

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

FOR

EL PASO FIELD SERVICES

LINDRITH COMPRESSOR STATION

LINDRITH, RIO ARriba COUNTY, NEW MEXICO

Based On

40 Code of Federal Regulations (CFR) Part 71

Federal Operating Permit Program

Promulgated July 1, 1996



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

Issue Date: 11/17/2003

Permit Number: R6FOPP71-03

Effective Date: 12/17/2003

Replaces Permit Number: N/A

Expiration Date: 11/16/2008

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

El Paso Field Services
Lindrith Compressor Station
Lindrith, Rio Arriba County, New Mexico

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location(s):

located 20 miles west of Lindrith, New Mexico
Jicarilla Apache Reservation in New Mexico

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (EPA) and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

The permit number cited above should be referenced in future correspondence regarding this facility.

ORIGINAL SIGNED BY Bill Luthan for

11/17/03

Carl E. Edlund, P.E.

Date

Director

Multimedia Planning and Permitting Division

EPA

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Appendix: B New Source Review permit number NM-1644-M-1

Terms, Abbreviations, and Acronyms

Source	El Paso Field Services, Lindrith Compressor Station
Facility	El Paso Field Services, Lindrith Compressor Station
CAA	Clean Air Act [42 United States Code Section 7401 <u>et seq.</u>]
CFR	Code of Federal Regulations
HAP	Hazardous Air Pollutant
hr	hour
ID. No.	Identification Number
MMBTU	Million British Thermal Units
MMSCF/yr	Million Standard Cubic Feet per year
NOx	Nitrogen Oxides
PM10	Particulate matter less than 10 microns in diameter
SO ₂	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
MBTA	Migratory Bird Treaty Act

List of Tables

Table 1. Source Emission Points

Table 2. Potential to Emit in Tons Per Year

Table 3: Applicable Regulations

1. Source Identification and Unit Specific Information

1.1. General Source Information

Plant Owner: GulfTerra Energy Partners, L.P.
Four Greenway Plaza
Houston, Texas 77046
(832) 676-6152

Plant Operator: El Paso Field Services Company
Four Greenway Plaza
Houston, Texas 77046
(832) 676-6152

Responsible Official: Mr. Jose G. Velasquez
Director - Western Operations Division
El Paso Field Services Company
614 Reilly Avenue
Farmington, NM 87401
(505) 599-2200

Plant Contact: Mr. David Bays
Principal Environmental Scientist
614 Reilly Avenue
Farmington, NM 87401
(505) 599-2256

Plant location: 20 miles west of Lindrith, New Mexico

EPA Region: 6 State: New Mexico
County: Rio Arriba

Tribe /
Reservation: Jicarilla Apache Indian Reservation

Plant mailing
address: 614 Reilly Farmington, NM 87401

Standard Industrial
Code (SIC) Code: 1311

Aerometric Information Retrieval System Facility System Plant
ID. No.: R6FOPP71-03

Description of Process: El Paso Field Services, with SIC Code 1311, is a natural gas gathering and compression facility with pressurized natural gas as its principal product.

1.2. Source Emission Points

Table 1: Emission Units and Control Devices El Paso Field Services, Lindrith Compressor Station		
Emission Unit ID No.	Unit Description	Control Equipment
A-01, natural gas fired engine	Manufacturer - Caterpillar Model 3612LE Installed in April 17, 1995 Maximum design heat input - 8.49 MMBTU/hr Fuel type - Natural gas w/ Restriction - maximum of 0.25 gr/100 standard cubic feet (scf) Hydrogen Sulfide (H ₂ S) Primary use - Gas Compression Serial Number - 1YG00054	A-01-CD#1 Catalytic Oxidation system for Carbon Monoxide
A-02, natural gas fired engine	Manufacturer - Caterpillar Model 3612LE Installed in May 1, 1995 Maximum design heat input - 8.49 MMBTU/hr Fuel type - Natural gas w/ Restriction - maximum of 0.25 gr/100 scf H ₂ S Primary use - Gas Compression Serial Number - 1YG00055	A-01-CD#1 Catalytic Oxidation system for CO

Table 1: Emission Units and Control Devices El Paso Field Services, Lindrith Compressor Station		
Emission Unit ID No.	Unit Description	Control Equipment
A-03, natural gas fired engine	Manufacturer - Caterpillar Model 3612LE Installed in May 15, 1995 Maximum design heat input - 8.49 MMBTU/hr Fuel type - Natural gas w/ Restriction - maximum of 0.25 gr/100 scf H ₂ S Primary use - Gas Compression Serial Number - 1YG00061	None
DEHY1-RBLR	Glycol dehydration unit, glycol reboiler Maximum design heat input - 2.70 MMBTU/hr	N/A
DEHY1-STL	Glycol dehydration unit, Regenerator Still vent Installed in November 24, 1957	DEHY1-STL - CD#1 Condenser Installed in 95 Serial Number- 02271

Table 2: Potential to Emit in Tons per Year (tpy) El Paso Field Services, Lindrith Compressor Station							
Unit ID.	NOx	VOC	SO2	PM10	CO	Lead	HAP**
A-01, Caterpillar 3612LE, NG fired Engine	22.54	32.20	.074	N/A	12.24	N/A	7

A-02, Caterpillar 3612LE, NG fired Engine	22.54	32.20	.074	N/A	12.24	N/A	7
A-03, Caterpillar 3612LE, NG fired Engine	22.54	45.08	.074	N/A	70.85	N/A	6
DEHY1-RBLR	0.86	0.05			0.17		0
DEHY1-STL		40					8
FUGVOC		3.77					
TOTALS tpy	68.48	153.3	0.22		95.5		55

** - mostly formaldehyde and n-Hexane

NOx - oxides of nitrogen

VOC - volatile organic compounds (non-HAP)

SO2 - sulfur dioxide

PM10 - particulate matter with a diameter 10 microns or less

CO - carbon monoxide

HAP - hazardous air pollutants (see CAA Section 112(b))

NG - natural gas

2. Permit Shield [40 CFR section 71.6(f)]

2.1. Nothing in this permit shall alter or affect the following:

2.1.1. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

2.1.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

2.1.3. The ability of EPA to obtain information from a source under Section 114 of the CAA or;

2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in this permit as of

the date of permit issuance.

3. Facility Wide Permit Conditions

3.1. Specific Permit Requirements

The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis.

The following Provisions of New Source Review permit number NM-1644-M-1 (which is attached) are incorporated into this permit by reference:

Provision		Requirement
General	1	Notification of start-up of construction
	2	Notification of start-up of operation
	3	Compliance Testing
	4	Recordkeeping
	5	Notification of non-compliance
	6	Notification of change in emissions
	7	Notification of change of ownership
	8	Inspections by EPA
	9	Reporting
	10	Severability
Special	1	Allowed emission units and emission rates
	2	Quarterly catalyst efficiency testing
	3	Opacity limits
	4	Determination of compliance with grams per horsepower-hr limits
	5	Fuel requirements
	6	Compliance testing Test
	7	Removal of specific emission units

	8	Recordkeeping
	9	Reporting

The permittee shall comply with all the applicable requirements of Federal Regulations. In particular, the permittee shall comply with the following:

Table 3: Applicable Regulations
El Paso Field Services, Lindrith Compressor Station

Citation	Requirement	Comment
40 CFR 71	Federal Operating Permits Program	
40 CFR 60, Subpart A	General Provisions	
40 CFR 63, Subpart A	General Provisions	
40 CFR 63, Subpart HH	National Emission Standards for HAPs From Oil and Natural Gas Production Facilities	
40 CFR 64	Compliance Assurance Monitoring	applies to DEHY1STL at renewal

The El Paso Field Services, Lindrith Compressor Station application was reviewed for compliance with the Part 71 Operating Permit Program. Based on the information provided by El Paso Field Services in their application, Lindrith Compressor Station would be subject to the following Generic permit requirements:

3.2. Generic Permit Requirements

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

- 3.2.1. Pollution control equipment installed at this facility shall be maintained and tested as specified in permit NM-1644-M-1 or any future

modifications.

- 3.2.2. The amount of natural gas burned in emission units shall not exceed the following:
A-01 - 185.8 MMSCF/yr;
A-02 - 185.8 MMSCF/yr;
A-03 - 185.8 MMSCF/yr; and
DEHY1-RBLR - 18.41 MMSCF/yr.
- 3.2.3. The actual heat input for emission units A-01; A-02; and A-03 8.49 MMBTU/hr, and the actual heat input for emissions units DEHY1-RBLR shall not exceed 2.70 MMBTU/hr.
- 3.2.4. The permittee shall keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.
- 3.2.5. The fuel flow/consumption for each emission unit (A-01; A-02; A-03; and DEHY1-RBLR) shall be recorded on a monthly basis.
- 3.2.6. The records of fuel consumption shall be maintained for emission units A-01; A-02; A-03; and DEHY1-RBLR.
- 3.2.7. The permittee shall keep records of the serial numbers for each emission unit. The emission units and their serial numbers are listed in table 1 above. A change in serial number should also be reflected in the report. See 3.9.
- 3.2.8. Retention of these records and support information shall be for a period of at least five years from the date of measurement, or report. Support information includes all calibration and maintenance records, all original strip-chart recordings or monitoring instrumentation, and copies of all reports required by this permit.

3.2.9. The following records shall be submitted to EPA every six months following permit issuance:

3.2.9.1. Fuel flow/consumption records showing monthly and yearly average of fuel usage; and

3.2.9.2. Repair and maintenance records of the emission units identified in the permit

Copies of these records shall also be sent to:

Environmental Director
Jicarilla Apache Reservation
P.O. Box 507, Dulce, NM 87528

every six months following permit issuance.

4. Additional Requirements to be Implemented in Future Activities Under the Permit

To minimize the likelihood of adverse impacts to all species protected under the Endangered Species Act (ESA), any construction activities undertaken by the facility must occur outside the general migratory bird nesting season or that areas proposed for construction during the nesting season be surveyed, and if necessary be avoided until nesting is complete.

If the facility undertakes construction activities in the future, EPA will reinitiate consultation with the Fish and Wildlife Service (FWS), in order to address ESA issues before issuance of a permit. A list of the endangered, threatened, and candidate species, and Species of Concern is included at Appendix A for Rio Arriba, Sandoval, San Juan, and McKinley Counties. The permittee must submit an application for modification of the permit as discussed in section 5.8. through section 5.11.

5. Title V Administrative Requirements

5.1. Annual Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]

5.1.1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [40 CFR § 71.9(a).]

5.1.2. The permittee shall pay the annual permit fee each year:

The fee shall be received no later than July 20 of each year.

5.1.3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

5.1.4. The permittee shall send fee payment and a completed fee filing form to:

EPA Region 6
P.O. Box 360582M
Pittsburgh, PA 15251

5.1.5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section 5.5. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

5.1.6. Basis for calculating annual fee:

5.1.6.1. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)" emitted from the source by

the emissions fee (in dollars/ton) in effect at the time of calculation.

5.1.6.1.1. "Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See § 71.9(c)(6).]

5.1.6.1.2. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. [§ 71.9(e)(2).]

5.1.6.1.3. The term "regulated pollutant (for fee calculation)" is defined in § 71.2.

5.1.6.1.4. The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.

5.1.6.2. The permittee shall exclude the following emissions from the calculation of fees:

5.1.6.2.1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tpy. See § 71.9(c)(5)(i).

5.1.6.2.2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. See

§ 71.9(c)(5)(ii).

5.1.6.2.3. The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to § 71.5(c)(11).
[§ 71.9(c)(5)(iii).]

- 5.1.7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with § 71.5(d).
- 5.1.8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with § 71.6(a)(3)(ii). [See § 71.9(i).]
- 5.1.9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with § 71.9(l).
- 5.1.10. The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full. [See § 71.9(m).]
- 5.1.11. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See § 71.9(j)(1) and (2).]
- 5.1.12. If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the

permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee. [See § 71.9(j)(3).]

5.2. Blanket Compliance Statement [40 CFR §§ 71.6(a)(6)(i) and (ii)]

5.2.1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including: violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [§§ 71.6(a)(6)(i) and (ii).]

5.2.2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations of this permit; other credible evidence must be considered in such determinations. [Section 113(a) and 113(e)(1) of the CAA.]

5.3. Compliance Certifications [40 CFR § 71.6(c)(5)]

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat input, annually on the anniversary of the date of issuance of this permit. The compliance certification shall be certified as to

truth, accuracy, and completeness by a responsible official consistent with § 71.5(d).

5.3.1. The certification shall include the following:

- 5.3.1.1. Identification of each permit term or condition that is the basis of the certification.
- 5.3.1.2. Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information.
- 5.3.1.3. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- 5.3.1.4. Any other requirements sufficient to assure or determine compliance, consistent with section 71.6(c)(5)(iii)(D) and section 71.6(c)(6).

5.4. Duty to Provide and Supplement Information

[40 CFR §§ 71.6(a)(6)(v) and 71.5(b)]

The permittee shall furnish to EPA, within a time specified by EPA, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and

reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplemental facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

5.5. Submissions [40 CFR §§ 71.5(d), 71.6, and 71.9]

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

Air Enforcement Section, 6EN-A
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets, (that include the annual emissions worksheet and report), and applications for renewals and permit modifications shall be submitted to:

Air Permits Section, 6PD-R
1445 Ross Avenue
Dallas, TX 75202-2733

5.6. Severability Clause [40 CFR § 71.6(a)(5)]

The provisions of this permit are severable, and in the event

of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

5.7. Permit Actions [40 CFR § 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5.8. Administrative Permit Amendments [40 CFR § 71.7(d)]

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

- 5.8.1. Corrects typographical errors;
- 5.8.2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- 5.8.3. Requires more frequent monitoring or reporting by the permittee;
- 5.8.4. Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;
- 5.8.5. Incorporates into this permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of sections 71.7 and 71.8 that would be applicable to the change if it

were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in section 71.6; and

- 5.8.6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs 5.8.1. through 5.8.5. [Note to permittee: If these subparagraphs do not apply, please contact EPA for a determination as to similarity prior to submitting your request for an administrative permit amendment under this provision].

5.9. Minor Permit Modifications [40 CFR § 71.7(e)(1)]

- 5.9.1. The permittee may request the use of minor permit modification procedures only for those modifications that:
 - 5.9.1.1. Do not violate any applicable requirement;
 - 5.9.1.2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - 5.9.1.3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
 - 5.9.1.4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - 5.9.1.4.1.A federally enforceable emissions cap

assumed to avoid classification as a modification under any provision of title I; and

5.9.1.4.2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA.

5.9.1.5. Are not modifications under any provision of title I of the CAA; and

5.9.1.6. Are not required to be processed as a significant modification.

5.9.2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 5.9.1. above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

5.9.3. An application requesting the use of minor permit modification procedures shall meet the requirements of § 71.5(c) and shall include the following:

5.9.3.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

5.9.3.2. The source's suggested draft permit;

5.9.3.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

5.9.3.4. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.

5.9.4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5.9.5. The permit shield under § 71.6(f) may not extend to minor permit modifications.
[See § 71.7(e)(1)(vi)].

5.10. Group Processing of Minor Permit Modifications.

[40 CFR § 71.7(e)(2)]

5.10.1. Group processing of modifications by EPA may be used only for those permit modifications:

5.10.1.1. That meet the criteria for minor permit modification procedures under paragraphs 5.9.1. of this permit; and

5.10.1.2. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in § 71.2, or five tpy, whichever is least.

- 5.10.2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of sections 71.5(c), and shall include the following:
 - 5.10.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - 5.10.2.2. The source's suggested draft permit.
 - 5.10.2.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
 - 5.10.2.4. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph 5.10.1.2. above.
 - 5.10.2.5. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
- 5.10.3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply

with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

- 5.10.4. The permit shield under § 71.6(f) may not extend to group processing of minor permit modifications. [See § 71.7(e)(1)(vi)].

5.11. Significant Permit Modifications [40 CFR § 71.7(e)(3)]

- 5.11.1. The permittee must request the use of significant permit modification procedures for those modifications that:
 - 5.11.1.1. Do not qualify as minor permit modifications or as administrative amendments.
 - 5.11.1.2. Are significant changes in existing monitoring permit terms or conditions.
 - 5.11.1.3. Are relaxations of reporting or recordkeeping permit terms or conditions.
- 5.11.2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.
- 5.11.3. Permittees must meet all requirements of part 71 including those for applications, public participation, and review by affected States as they apply to permit issuance and permit renewal. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See §§ 71.7(e)(3)(ii) and 71.5(a)(2).]

5.12. Reopening for Cause [40 CFR § 71.7(f)]

The EPA shall reopen and revise this permit under the following circumstances:

- 5.12.1. Additional applicable requirements under the CAA become applicable to a major part 71 source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to § 71.7(c)(3).
- 5.12.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offsets plans shall be deemed to be incorporated into the permit.
- 5.12.3. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- 5.12.4. The EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

5.13. Property Rights [40 CFR § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

5.14. Inspection and Entry [40 CFR § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

- 5.14.1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- 5.14.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 5.14.4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

5.15. Transfer of Ownership or Operation

[40 CFR § 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if EPA determines no other changes in this permit are necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

5.16. Off Permit Changes [40 CFR § 71.6(a)(12)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- 5.16.1. Each change is not addressed or prohibited by this permit;

- 5.16.2. Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- 5.16.3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;
- 5.16.4. The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- 5.16.5. The permit shield does not apply to changes made under this provision;
- 5.16.6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

5.17. Permit Expiration and Renewal

[40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

- 5.17.1. This permit shall expire upon the earlier occurrence of the following events:
 - 5.17.1.1. Five years elapses from the date of issuance;
or
 - 5.17.1.2. The source is issued a part 70 permit by an EPA-approved permitting authority.
- 5.17.2. Expiration of this permit terminates the

permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the expiration of this permit.

- 5.17.3. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to section 71.6(f) may extend beyond the original permit term until renewal.
- 5.17.4. The permittee's failure to have a Part 71 permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
- 5.17.5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
- 5.17.6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

Appendix: A Endangered, Threatened, Proposed Threatened, and
Candidate Species, and Species of Concern

Revised: March 2003

FEDERAL ENDANGERED, THREATENED,
PROPOSED, AND CANDIDATE SPECIES
AND SPECIES OF CONCERN IN NEW MEXICO

McKinley County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
Southwestern willow flycatcher (*Empidonax traillii extimus*)

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
Mexican spotted owl (*Strix occidentalis lucida*) with critical
habitat
Zuni fleabane (*Erigeron rhizomatus*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)
Zuni bluehead sucker (*Catostomus discobolus*)

SPECIES OF CONCERN

American peregrine falcon (*Falco peregrinus anatum*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Black tern (*Chlidonias niger*)
Northern goshawk (*Accipiter gentilis*)
Western burrowing owl (*Athene cunicularia hypugea*)
New Mexico silverspot butterfly (*Speyeria nokomis nitocris*)
San Juan checkerspot butterfly (*Euphydryas anicia chuskae*)
Acoma fleabane (*Erigeron acomanus*)
Goodding's onion (*Allium gooddingii*)
Parish's alkali grass (*Puccinellia parishii*)
Sivinski's fleabane (*Erigeron sivinskii*)

Rio Arriba County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
Interior least tern (*Sterna antillarum*)
Southwestern willow flycatcher (*Empidonax traillii extimus*)

THREATENED

Canada lynx (*Lynx Canadensis*) †
Bald eagle (*Haliaeetus leucocephalus*)
Mexican spotted owl (*Strix occidentalis lucida*) with critical
habitat

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)
Boreal western toad (*Bufo boreas boreas*)

SPECIES OF CONCERN

Goat Peak pika (*Ochotona princeps nigrescens*)
New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
Townsend's big-eared bat (*Corynorhinus townsendii*)
Southwestern otter (*Lutra canadensis sonora*)
American peregrine falcon (*Falco peregrinus anatum*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Baird's sparrow (*Ammodramus bairdii*)
Black tern (*Chlidonias niger*)
Northern goshawk (*Accipiter gentiles*)
Western burrowing owl (*Athene cunicularia hypugea*)
Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*)
Rio Grande sucker (*Catostomus plebeius*)

Roundtail chub (*Gila robusta*)
Jemez Mountains salamander (*Plethodon neomexicanus*)
New Mexico silverspot butterfly (*Speyeria nokomis nitocris*)
Arizona willow (*Salix arizonica*)
Ripley milk-vetch (*Astragalus ripleyi*)

Sandoval County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
Southwestern willow flycatcher (*Empidonax traillii extimus*)
Rio Grande silvery minnow (*Hybognathus amarus*) with critical
habitat

THREATENED

Bald eagle (*Haliaeetus leucocephalus*)
Mexican spotted owl (*Strix occidentalis lucida*) with critical
habitat

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Goat Peak pika (*Ochotona princeps nigrescens*)
New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
Townsend's big-eared bat (*Corynorhinus townsendii*)
American peregrine falcon (*Falco peregrinus anatum*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Baird's sparrow (*Ammodramus bairdii*)
Northern goshawk (*Accipiter gentiles*)
Western burrowing owl (*Athene cunicularia hypugea*)
Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*)
Rio Grande sucker (*Catostomus plebeius*)
Jemez Mountain salamander (*Plethodon neomexicanus*)
New Mexico silverspot butterfly (*Speyeria nokomis nitocris*)
San Ysidro tiger beetle (*Cicindela willistoni funaroi*)
William Lar's tiger beetle (*Cicindela fulgida williamlarsi*)
Gypsum phacelia (*Phacelia* sp. nov.)
Gypsum townsendia (*Townsendia gypsophila*)
Knight's milk-vetch (*Astragalus knightii*)
Parish's alkali grass (*Puccinellia parishii*)

San Juan County

ENDANGERED

Black-footed ferret (*Mustela nigripes*)**
Southwestern willow flycatcher (*Empidonax traillii extimus*)
Colorado pikeminnow (*Ptychocheilus lucius*), with critical habitat
Razorback sucker (*Xyrauchen texanus*), with critical habitat
Knowlton cactus (*Pediocactus knowltonii*)
Mancos milk-vetch (*Astragalus humillimus*)

THREATENED

Canada lynx (*Lynx canadensis*) †
Bald eagle (*Haliaeetus leucocephalus*)
Mexican spotted owl (*Strix occidentalis lucida*) with critical
habitat
Mesa Verde cactus (*Sclerocactus mesae-verdae*)

PROPOSED THREATENED

Mountain plover (*Charadrius montanus*)

CANDIDATE

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Townsend's big-eared bat (*Corynorhinus townsendii*)
American peregrine falcon (*Falco peregrinus anatum*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Baird's sparrow (*Ammodramus bairdii*)
Black tern (*Chlidonias niger*)
Northern goshawk (*Accipiter gentilis*)
Western burrowing owl (*Athene cunicularia hypugea*)
Roundtail chub (*Gila robusta*)
New Mexico silverspot butterfly (*Speyeria nokomis nitocris*)
San Juan checkerspot butterfly (*Euphydryas anicia chuskae*)
San Juan tiger beetle (*Cicindela lengi jordai*)
Beautiful gilia (*Gilia formosa*)
Bisti fleabane (*Erigeron bistiensis*)
Brack's fishhook cactus (*Sclerocactus cloveriae* var. *brackii*)
Goodding's onion (*Allium gooddingii*)

Parish's alkali grass (*Puccinellia parishii*)
Santa Fe cholla (*Opuntia viridiflora*)

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Endangered=Any species which is in danger of extinction throughout all or a significant portion of its range.

Threatened=Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Candidate=Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).

Proposed=any species of fish, wildlife or plant that is proposed in the Federal Register to be listed under section 4 of the Act.

Species of Concern=Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only.

=Introduced population

=Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (*Cynomys gunnisoni*) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (*Cynomys ludovicianus*). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.

=Extirpated in this county

†=May occur in this county from re-introductions in Colorado.

This list provides pre-project planning information. Under the ESA, as amended, it is the responsibility of the Federal action agency or its designated representative to determine whether a proposed action "may affect" any listed or proposed species. Section 7 of the ESA requires Federal agencies to consult with the Fish and Wildlife Service (FWS) should it be determined that a Federal action (permitting, authorizing, or carrying out) may affect a listed threatened or endangered species. They recommend that adequate species-specific surveys be conducted within suitable habitat during the appropriate flowering/breeding seasons to address project-related impacts on these species. Candidate and species of concern have no legal protection under the ESA and are included in this document for planning purposes only. The FWS is concerned and would appreciate receiving any status information that is available or gathered on these species. If any candidates or species of concern decline significantly, they could be listed as endangered or threatened species. Therefore, actions which may contribute to the decline of these species should be avoided. The scope of federally-listed species compliance also includes any other interrelated or interdependent project activities as indicated at 50 CFR, Part 402.02.