

**FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT**

**FOR**

**TRANSWESTERN PIPELINE COMPANY**

**COMPRESSOR STATION NUMBER 6 (LAGUNA)  
LAGUNA, CIBOLA COUNTY, NEW MEXICO**

Based On  
40 Code of Federal Regulations (CFR) Part 71  
Federal Operating Permit Program  
Promulgated July 1, 1996, as amended



**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:	XX/XX/XX	Permit Number:	R6NM-01-08R1
Effective Date:	XX/XX/XX	Replaces Permit Number:	R6FOPP71-01
Expiration Date:	XX/XX/XX		

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

Transwestern Pipeline Company  
Compressor Station Number 6 (Laguna)  
Laguna, Cibola 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):

Laguna Reservation in New Mexico  
Latitude: 35° 01' 56"      Longitude: 107° 40' 40"

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 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.

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Carl E. Edlund, P.E.  
Director  
Multimedia Planning and Permitting Division  
U.S. Environmental Protection Agency

[insert date signed]  
Date

## **TABLE OF CONTENTS**

### **Section**

### **Abbreviations and Acronyms**

### **List of Tables**

### **Introduction**

### **1. Source Identification and Unit Specific Information**

- 1.1. General Source Information
- 1.2. Source Emission Points

### **2. Permit Shield**

### **3. Facility-Wide or Generic Permit Conditions**

- 3.1. Generic Permit Requirements

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

### **5. Title V Administrative Requirements**

- 5.1. Annual Fee Payment
- 5.2. Blanket Compliance Statement
- 5.3. Compliance Certifications
- 5.4. Duty to Provide and Supplement Information
- 5.5. Submissions
- 5.6. Severability Clause
- 5.7. Permit Actions
- 5.8. Administrative Permit Amendments
- 5.9. Minor Permit Modifications
- 5.10. Group Processing of Minor Permit Modifications
- 5.11. Significant Permit Modifications
- 5.12. Reopening for Cause
- 5.13. Property Rights
- 5.14. Inspection and Entry
- 5.15. Transfer of Ownership or Operation
- 5.16. Off Permit Changes
- 5.17. Permit Expiration and Renewal

## Abbreviations and Acronyms

CAA	Clean Air Act [42 U.S.C. § 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
NO <sub>x</sub>	Nitrogen Oxides
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
SO <sub>2</sub>	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
MBTA	Migratory Bird Treaty Act
tpy	Tons per year

## List of Tables

Table 1.A.	Regulated Emission Points
Table 1.B.	Insignificant Emission Points (Unregulated)
Table 2.A.	Potential to Emit in tons per year (tpy)
Table 2.B.	Change in Emission Pollutant Versus Total Emissions, tons/year for Regulated Units

## **Introduction**

This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities. Transwestern Pipeline Company will operate a natural gas compression and transmission facility named Compressor Station Number 6 (Laguna), consisting of three engine driven gas compressors, one gas-fired generator, one mist extractor vessel, and several storage tanks, with a number of blowdown relief valves. The facility is located on Laguna Pueblo Indian Reservation, New Mexico, approximately ½ mile south of the Village of Laguna, New Mexico.

The term of this permit is five (5) years. It will expire five years from the date of issuance, pursuant to 40 CFR § 71.6(a)(2). Application for renewal of this permit is due a minimum of 6 months, and not more than 18 months prior to the date of expiration, pursuant to 40 CFR § 71.5(a)(1)(iii).

Pursuant to 40 CFR § 71.6, the Environmental Enforcement Agency specifies with this permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements as defined in 40 CFR § 71, at the time this permit is issued.

Pursuant to 40 CFR § 71.6(b), all terms and conditions are enforceable by the Administrator of the United States Environmental Protection Agency and citizens under the federal Clean Air Act (Act), unless the term or condition is specifically designated in this permit as not being enforceable under the Act.

### **1. Source Identification and Unit Specific Information**

#### **1.1. General Source Information**

Owner and Operator: Transwestern Pipeline Company  
P.O. Box 1188  
Plant Name: Compressor Station Number 6 (Laguna)  
Plant location: ½ mile south of Laguna, New Mexico  
EPA Region: 6  
State: New Mexico  
Tribe: Laguna  
County: Cibola  
Reservation: Laguna Indian Reservation  
Plant mailing address: 6381 North Main  
Roswell, NM 88202  
Responsible Official: Mr. Don Hawkins  
Sr. Vice President, Operations & Engineering  
Transwestern Pipeline Company  
711 Louisiana St., Suite 900  
Houston, TX 77002  
Phone: 281-714-2300 (office)

Plant Contact: Mr. Alan O'Connor  
 AMT Technician  
 Transwestern Pipeline Company  
 P. O. Box 61  
 Laguna NM 87026  
 Phone: (505) 347-6606

Standard Industrial  
 Code (SIC) Code: 4922  
 AIRS Facility System  
 Plant Identification Number: R6FOPP71-01

## 1.2. Source Emission Points

**Table 1.A. Regulated Emission Points**

<b>Emission Unit ID No.</b>	<b>Unit Description</b>	<b>Size</b>	<b>Control Equipment</b>
601	Clark TVC-12 Reciprocating Compressor Engine, Serial number 107510	4500-Horse Power (hp)	N/A
602	Clark TVC-12 Reciprocating Compressor Engine, Serial number 107511	4500-hp	N/A
603	Clark TVC-12 Reciprocating Compressor Engine, Serial number 107512	4500-hp	N/A
621	Waukesha F3520GU Reciprocating Generator Engine, Serial number 129011	470-hp	N/A
T-2	Pipeline Liquids (Condensate) Fixed Roof Storage Tank	500 barrel	N/A
MIST*	1,100-gallon Mist Extractor Vessel	4200 gal/yr	Fixed roof

\*The Mist Extractor Vessel was formerly excluded in the initial Title V permit for this facility as an existing insignificant source. Material received as clarification to the application, has been used to identify and quantify these emissions, using the EPA Tanks program with the Vasquez Beggs equation. The Extractor is now one of the identified emission units covered under this permit. Other, formerly unclassified emission sources, are listed in Table 1B as insignificant, unregulated sources, per listed exemptions in the federal regulations.

**Table 1.B. Insignificant Emission Points (Unregulated)**

<b>Emission Unit ID No.</b>	<b>Unit Description</b>	<b>Size</b>	<b>Exemptions to Federal Requirements</b>
1	Oily Waste Water Tank	210-bbl	< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
2	Engine Lube Oil Tank	210-bbl	< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
2	Ethylene Glycol Tank	65-bbl	< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
1	Used Ethylene Glycol Tank	65-bbl	< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
2	Used Lube Oil Tank	65-bbl	< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
1	Pipeline Liquids Truck Loading Point		< 2 tpy, 40 CFR § 71.5(c)(11)(ii)
1	Fugitive Emissions		< 2 tpy, 40 CFR § 71.5(c)(11)(ii)

## 1.3. Potential to Emit

**Table 2.A. Potential to Emit in Tons per Year (tpy)**

Transwestern Pipeline Company, Compressor Station Number 6, Laguna

<b>Emissions Unit and Unit ID</b>	<b>NOx</b>	<b>VOC</b>	<b>SO2</b>	<b>PM10</b>	<b>CO</b>	<b>Lead</b>	<b>HAP</b>
Clark TVC-12 Reciprocating Compressor Engine, 601	498.6	18.2	0.1	7.3	151.2	0	11.4
Clark TVC-12 Reciprocating Compressor Engine, 602	498.6	18.2	0.1	7.3	151.2	0	11.4
Clark TVC-12 Reciprocating Compressor Engine, 603	498.6	18.2	0.1	7.3	151.2	0	11.4
Waukesha F3520GU Reciprocating Generator Engine, 621	2.32	0.1	0	0.1	3.9	0	0.1
Pipeline Liquids (Condensate) Fixed Roof Storage Tank, T-2	0	12.5	0	0	0	0	0
1100-Gallon Mist Extractor Vessel	0	2.5	0	0	0	0	0
<b>TOTALS</b>	<b>1,498.1</b>	<b>69.7</b>	<b>0.3</b>	<b>22.0</b>	<b>457.5</b>	<b>0</b>	<b>34.3</b>

NO<sub>x</sub> - oxides of nitrogen  
VOC - volatile organic compounds  
SO<sub>2</sub> - sulfur dioxide  
PM<sub>10</sub> - particulate matter with a diameter 10 microns or less  
CO - carbon monoxide  
HAP - hazardous air pollutants (*see* CAA Section 112(b))

**Table 2.B. Change in Emission Pollutant Versus Total Emissions, tons/year for Regulated Units**

Transwestern Pipeline Company, Compressor Station Number 6, Laguna

<b>Pollutant</b>	<b>Total Emissions, tons/year<sup>3</sup> Current Permit</b>	<b>Total Emissions, tons/year<sup>2, 3</sup> Proposed Permit</b>	<b>Total Emissions, tons/year Proposed Change</b>
NO <sub>x</sub> <sup>1</sup>	1,540	1,498	- 42
SO <sub>2</sub>	0.0	0.3	+ 0.3
CO <sup>2</sup>	490	457.5	- 32.5
PM <sub>10</sub>	22	22	0.0
VOC	61	69.7	+ 8.7
Lead	0.0	0.0	0.0
HAPs <sup>4</sup>	24	34.3	+ 10.3

<sup>1</sup>Total Potential pollutant emissions for NO<sub>x</sub> and CO include emission tests for the compressor engines from similar units in Arizona, plus a 20% safety factor.

<sup>2</sup>Communique with Transwestern Pipeline Co., dated March 13, 2008, indicates SSM emissions are included in the 20% safety factor from the test data on the similar compressor engines in Arizona

<sup>3</sup>Total Potential criteria pollutant emissions are listed for entire facility.

<sup>4</sup>The potential to emit for VOC includes 25 tons/year of formaldehyde as a HAP, a re-speciation of the HAPs, based on recalculations from actual emissions and updated AP-42 emission factors.

## **2. Permit Shield [40 CFR § 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 Clean Air Act (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 the U.S. EPA to obtain information from a source under Section 114 of the Clean Air Act or;
- 2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in of this permit as of the date of permit issuance.

This permit shield does not extend to administrative amendments, to minor permit modifications, to changes made under Section 502(b)(10) of the federal Clean Air Act, or to permit terms for which notice has been given to reopen or revoke all or part.

### **3. Facility Wide Permit Conditions - 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.A.

- 3.1. There is no air pollution control equipment installed at this facility.
- 3.2. The amount of natural gas burned in emission units 601, 602, 603, and 621 shall not exceed the following:
  - 601 - 289 million cubic feet (mmcf)/yr;
  - 602 - 289 million cubic feet (mmcf)/yr;
  - 603 - 289 million cubic feet (mmcf)/yr; and
  - 621 - 35.1 million cubic feet (mmcf)/yr.
- 3.3. The actual heat input for emission units 601, 602, and 603 shall not exceed 34.65 MMBtu/hr, and the actual heat input for emissions unit 621 shall not exceed 4.2 MMBtu/hr.
- 3.4. 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.
- 3.5. The fuel flow/consumption for each emission unit (601, 602, 603, and 621) shall be recorded on a monthly basis.
- 3.6. The records of fuel consumption shall be maintained for emission units 601, 602, 603, and 621.
- 3.7. The actual heat input rate for emission units 601, 602, 603, and 621 shall be recorded on

a monthly basis.

- 3.8. The records of heat input shall be maintained for emission units 601, 602, 603, and 621.
- 3.9. The permittee shall keep records of the serial numbers for each emission unit. The emission units and their serial numbers are: 601 with serial number 107510; 602 with serial number 107511; 603 with serial number 107512; 621 with serial number 129011. The emission unit ID T-2 does not have a serial number. A change in serial number should also be reflected in the report.
- 3.10. Retention of these records and support information shall be for a period of at least five years from the date of measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.
- 3.11. The following records shall be submitted to EPA every six months following the anniversary of permit issuance:
  - 3.11.1. Fuel consumption records for units 601, 602, 603, and 621 showing the recorded monthly and 12-month rolling average on annual basis of fuel usage;
  - 3.11.2. Fuel heat input ratings records for units 601, 602, 603, and 621 showing the recorded monthly and 12-month rolling average on annual basis in MMBtu/hr.,
  - 3.11.3. Repair and maintenance records of the emission units identified in the permit; and
  - 3.11.4. Anticipated construction activities that may have consequences related to item 4. below
  - 3.11.5. Copies of these records shall also be sent to:

Environmental Director  
Pueblo of Laguna  
P.O. Box 194  
Laguna, NM 87026

every six months following the anniversary of 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), EPA Region 6 will ensure that any construction activities undertaken by the facility occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and if necessary be

avoided until nesting is complete. The nearest known population of Pecos sunflowers to the subject facility is near Grants, New Mexico. Construction to the existing facility is unlikely to affect the Pecos sunflower due to its distance from the Compressor Station.

Because the facility was not required to obtain a construction permit for its current activities, should the facility undertake construction activities in the future, EPA will reinitiate consultation with the Fish and Wildlife Service (FWS), pursuant to the memorandum of understanding between EPA and FWS, in order to address ESA issues before issuance of a permit or emissions authorization. A list of the Cibola County threatened, endangered, and candidate species, and Species of Concern, is included at Appendix A.

## **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:

For regular US postal service mail

US Environmental Protection Agency  
FOIA and Miscellaneous Payments  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, MO 63197-9000

For non-US Postal Service express mail  
(FedEx, Airborne, DHL, and UPS)

U.S. Bank  
Government Lockbox 979078  
US EPA FOIA & Misc. Payments  
1005 Convention Plaza  
SL-MO-C2-GL

St. Louis, MO 63101

Contact: Craig Steffen 513-487-2091,   Contact: 314-418-1028  
or Eric Volck 513-487-2105

For electronic payment (identify permit number for payment in form)

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
ABA: 051036706  
Account Number: 310006  
CTX Format Transaction Code 22 – checking

Environmental Protection Agency  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074

Contact: Jesse White 301-887-6548

- 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. Also note, a new 2008 Fee Calculation Worksheet has been approved by EPA, as OMB No. 2060-0336. Approval for this Worksheet expires 09/30/2010.]
- 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 tons per year 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 40 CFR § 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. [See 40 CFR § 71.9(e)(2).]

5.1.6.1.3. The term “regulated pollutant (for fee calculation)” is defined in 40 CFR § 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 tons per year. [See 40 CFR § 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). [See 40 CFR § 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 40 CFR § 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 40 CFR § 71.6(a)(3)(ii). [See 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 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 Title V 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 40 CFR § 71, 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. [See 40 CFR §§ 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. [See 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, 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 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 40 CFR §§ 71.6(c)(5)(iii)(D) and 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 § 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 with 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 reports, test data, monitoring data, notifications, and compliance certifications, shall be submitted to:

U.S. EPA, Region 6  
Air Enforcement Section, 6EN-A  
1445 Ross Avenue  
Dallas, TX 75202

while the fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

U.S. EPA, Region 6

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

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 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 71.6(f) may not extend to minor permit modifications. [See 40 CFR § 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 40 CFR § 71.2, or five tons per year, whichever is least.

5.10.2. An application requesting the use group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 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 40 CFR § 71.6(f) may not extend to group processing of minor permit modifications. [See 40 CFR § 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 40 CFR § 71 that would render existing permit compliance terms and conditions irrelevant.

5.11.3. Permittees must meet all requirements of 40 CFR § 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 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See 40 CFR §§ 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 40 CFR § 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 of the CAA 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 40 CFR § 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 40 CFR § 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 40 CFR § 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

### Cibola County: Threatened, Endangered, and Candidate Species, and Species of Concern

March 28, 2008

Black-footed ferret, Mustela nigripes, E\*\*  
Cebolleta southern pocket gopher, Thomomys umbrinus paquatae, SC  
American peregrine falcon, Falco peregrinus anatum, SC  
Arctic peregrine falcon, Falco peregrinus tundrius, SC  
Mexican spotted owl, Strix occidentalis lucida, T W/DCH  
Mountain plover, Charadrius montanus, PT  
Northern goshawk, Accipiter gentilis, SC  
Southwestern willow flycatcher, Empidonax traillii extimus, E  
Western burrowing owl, Athene cunicularia hypugaea, SC  
Yellow-billed cuckoo, Coccyzus americanus, C  
Zuni bluehead sucker, Catostomus discobolus yarrowi, C  
Rio Grande sucker, Catostomus plebeius, SC  
New Mexico silverspot butterfly, Speyeria nokomis nitocris, SC  
Acoma fleabane, Erigeron acomanus, SC  
Cinder phacelia, Phacelia serrata, SC  
Gypsum phacelia, Phacelia sp. nov./ined., SC  
Pecos sunflower, Helianthus paradoxus, T W/PCH  
Zuni (=rhizome) fleabane, Erigeron rhizomatus, T