

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF	)	
	)	
Clean Air Act Final Initial	)	
Title V Operating Permit	)	
	)	
Issued to DCP Operating Company, LP	)	Title V Permit No. 200PWE429
for the Sullivan Compressor Station	)	
Weld County, Colorado	)	
	)	
Issued by the Colorado Department of	)	
Public Health and Environment, Air Pollution	)	
Control Division	)	

**PETITION TO OBJECT TO FINAL INITIAL TITLE V OPERATING PERMIT
NO. 200PWE429 FOR DCP’S SULLIVAN STATION**

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

The Center requests the EPA Administrator object on the basis that the Title V Permit fails to assure compliance with applicable requirements under the Clean Air Act.

The Division’s final Title V Permit and supporting Technical Review Document (“TRD”) were issued on August 1, 2026 and are attached as Exhibits 1 and 2, respectively.

THE SULLIVAN COMPRESSOR STATION

The Sullivan Compressor Station is an oil and gas processing facility. The facility receives gas from nearby sources that is run through separators to remove oil and wastewater and compressed with engines for transport via pipeline and further processing by additional downstream processing facilities. Gas entering the facility contains liquids, including oil and water, which are removed before and during the compression process using separators and a dehydrator and are ultimately stored in a pressurized bullet tank. Liquids are periodically loaded from the tank and into tanker trucks. A flare is used to control volatile organic compound (“VOC”) emissions from the facility’s dehydrator. Sources of air pollution at the Sullivan

Compressor Station include compressor engines, the facility's dehydrator, tanks, truck loadout, flaring, and venting

The Sullivan Compressor Station is a large source of nitrogen oxide ("NO_x") and carbon monoxide ("CO") emissions, which are released from the engines and flaring, and VOCs, which are released from flaring, venting, and the engines. The facility is also a large source of 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 Sept. 15, 2026).

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 NO₂," website available at <https://www.epa.gov/no2-pollution/basic-information-about-no2> (last accessed Sept. 15, 2026). 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 Sept. 15, 2026). 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 Sept. 15, 2026).

The Sullivan Compressor Station is located in the Denver Metro/North Front Range severe ozone nonattainment area. Due to nearly 20 years of ongoing violations of national ambient air quality standards ("NAAQS") for ground-level ozone, this nine-county region with a population of more than four million people has been classified a "severe" ozone nonattainment area. *See* 40 C.F.R. § 81.306. Emissions of NO_x and VOCs from the Sullivan Compressor Station contribute to high ozone levels in the region.

Annually, the facility has the potential to emit 33.6 tons of NO_x, 68 tons of CO, and 66.5 tons of VOCs, including 3.8 tons of benzene, 4.4 tons of toluene, and 0.8 tons of formaldehyde.

PETITIONER

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

PROCEDURAL BACKGROUND

The Center submitted comments on the draft Sullivan Compressor Station Title V Permit on December 10, 2025. *See* Exhibit 3, Center for Biological Diversity Comments on Draft Title V Permit (Dec. 10, 2025). The Division responded to the Petitioners' comments on June 2, 2026. *See* Exhibit 4, Colorado Air Pollution Control Division, "Response to Comments on Initial Operating Permit" (June 2, 2026). The proposed permit was subsequently submitted to EPA for the agency's 45-day review. The EPA's 45-day review concluded on July 17, 2026. The Administrator did not object to the proposed permit during this time. The Division issued the final permit on August 1, 2026.

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 state implementation plan ("SIP") and any term or condition of a permit issued pursuant to Title I of the Clean Air Act. 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), (a)(3), (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.

GROUND FOR OBJECTION

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

I. The Title V Permit Does Not Set Forth Sufficient Monitoring to Ensure Compliance with VOC Control Requirements Applicable to the Dehydrator

The dehydrator (Unit D-1) at the Sullivan Compressor Station utilizes a vapor recovery unit and enclosed combustion device, or flare, to control VOC emissions. *See* Title V Permit at Section II, Condition 2. These requirements echo those set forth in the underlying construction permit for the Sullivan Compressor Station, which requires DCP to operate and maintain the dehydrator with a vapor recovery unit and enclosed combustor “in order to reduce emissions to less than or equal to the limits established in this permit.” *See* Exhibit 5, Construction Permit No. 11WE1478, Issuance 2 (June 2, 2014) at Condition 8 (hereafter referred to as the “Construction Permit”).¹ Unfortunately, while the Title V Permit requires DCP to utilize an enclosed flare to control VOC emissions, it does not set forth monitoring to assure that the flare achieves the required level of VOC control applicable to the Sullivan Compressor Station in order to assure compliance with applicable federally enforceable emission limits.

At issue is the failure of the Title V Permit to set forth monitoring that assures compliance with the 95% control efficiency applicable to the enclosed flare. The Title V Permit expressly states that for purposes of calculating emissions and assuring compliance with the VOC limit applicable to the dehydrator (as well as the HAP limit), the flare must achieve at least a 95% control efficiency. *See* Title V Permit at Conditions 2.1.2 and 2.2.1. DCP’s application for its Title V Permit also reflects the understanding that the flare is to achieve a 95% control efficiency in order to comply with applicable limits. *See* Exhibit 5, “Title V Operating Permit

¹ Construction Permit No. 11WE1478, Issuance 2 was issued pursuant to Colorado’s SIP construction permitting program approved pursuant to Title I of the Clean Air Act and therefore its terms and conditions are applicable requirements under Title V.

Application, Sullivan Compressor Station” (Jan. 7, 2021) at PDF p. 93. This is also reflected in the Construction Permit, which states that the limits in the permit are based on “95% control of the still vent vapors.” Exhibit 6, Construction Permit No. 11WE1478, Issuance 2 (June 2, 2014) at Notes to Permit Holder Section, Condition 5.² DCP’s latest Annual Pollutant Emission Notice to the Division, which was submitted pursuant to the Colorado SIP, also confirms that the 16.7 ton per year VOC limit in the Title V Permit is based on a 95% control efficiency. *See* Exhibit 8, APEN form for Glycol Dehydration Unit (April 29, 2025) at 5.

Unfortunately, the Title V Permit does not set forth monitoring that assures compliance with the applicable 95% control efficiency requirement. Petitioners raised this objection with reasonable specificity in their comments. *See* Exhibit 3, Comments on Draft Title V Permit at 4-5.

As written, the Title V Permit only assures compliance with a 95% “destruction efficiency” limit. The difference between “destruction efficiency” and “control efficiency” is significant. Citing the Division’s own guidance on the subject, Petitioner explained in its comments, “[W]hile ‘destruction efficiency’ refers to the percent removal by weight of hydrocarbon by a combustion device, ‘control efficiency’ refers to the product of the destruction efficiency and process efficiency of the combustion device and vapor capture system.” *See* Exhibit 3, Comments on Draft Title V Permit at 5; *see also* Exhibit 8, Colorado Air Pollution Control Division Permitting Section Memo 20-02, “Oil and Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%” (Feb. 4, 2020) at 3. As Petitioner explained in their comments:

If the flare is achieving only a 95% destruction efficiency, then its overall control efficiency would be lower than 95%, contrary to applicable requirements. The permit must either require testing of the flare to assure compliance with an appropriate destruction efficiency that assures compliance with the applicable control efficiency, such as 98% or higher, or ensure the Title V Permit is written in such a way as to guarantee that the process efficiency is 100% at all times.

Exhibit 3, Comments on Draft Title V Permit at 5.

The Title V Permit at Section II, Condition 2.10.5 sets forth performance testing requirements for the enclosed flare at the Sullivan Compressor Station, but only requires that DCP demonstrate the flare “achieves a minimum destruction efficiency of 95% for VOC.” Achieving a 95% destruction efficiency does not assure compliance with a 95% control efficiency for VOCs. Although this may assure that the flare is destroying 95% of all emissions routed to the flare, it is not ensuring at least a 95% control of all VOC emissions from the dehydrator and compliance with the applicable VOC limit.

In response to comments, the Division acknowledged the important distinction between control efficiency and destruction efficiency, noting that control efficiency is the product of

² Indeed, when Issuance 2 of the Construction Permit was under review, a Preliminary Analysis Summary prepared by the Division notes that potential emissions from the flare were calculated based on a presumed 95% control. *See* Exhibit 7, “Construction Permit Preliminary Analysis Summary,” Permit No. 11WE1478 (Feb. 13, 2014) at 4.

destruction efficiency and capture efficiency. *See* Exhibit 4, Response to Comments at unnumbered p. 5. In spite of this, the Division asserted that the Title V Permit assured compliance with applicable VOC control efficiency requirements.

In support of its assertion, the Division appears to take the position that the 95% VOC control efficiency requirement is not an applicable requirement under Title V. In response to comments, the Division states it is “requiring federally enforceable performance testing to verify the 95% destruction efficiency which is used to establish the federally enforceable emission limit and state only enforceable performance testing to verify the state only enforceable 95% control efficiency requirement required by Colorado [AQCC] Regulation No. 7.” Exhibit 4, Response to Comments at unnumbered p. 5. In other words, the Division’s position appears to be that the 95% control efficiency requirement is only required by state regulations, which are not federally enforceable, and therefore the Title V Permit is not required to set forth federally enforceable monitoring to assure compliance. This position is mistaken.

As discussed above, the Title V Permit, DCP’s Title V Permit application, underlying Construction Permit, and DCP’s most recent emissions report to the Division plainly rely on a 95% VOC “control efficiency” to calculate emissions, establish limits, and assure compliance with applicable federally enforceable VOC limits, not a 95% “destruction efficiency.” Although state-only Colorado regulations also require compliance with a 95% control efficiency, these regulations do not usurp the fact that the federally enforceable limits in the Title V Permit and underlying construction permit rely on compliance with a 95% control efficiency. It is telling that there does not appear to be any 95% “destruction efficiency” requirement that is actually an applicable, federally enforceable requirement for the Sullivan Compressor Station. The underlying Construction Permit does not mention the phrase “destruction efficiency” and the Title V Permit itself clearly does not refer to “destruction efficiency” in Section II, Conditions 2.1.2 and 2.2.1, but rather refers to “control efficiency.”

In response to comments, the Division explains that in addition to performance testing required by Condition 2.10.5, the enclosed flare is also “subject to additional performance testing under the state only enforceable provisions of Colorado Regulation No. 7, Part B, Section II.B.2.h.” Exhibit 4, Response to Comments at unnumbered p. 5. While Petitioners appreciate that state only regulations set forth at AQCC Regulation No. 7, Part B, Section II.B.2.h set forth performance testing of enclosed flares to assure compliance with a 95% control efficiency, this rule is state-only enforceable, as acknowledged by the Division. A Title V permit cannot rely on state-only enforceable monitoring to assure compliance with applicable federally enforceable limits. *See* 42 U.S.C. § 7661c(a); 40 C.F.R. § 70.6(b)(1) and (2); *see also In the Matter of HighPoint Operating Corporation, Anschutz Equus Farms 4-62-28 Order on Petition No. VIII-2024-6* (July 31, 2024) at 11.

Accordingly, the Title V Permit does not assure compliance with the applicable 95% VOC control efficiency applicable to the flare as the permit does not set forth sufficient federally enforceable monitoring that assures compliance with this applicable control efficiency. In response to comments, the Division clearly recognized that performance testing was necessary to verify compliance with the 95% control efficiency required by state-only Colorado rules. The failure to also require federally enforceable performance testing to verify compliance with the

95% control efficiency necessary to assure compliance with applicable, federally enforceable limits demonstrates the Title V Permit does not assure compliance with applicable requirements.

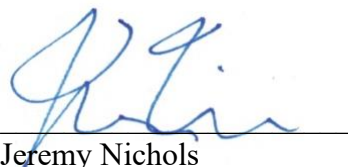
CONCLUSION

Title V permits must contain emission limitations and standards that assure compliance with applicable requirements. *See* 42 U.S.C. § 7661c(a) and 40 C.F.R. § 70.6(a)(1). Further, Title V permits must set forth monitoring requirements to assure compliance with applicable requirements. *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.”).

Here, the Title V Permit for the Sullivan Compressor Station does not assure compliance with applicable requirements. It does not assure that the enclosed flare used to control VOC emissions from the facility’s dehydrator operates in compliance with the applicable, federally enforceable 95% control efficiency requirement. To the extent the Title V Permit sets forth monitoring of flare performance, it does not set forth monitoring that assures compliance with the applicable 95% control efficiency requirement. Accordingly, pursuant to 42 U.S.C. § 7611d(b)(2) and 40 C.F.R. § 70.8(d), the Administrator must object to the issuance of the Title V Permit over its failure to assure compliance with applicable requirements and requirements under Title V of the Clean Air Act and require the Division to revise and reissue the Permit in a manner that complies with the requirements of the Clean Air Act.

DATED: September 15, 2026

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Nichols', is written over a horizontal line.

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

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

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

DCP Operating Company, LP
3026 4th Avenue
Greeley, CO 80631

TABLE OF EXHIBITS

Exhibit

1. Final Sullivan Compressor Station Title V Permit
2. Final Sullivan Compressor Station Title V Permit Technical Review Document
3. Comments of the Center for Biological Diversity on the draft initial Title V Permit for the Sullivan Compressor Station
4. Colorado Air Pollution Control Division Response to Comments
5. “Title V Operating Permit Application, Sullivan Compressor Station” (Jan. 7, 2021)
6. Construction Permit No. 11WE1478, Issuance 2 (June 2, 2014)
7. “Construction Permit Preliminary Analysis Summary” (Feb. 13, 2014)
8. Colorado Air Pollution Control Division Permitting Section Memo 20-02, “Oil and Gas Industry Enclosed Combustion Device Overall Control Efficiency Greater than 95%” (Feb. 4, 2020)