Air Pollution Control
40 CFR 49.151 Federal Minor New Source Review In Indian Country
Technical Support Document
Proposed Permit #SMNSR-SU-000031-2011.001

Samson Resources Company
South Ignacio Central Delivery Point
Southern Ute Indian Reservation
La Plata County, Colorado

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

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I. Introduction

On September 1, 2011, the EPA (we) received an application from Samson Resources Company (Samson) requesting a synthetic minor permit for the South Ignacio Central Delivery Point (CDP) in accordance with the requirements of the MNSR Permit Program. EPA received an updated application on January 11, 2012 that replaced the previous application.

This permit action applies to an existing facility operating on the Southern Ute Indian Reservation in Colorado.

This MNSR permit action does not authorize the construction of any new emission sources, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. This permit is intended only to incorporate required and requested emission limits and provisions from an August 10, 2009, operating permit renewal that the EPA issued to Samson for the South Ignacio CDP in accordance with the Title V Operating Permit Program at 40 CFR Part 71 (Part 71). The limits were originally established in the initial Part 71 operating permit we issued on April 2, 2004, and two Part 71 significant permit modifications we issued on November 30, 2005, and July 14, 2008.

This MNSR permit reflects the incorporation of requirements created in the Part 71 permits EPA issued at the request of Samson. Samson requested these requirements in order to establish the South Ignacio CDP as a synthetic minor source for the purpose of avoiding major source requirements for hazardous air pollutants (HAP) in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories at 40 CFR Part 63 (also known as Maximum Achievable Control Technology (MACT)).

South Ignacio CDP began operations in December of 1991, and currently operates eight (8) natural gas fired reciprocating internal combustion engines used for natural gas compression and two (2) tri-ethylene glycol (TEG) natural gas dehydration systems. Seven (7) of the eight (8) compressor engines are operating under enforceable carbon monoxide (CO) and formaldehyde (CH_2O) emission limits requested by Samson. The eighth engine is operating under enforceable CO and nitrogen oxide (NO_X) emission limits required by a July 1, 2002 Consent Agreement (#CAA-08-2002-09.) These emission limits provide enforceable recognition of the catalytic control systems installed on each of the engines, which reduces the potential emission of CO and NO_X pollutants below major source thresholds.

The two (2) TEG dehydration systems are each operating under enforceable benzene emission limits of 0.9 ton per year (tpy). Finally, the entire facility operates under both an enforceable CH_2O emission cap and an enforceable total HAP cap. These emission limits were requested by Samson as a means to avoid MACT requirements for major HAP sources (10/25 tpy) – allowing the facility to become a synthetic minor HAP source prior to the compliance dates for the NESHAP for Reciprocating Internal Combustion Engines (RICE) (MACT ZZZZ) for the engines and for NESHAP for Oil and Gas Production Facilities (MACT HH) for the TEG dehydration systems.

We issued the initial Part 71 operating permit with CO and NO_X emission limits on the existing five (5) compressor engines and enforceable restrictions on facility-wide CH_2O emissions on April 2, 2004. We issued a significantly modified Part 71 operating permit on November 30, 2005, approving construction of the 6^{th}, 7^{th}, and 8^{th} compressor engines and the 2^{nd} TEG dehydration system, and containing the enforceable CO and CH_2O restrictions on the 6^{th}, 7^{th}, and 8^{th} engines. We issued a significantly

modified Part 71 operating permit on July 14, 2008, containing the enforceable benzene restrictions on the two (2) dehydrators and an enforceable facility-wide restriction on total HAPs.

The creation of the legally and practically enforceable limits in a Part 71 operating permit was a temporary, gap-filling measure for those sources operating in Indian country that did not have the ability to obtain these limits through other programs, such as exists in state jurisdictions. Section 49.153(a)(3)(iv) of the MNSR rule provides the EPA with the authority to require at its discretion existing sources whose limits were established through mechanisms such as a consent decree to apply for a permit under the MNSR Permit Program to transfer the limits to a MNSR permit, effectively creating legally and practically enforceable requirements without the use of the emission limits in the Part 71 operating permit. The MNSR regulations at 40 CFR 49.158(c)(2)(ii) and (iii) also provide the EPA with the discretion to require any additional requirements, including control technology requirements, based on the specific circumstances of the source.

Upon compliance with this MNSR permit, the legally and practically enforceable reductions in potential emissions can be used when determining the applicability of other CAA requirements, such as the Prevention of Significant Deterioration (PSD) permit program at 40 CFR Part 52 and the Part 71 operating permit program.

II. Facility Description

The South Ignacio CDP compresses and dehydrates inlet coal-bed methane gas. Gas entering the facility from the field is first fed to an inlet separator that removes water gravimetrically. Separator overhead gas is fed from a common suction header to one of eight (8) RICE used to compress the gas. The compressors discharge gas to a common discharge header that feeds to scrubbers. Scrubbers separate and collect liquids that may have formed during compression. The compressed gas is then fed to two (2) TEG dehydration systems operating in parallel. TEG is circulated counter-currently and absorbs water. Rich TEG is circulated to a reboiler, where moisture is driven to the atmosphere by heating the glycol. Dry gas exits the contactors and is directed to one of two sales lines, where it is metered and exits the facility. The gas processing capacity of the facility is 70 million standard cubic feet per day (MMscfd).

The emission units identified in Table 1 are currently installed and/or operating at the facility. The information provided in this table is for informational purposes only and is not intended to be viewed as enforceable restrictions or open for public comment. The units and/or control requirements identified here either existed prior to the promulgation of the MNSR Permit Program or have been approved through the alternative methods as identified, below. Table 2 lists the facility-wide potential emissions of New Source Review (NSR)-regulated pollutants accounting for all legally and practically enforceable control requirements that currently apply to the facility.

Table 1. Existing Emission Units

Unit/Emissions Description	Controls	Original Preconstruction Approval Date & Permit Number
Natural gas-fired, 4-stroke rich burn (4SRB) compressor engine with a maximum site rating of 1,680 hp	Non-selective Catalytic Reduction (NSCR) and air-to-fuel ratio (AFR) controller	Final Consent Agreement with EPA #CAA-08-2002-09 required control of NO_X and CO emissions using NSCR and application for a Part 71 permit containing enforceable emission limits to reflect Consent Agreement requirements. Initial control requirements established in the April 2, 2004 Part 71 Permit # V-SU-0031-01.00. Revised control requirements established in the November 30, 2005 and July 14, 2008 Part 71 Permits # V-SU-0031-01.01 and # V-SU-0031-01.04.
Two (2) Natural gas-fired, 4-stroke lean burn (4 SLB) compressor engines with a maximum site rating of 1,267 hp	Oxidation Catalyst	No pre-construction approval required for the installation of the engines. Installed prior to the promulgation of the MNSR permitting program. Initial control requirements established in the November 30, 2005 Part 71 Permit # V-SU-0031-01.01. Revised control requirements established in the July 14, 2008 Part 71 Permit # V-SU-0031-01.04.
Natural gas-fired, 4SLB compressor engine with a maximum site rating of 1,336 hp	Oxidation Catalyst	No pre-construction approval required for the installation of the engine. Installed prior to the promulgation of the MNSR permitting program. Initial control requirements established in the April 2, 2004 Part 71 Permit # V-SU-0031-01.00. Revised control requirements established in the November 30, 2005 and July 14, 2008 Part 71 Permits # V-SU-0031-01.01 and # V-SU-0031-01.04.
Natural gas-fired, 4SLB compressor engine with a maximum site rating of 1,400 hp	Oxidation Catalyst	No pre-construction approval required for the installation of the engines. Installed prior to the promulgation of the MNSR permitting program. Initial control requirements established in the April 2, 2004 Part 71 Permit # V-SU-0031-01.00. Revised control requirements established in the November 30, 2005 and July 14, 2008 Part 71 Permits # V-SU-0031-01.01 and # V-SU-0031-01.04.
Three (3) Natural gas-fired, 4SLB compressor engines with a maximum site rating of 1,400 hp	Oxidation Catalyst	Pre-construction approval and initial control requirements established in the November 30, 2005 Part 71 Permit # V-SU-0031-01.01. Revised control requirements established in the July 14, 2008 Part 71 Permit # V-SU-0031-01.04.
TEG dehydration system with a maximum natural gas processing capacity of 30 MMscfd & 0.6 million British thermal units per hour (MMBtu/hr) TEG reboiler	Enclosed Combustion Device	No pre-construction approval required for the installation of the TEG dehydration system. Installed prior to the promulgation of the MNSR permitting program. Control requirements established in the July 14, 2008 Part 71 Permit # V-SU-0031-01.04.

Unit/Emissions Description	Controls	Original Preconstruction Approval Date & Permit Number
TEG dehydration system with a maximum natural gas processing capacity of 40 MMscfd & 0.6 MMBtu/hr TEG reboiler	Enclosed Combustion Device	Pre-construction approval established in the November 30, 2005 Part 71 Permit # V-SU-0031-01.01.Pre-construction approval of replacement of original 30 MMscfd unit with the 40 MMscfd unit and associated control requirements established in the July 14, 2008 Part 71 Permit #V-SU-0031-01.04.
Facility fugitive emissions	None	No pre-construction approval required for installation of emission units contributing to fugitive emissions. Installed prior to promulgation of the MNSR permitting program.
Compressor cylinder rod packing vent emissions	None	No pre-construction approval required for installation of the compressor cylinder rod packing and vent. Installed prior to promulgation of the MNSR permitting program.
Miscellaneous organic liquid storage tanks	None	No pre-construction approval required for the installation of the organic liquid storage tanks. Installed prior to the promulgation of the MNSR permitting program.
Five (5) 0.12 MMBtu/hr natural gas-fired tank heaters	None	No pre-construction approval required for the installation of the heaters and burners. Installed prior to the promulgation of the MNSR permitting program.

Table 2. Facility-Wide Emissions

Pollutant	Controlled Potential Emissions (tons per year)
PM	0.0
PM_{10}	0.0
$PM_{2.5}$	0.0
SO_2	0.0
NO_X	232.7
CO	148.9
VOC	110.3
Greenhouse Gases	
CO_2 (mass basis)	42,481.0
CH_4 (mass basis)	490.2
N_2O (mass basis)	0.1
HFCs (mass basis)	NA
PFCs (mass basis)	NA
SF_6 (mass basis)	NA
GHG_{total} (mass basis)	42,971.0
CO_2e (Total)	52,799.0
Hazardous Air Pollutants (HAPs)	
Acetaldehyde	NA
Acrolein	NA
Benzene	1.8
Ethyl-Benzene	NA
Toluene	NA
n-Hexane	NA
Xylene	NA
Formaldehyde	9.5
Total HAPs	**23.0***

PM – Particulate Matter
PM_{10} – Particulate Matter less than 10 microns in size
$PM_{2.5}$ – Particulate Matter less than 2.5 microns in size
SO_2 – Sulfur Dioxide
NO_X – Nitrogen Oxides
CO – Carbon Monoxide
VOC – Volatile Organic Compounds
CO_2 – Carbon dioxide
CH_4 – Methane
N_2O – Nitrous oxide
HFCs – Hydrofluorocarbons
PFCs – Perfluorocarbons
SF_6 – Sulfur hexafluoride
CO_2e – Equivalent CO_2. A measure used to compare the emissions from various greenhouse gases based upon their global warming potential (GWP)
NA – Not Available, not provided in application

HFCs, PFCs, and SF_6 emissions are not created during oil and gas production operations.

*Total is represented as the current and proposed allowable emission limit and is inclusive of, but not limited to, the individual HAPs listed above.

III. Proposed Synthetic Minor MNSR Permit Action

A. Engine Controls

The natural gas industry uses engines to compress natural gas as it is processed and prior to further pipeline distribution. Samson uses seven (7) natural gas-fired, 4SLB compressor engines. Lean-burn engines produce NO_X, CO, volatile organic compounds (VOC) and HAP emissions. The HAP emissions consist primarily of CH_2O.

The primary form of emission control for these types of engines is oxidation catalyst. The oxidation catalyst is effective for CO, VOC (including HAPs that are VOCs), and CH_2O. These catalysts do not typically control NO_X emissions. However, lean-burn engines are designed to operate with more dilute natural gas streams (a higher air-to-fuel ratio). Because they operate on more dilute natural gas streams, lean-burn engines also operate at lower combustion temperatures producing less NO_X emissions.

We are proposing the use of oxidation catalyst on each of the seven (7) 4SLB compressor engines at the facility. In addition, we have proposed the following requested CO and CH_2O pound per hour (lb/hr) emissions limits on each of the seven (7) 4SLB compressor engines:

1. Emissions from each of the two (2) natural gas-fired 4SLB 1,267 hp engines shall not exceed:

   (i) 2.79 lb/hr of CO emissions; and
   (ii) 0.29 lb/hr of CH_2O emissions.

2. Emissions from the one (1) natural gas-fired 4SLB 1,336 hp engine shall not exceed:

   (i) 2.94 lb/hr of CO emissions; and
   (ii) 0.25 lb/hr of CH_2O emissions.

3. Emissions from each of the four (4) natural gas-fired 4SLB 1,400 hp engines shall not exceed:

   (i) 3.08 lb/hr of CO emissions; and
   (ii) 0.31 lb/hr of CH_2O emissions.

The CO and CH_2O limits are based on a manufacturer-specified 93% reduction of CO and 60% reduction of CH_2O using the oxidation catalyst as required by conditions previously established in the Part 71 operating permit for the facility.

Samson also uses one (1) natural gas-fired 4SRB compressor engine. Rich burn engines produce NO_X, CO, small amounts of VOC, and very small amounts of CH_2O emissions (CH_2O is the primary HAP pollutant). The primary form of emission control for rich burn engines is NSCR. NSCR is most effective for reducing NO_X and CO emissions. With respect to NO_X and CO, the NSCR enhances the rate of the reduction of NO_X to nitrogen dioxide (N_2), oxidation of CO to CO_2, and oxidation of any remaining hydrocarbons to carbon dioxide (CO_2) and water (H_2O). Because these reactions take place only in low-oxygen, or reducing atmospheres, the exhaust must contain less than 0.5% O_2. This means that NSCR systems can function only on stoichiometric or rich-burn engines, and they require precise control of the air-to-fuel ratio in order to maintain satisfactory catalysis.

We are proposing the use of a NSCR and an AFR controller on the 4SRB compressor engine at the facility. In addition, we have proposed the requested 9.2 lb/hr NO_X, 12.9 lb/hr CO, and 0.07 lb/hr CH_2O emission limits for the engine.

We are incorporating the engine requirements from the Part 71 operating permit, and the synthetic minor MNSR permit application into this MNSR permit. We made several changes to the transferred Part 71 permit requirements, including, but not limited to the following:

1. **Increased the frequency of monitoring engine exhaust temperature at the inlet to the catalyst control system from once per day to continuous.** Catalyst operating efficiency is greatly affected by the temperature of the engine exhaust to be controlled. As such, the Part 71 permit has the requirement to maintain the optimal temperature range at all times, but the frequency of monitoring is only once per day. Thus to ensure

compliance with the acceptable temperature range in the MNSR permit, the monitoring requirement has been changed from daily to continuous.

2. **Added a series of actions to be taken in the event of a deviation from the required temperature range of the engine exhaust to the catalyst bed or in the event of a deviation from the required pressure drop range of the engine exhaust across the catalyst bed for the eight (8) controlled compressor engines.** The actions are to ensure that there is not a complete failure of the catalytic control system due to plugging, fouling, destruction, poisoning, etc. In either case, the required actions begin with equipment inspections and end with the possible removal and cleaning of the catalyst or catalyst replacement.

3. **Added a maximum 200-hour period for which each rebuilt and replaced engine can operate without the catalytic control system, accompanied by a recordkeeping provision to track break-in periods.** This provision takes into account the time needed for engine "break-in" before putting it into full-time, continuous operation. Engine "break-in" can damage the catalyst.

4. **Added requirements to monitor for NO_X emissions in addition to testing and monitoring for CO emissions from the seven (7) 4SLB compressor engines, and added requirements to perform NO_X testing and/or monitoring of all eight (8) compressor engines simultaneously with CO testing and monitoring. Also added requirement to restrict the adjustment of engines prior to and during emission testing.** These provisions have been added to ensure that the respective NO_X and/or CO emission limits for each engine in this permit are being met under normal operating conditions. In general, there is a fundamental relationship between engine operating parameters and exhaust emissions.

   We are proposing NO_X monitoring requirements for all eight (8) engines, which were not previously established in the Title V operating permit. We are proposing this additional monitoring using the authority at 40 CFR 49.151(ii)(C).

   We are proposing that Samson monitor for NO_X emissions of all seven (7) 4SLB engines, using a portable analyzer and EPA-approved protocol, quarterly and simultaneously with any required testing or monitoring for compliance with the CO emission limits in the permit. We are also proposing that Samson conduct required NO_X testing and monitoring of the one (1) 4SRB engine simultaneously with required CO testing and monitoring of the engine. We are also proposing a restriction on adjusting engine settings and operating parameters prior to and during emission testing or monitoring for both the seven (7) 4SLB engines and the one (1) 4SRB engine. We are providing a clarification that artificially increasing an engine load to meet testing requirements is not considered engine tuning or adjustments.

   According to standard stoichiometric principles, emission levels of NO_X and CO from natural gas combustion are only independent to a point; thereafter, they are inversely proportional. Lean burn engines emit lower levels of NO_X, but higher levels of CO than rich burn engines. This is because a reduction of NO_X requires the addition of O_2 to the combustion process, which after a point can lead to combustion instability and result in higher CO and unburned hydrocarbon levels due to incomplete combustion. However,

the reduction of CO using oxidation catalysts requires high temperatures, which can lead to increased NO_X formation, because NO_X produced by natural gas-fired spark ignition engine is primarily thermal NO_X. Therefore, as CO emissions are reduced through emission controls, NO_X emissions will increase after a certain point. It is feasible for owners and operators of RICE to adjust or tune certain engine operating parameters prior to testing for particular pollutant emissions to assure compliance with an emission limit. Requiring NO_X emissions monitoring at the same time as CO emissions testing and monitoring encourages an operator to test engines at as close to normal operating conditions as possible and ensure that operating settings are not adjusted prior to a test such that the NO_X emission rates increase to a level that may lead to exceedances of major source emission thresholds if the engine were operated at those settings for an entire year.

B. TEG Dehydration Systems

The natural gas industry commonly uses the glycol absorption process to remove naturally occurring water from raw natural gas. Most commonly, the glycol absorbent used is TEG. The TEG dehydration process produces VOC and HAP emissions from pressure reduction of rich glycol (immediately post absorption and prior to stripping and regeneration) and from the stripping of the rich glycol to regenerate lean glycol to be reused in the process. The HAP emissions consist primarily of benzene, toluene, ethlybenzene, and xylenes.

The primary form of emission control is to capture and route the emissions through a closed-vent system to an enclosed combustion device, flare, or other combustion device to destroy the hydrocarbon content of the vapors.

Samson's TEG Dehydration Process at the South Ignacio CDP is capable of processing 70 MMscf of natural gas per day using two (2) TEG dehydrators. The following are the dehydrators currently operating at the South Ignacio CDP:

1. One (1), 30 MMscfd dehydration unit with a 0.6 MMBtu/hr natural gas fired TEG reboiler and flash tank and equipped with an enclosed combustion device to control HAP emissions; and

2. One (1), 40 MMscfd dehydration unit with a 0.6 MMBtu/hr natural gas fired TEG reboiler and flash tank and equipped with an enclosed combustion device to control HAP emissions.

We are proposing 0.9 tpy benzene emission limits for each TEG dehydration system. We are also proposing requirements for each TEG dehydration system to be controlled using an enclosed combustion device capable of reducing HAP emissions from the still vent by at least 98.0% by weight. These limits are based on the manufacturer-specified HAP destruction efficiencies of the enclosed combustion devices, consistent with the conditions previously established in the Part 71 permit for the facility.

We are incorporating the TEG dehydration system requirements from the Part 71 permit, and the synthetic minor MNSR permit application into this MNSR permit. We are proposing necessary changes to the transferred Part 71 permit requirements that should be noted. **We significantly enhanced the control and operational requirements and the monitoring requirements to**

include specific requirements for the closed vent system routing emissions to the enclosed combustion device, and specific requirements to ensure the enclosed combustion device is operated properly to ensure compliance with the specified benzene emission limit and HAP destruction efficiency. The closed vent system routing emissions to the enclosed combustion device must be designed and maintained to operate in a leak-free condition to ensure that all of the emissions from each dehydration system are routed to the respective enclosed combustion device and to ensure that the specified HAP destruction efficiency of the enclosed combustion device will allow Samson to meet the requested benzene and total HAP emission limits. Enclosed combustion device operating efficiencies are significantly affected by the temperature and presence of the source of combustion (continuous burning pilot flame or automatic igniter). As such, the Part 71 permit only contained monitoring requirements to calculate HAP emissions from the TEG dehydration systems using GRI GlyCalc, the most recent inlet gas analyses, and assumed control specifications, but contained no requirements to monitor operation of the control systems. Thus to ensure compliance with the requested emission limits in the MNSR permit, we are proposing additional control, operational, and monitoring requirements for the closed vent systems and enclosed combustion devices.

C. Facility-Wide Emission Restrictions

We are also proposing facility-wide total HAP and CH_2O emission limits of 23.0 tpy and 9.5 tpy, respectively, at Samson's request, to maintain the facility's status as an area source of HAP emissions for the purposes of applicability to MACT requirements. The total HAP and CH_2O facility-wide limits are based on limits previously established in the Part 71 operating permit for the facility at Samson's request.

IV. Air Quality Review

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

The emissions at this existing facility will not be increasing due to issuance of this MNSR permit and the emissions will continue to be well controlled at all times. This MNSR permit does not authorize the construction of any new emission sources, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations and the substantive requirements of the Part 71 permit (emission controls and reductions) have already been fulfilled at this facility. In short, issuance of this MNSR permit will have no adverse air quality impacts; therefore, we have determined that an AQIA modeling analysis is not required for the proposed MNSR permit.

V. Tribal Consultations and Communications

We offer Tribal Government Leaders an opportunity to consult on each proposed MNSR permit action. The Tribal Government Leaders are asked to respond to the EPA's offer to consult within 30 days. The Chairman of the Southern Ute Indian Tribe was offered an opportunity to consult on this MNSR permit action via letter dated September 25, 2012. To date, we have not received a response to our offer to consult on this MNSR permit action.

All minor source applications (synthetic minor, modification to an existing facility, new true minor or general permit) are submitted to both the EPA and the Tribe per the application instructions (see http://www2.epa.gov/region8/tribal-minor-new-source-review-permitting). The Tribe has 10 business days from the receipt of the application to respond to us with questions and comments on the application. In the event an AQIA is triggered, a copy of that document is emailed to the Tribe within 5 business days from the date we receive it.

Additionally, the Tribe is notified of the public comment period for the proposed MNSR permit and provided copies of the notice of public comment opportunity to post in various locations of their choosing on the Reservation. The Tribe is also notified of the issuance of the final MNSR permit.

VI. Environmental Justice

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

The EPA defines "Environmental Justice" to include meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and polices. The EPA's goal is to address the needs of overburdened populations or communities to participate in the permitting process. *Overburdened* is used to describe the minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards.

This discussion describes the EPA's efforts to identify environmental justice communities and assess potential effects in connection with issuing the proposed CAA synthetic minor MNSR permit in La Plata County within the exterior boundaries of the Southern Ute Indian Reservation.

A. Environmental Impacts to Potentially Overburdened Communities

This MNSR permit action does not authorize the construction of any new air emission sources, or air emission increases from existing units, nor does it otherwise authorize any other physical modifications to the associated facility or its operations. The air emissions at the existing facility will not increase due to the permit action and the emissions will continue to be well controlled at all times. This permit action will have no adverse air quality impacts.

Furthermore, the permit contains a provision stating, "*The permitted source shall not cause or contribute to a National Ambient Air Quality Standard violation or a PSD increment violation.*" Noncompliance with this permit provision is a violation of the permit and is grounds for enforcement action and for permit termination or revocation. As a result, the EPA concludes that issuance of the permit will not have disproportionately high or adverse human health effects on communities in the vicinity of the Southern Ute Indian Reservation.

B. Enhanced Public Participation

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

1. Interested parties can subscribe to an EPA listserve that notifies them of public comment opportunities on the Southern Ute Indian Reservation for proposed air pollution control permits via email at http://www2.epa.gov/region8/air-permit-public-comment-opportunities.

2. All minor source applications (synthetic minor, modification to an existing facility, new true minor or general permit) are submitted to both the Southern Ute Tribe and the EPA per the application instructions (see http://www2.epa.gov/region8/tribal-minor-new-source-review-permitting).

3. The Tribe has 10 business days to respond to the EPA with questions and comments on the application.

4. In the event an AQIA is triggered, we email a copy of that document to the Tribe within 5 business days from the date we receive it.

5. We notify the Tribe of the public comment period for the proposed permit and provide copies of the notice of public comment opportunity to post in various locations of their choosing on the Reservation. We also notify the Tribe of the issuance of the final permit.

6. We offer the Tribal Government Leaders an opportunity to consult on each proposed permit action. We ask the Tribal Government Leaders to respond to us within 30 days. We offered an opportunity to consult on this permit action to the Chairman of the Southern Ute Indian Tribe via letter dated September 25, 2012.

VII. Authority

Requirements under 40 CFR 49.151 to obtain a MNSR permit apply to new and modified minor stationary sources, and minor modifications at existing major stationary sources ("major" as defined in 40 CFR 52.21). In addition, the MNSR program provides a mechanism for an otherwise major stationary source to voluntarily accept restrictions on its potential to emit to become a synthetic minor source. The EPA is charged with direct implementation of these provisions where there is no approved Tribal implementation plan for implementation of the MNSR regulations. Pursuant to Section 301(d)(4) of the CAA (42 U.S.C. §7601(d)), the EPA is authorized to implement the MNSR regulations at 40 CFR 49.151 in Indian country. The Samson South Ignacio CDP is located within the exterior boundaries of the Southern Ute Indian Reservation in the southwestern part of the State of Colorado. The exact location is Latitude 37.053917N, Longitude -107.625222W, in La Plata County, Colorado.

VIII. Public Notice and Comment, Hearing, and Appeals

A. Public Comment Period

In accordance with 40 CFR 49.157, the EPA must provide public notice and a 30-day public comment period to ensure that the affected community and the general public have reasonable

access to the application and proposed permit information. The application, the proposed permit, this technical support document, and all supporting materials for the proposed permit are available at:

Southern Ute Indian Tribe
Environmental Programs Office
151 County Road 517
Ignacio, Colorado 81137

And

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

All documents are available for review at our office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding Federal holidays). Additionally, the proposed permit and technical support document can be reviewed on our website at http://www2.epa.gov/region8/air-permit-public-comment-opportunities.

Any person may submit written comments on the proposed permit and may request a public hearing during the public comment period. These comments must raise any reasonably ascertainable issue with supporting arguments by the close of the public comment period (including any public hearing). Comments may be sent to the EPA address above, or sent via an email to r8airpermitting@epa.gov, with the topic "Comments on MNSR Permit for Samson South Ignacio CDP".

B. Public Hearing

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

C. Final MNSR Permit Action

In accordance with 40 CFR 49.159, a final permit becomes effective 30 days after permit issuance, unless: (1) a later effective date is specified in the permit; or (2) appeal of the final permit is made as detailed in the next section; or (3) we may make the permit effective immediately upon issuance if no comments resulted in a change in the proposed permit or a denial of the permit. We will send notice of the final permit action to any individual who commented on the proposed permit during the public comment period. In addition, we will add the source to a list of final NSR permit actions, which is posted on our website at http://www2.epa.gov/region8/nsr-and-psd-permits-issued-region-8. Anyone may request a copy of the final MNSR permit at any time by contacting the Region 8 Tribal Air Permit Program at (800) 227-8917 or sending an email to r8airpermitting@epa.gov.

D. Appeals to the Environmental Appeals Board (EAB)

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