WE1475 requires Libsack to calculate actual emissions from each activity by multiplying a "pound per event" emission factor by the recorded number of events. Both Conditions 4 and 5 of the Libsack Permit, as well as Construction Permit 11WE1475, identify the unique pound per event emission factors for each activity. Additionally, Construction Permit 11WE147 explains that these pound per event emission factors were based on the compressor volume or pigging volume, an absolute pressure, an inlet gas analysis, and the ideal gas law (which includes consideration of temperature).[90]

The Petitioner argues that the aforementioned assumptions underlying the pound per event emission factors should be limited based on maximum values or individually monitored. The Petitioner fails to identify a legal authority that compels any of these three approaches in the present situation. The Petitioner appears to base its argument on the definition of "potential to emit" in the Colorado SIP, which references maximum capacities to emit based on a facility's physical or operational design, as well as enforceable limits that may be taken to restrict potential to emit.[91] That definition and the associated principles are not directly relevant here as this claim does not concern calculations of the Libsack's potential to emit. Instead, this claim involves the conditions necessary to assure compliance with VOC emission limits. In general, emission factors used to calculate emissions need to be sufficiently representative of a facility's actual emissions to assure compliance with emission limits. There is no legal requirement that emission factors used for this purpose must, in all cases, reflect maximum values. The same holds true for variables underlying an emission factor or an emission calculation methodology.

Here, the Petitioner provides no fact-specific reasons why the individual variables underlying the Permit's emission calculation methodology need to be limited based on maximum values or individually monitored to assure compliance with the applicable VOC limits. The Petitioner makes no attempt to demonstrate that the values of the emission factors identified in the Libsack Permit—or the assumptions underlying those values, such as volume, pressure, and temperature, all of which are identified in Construction Permit 11WE1475—are incorrect or not representative of Libsack's operations.

The closest the Petitioner comes to critiquing the technical basis of the emission calculation methodology is its concern that the assumptions used to establish the pound per event emission factors are dependent upon when and for how long DCP chooses to

---

[90] *See* Libsack Permit at PDF pp. 135, 137–139.

[91] *See* Libsack Petition at 12 (citing 5 CCR 1001-5, Part A, I.B.37).

vent gas. This concern is misplaced. In the Libsack RTC, CDPHE indicates that these processes and pieces of equipment are associated with unique physical volumes, as indicated in Construction Permit 11WE1475.[92] The Libsack Permit, Construction Permit 11WE1475, and the Libsack RTC clearly indicate that the calculation methodologies for each process are based on these unique fixed volumes of gas vented from both the compressor and pigging activities. The Petitioner has not demonstrated that the duration of the event is a relevant variable in these calculations.

The Petitioner's concerns about PS Memo 20-04—*i.e.*, that the memorandum is not federally enforceable and is not incorporated into the Libsack Permit—are not relevant to whether the Libsack Permit assures compliance with applicable limits. Libsack is not relying on any portion of PS Memo 20-04 to serve as enforceable monitoring or calculation methodology. Instead, the Libsack Permit includes specific emission factors and calculations; the Libsack RTC simply indicates that those enforceable permit requirements are consistent with PS Memo 20-04.

Finally, the Petitioner's assertions regarding the EPA's previous objections are not relevant to the Libsack Petition, which involves materially different facts. In the permits underlying those previous orders, the facilities relied on calculation methodologies that were purportedly contained in the title V permit application and, in reality, were either absent from those applications or it was unclear if those calculations included all relevant emissions.[93] Those positions taken by the EPA are irrelevant to the facts in the Libsack Petition, since the Libsack Permit clearly identifies the method for calculating VOC emissions from compressor and pigging activities.

For these reasons, the EPA denies the Petitioner's request for objection on this claim.

V. CONCLUSION

For the reasons set forth in this Order and pursuant to CAA section 505(b)(2) and 40 C.F.R. § 70.8(d), I hereby deny the Petitions as described in this Order.

Dated: December 4, 2025

Lee Zeldin
Administrator

[92] *See* Libsack RTC at PDF p. 3.

[93] *Lucid Frac Cat/Big Lizard Order* at 17–19; *XTO Wildcat Order.*