



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

Ref: 8P-AR

Craig Allison  
Environmental Engineer  
XTO Energy, Inc.  
810 W. Houston Street, Petro-4  
Fort Worth, Texas 76102

FEB 08 2016

Re: XTO Energy, Inc. River Bend Unit 11-18F Site, Permit # SMNSR-UO-000123-2012.001, Final Synthetic Minor NSR Permit

Dear Mr. Allison:

The U.S. Environmental Protection Agency Region 8 (EPA) has completed its review of the XTO Energy, Inc., (XTO) application requesting a synthetic minor permit in accordance with the requirements of the Tribal Minor New Source Review (MNSR) at 40 CFR Part 49 for the River Bend Unit 11-18F Site, located on Indian country lands within the Uintah and Ouray Indian Reservation in Utah.

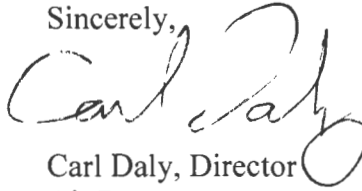
This permit was requested in response to the requirement at 40 CFR 49.153(a)(3)(v) for existing sources that obtained synthetic minor status through an enforceable mechanism other than an MNSR permit. This permit was requested to establish permit limits to allow the facility to continue operating as a synthetic minor hazardous air pollutant (HAP) source after the April 2014 expiration of a Consent Decree (No. 2:09-CV-00331-SA) (see 40 CFR 49.151(c)(1)(ii)(d) and 49.158(a)(c)(4)(ii) and (iii)). XTO requested volatile organic compound (VOC) and HAP emission limits on the glycol dehydration system. Based on the information submitted in XTO's application, the EPA hereby issues the enclosed final synthetic minor MNSR permit for the River Bend Unit 11-18F Site. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from November 27, 2015 to December 28, 2015. The EPA received comments from XTO on December 18, 2015. No other comments were received during the public comment period. The EPA's responses to the public comments are enclosed. The EPA made several revisions to the permit based on XTO's comments. The final permit will be effective on March 9, 2016.

Pursuant to 40 CFR 49.159, within 30 days after the final permit decision has been issued, any person who commented on the specific terms and conditions of the proposed permit may petition the Environmental Appeals Board to review any term or condition of the permit. Any person who failed to comment on the specific terms and conditions of this permit may petition for administrative review only to the extent that the changes from the proposed to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The

administrative review only to the extent that the changes from the proposed to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review begins with this dated notice of the final permit decision. If an administrative review of the final permit is requested, the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

If you have any questions concerning the enclosed final permit, please contact Stuart Siffing of my staff at (303) 312-6478.

Sincerely,  
  
Carl Daly, Director  
Air Program

Enclosures

Cc:

Honorable Shaun Chapoose, Chairman, Ute Indian Business Committee (w/o enclosures)  
Edred Secakuku, Vice Chairman, Ute Indian Business Committee  
Reannin Tapoof, Executive Assistant, Ute Indian Business Committee  
Bruce Pargeets, Acting Director, Energy, Minerals and Air, Ute Indian Tribe  
Minnie Grant, Air Coordinator, Energy, Minerals and Air, Ute Indian Tribe

## **EPA Responses to Comments from XTO Energy Inc. on the Proposed Synthetic Minor MNSR Permit for the RBU 11-18F Site Pursuant to the MNSR Permit Program at 40 CFR Part 49**

**Comment #1:** “Section I.B needs to have the following or similar language added to address existing sources that were not referenced in this permit. Add number 5 to Section I.B “Applicability” that states:

“Existing emission sources, not specifically identified within this permit, are authorized to continue to operate as demonstrated in the permit application. These emission sources are subject to applicable federal standards.””

Basis #1: Existing emission sources are not addressed in this permit because they are not required to be authorized by a permit since they were installed before the Tribal MNSR rule is effective for oil and gas sources.

*EPA Response: We have not made the requested revisions. As XTO states in the basis for this comment, certain existing emission units that are not addressed in this permit were not required to be authorized by a permit since they were installed before permitting under the MNSR rule was required for oil and gas sources. MNSR permits serve a specific purpose, in this case transferring or memorializing conditions for existing emission units that had been previously established through other mechanisms before authority existed under the MNSR rule or through temporary enforcement orders. The Technical Support Document (TSD) for the proposed MNSR permit clearly listed other emission units at the existing facility that were not covered by this permit and listed the original preconstruction approval date (if preconstruction approval was required) and/or listed details on control requirements, if any. The TSD for the proposed permit is part of the administrative record for this permit action. Therefore, it is not necessary or appropriate to provide assurance that the existing units are authorized as a condition of this specific MNSR permit action.*

**Comment #2:** “The dehy reboiler heater rating should be 1.0 mmbtu/hr and not 0.5 mmbtu/hr. The effect on the associated emissions is minor and did not affect the VOC or HAP emissions in any significant way. The permit language needs to be changed on Part I.C.1 (a) (ii) to read 1.0 million British Thermal Units instead of 0.5 million British Thermal Units. Attached are updated calculations to address this minor update.”

Basis #2: Original application stated the reboiler rating as 0.5 mmbtu/hr.

*EPA Response: We have made the requested revisions in the final permit to reflect the accurate specifications of the dehy reboiler.*

**Comment #3:** “Section I.C.4 (b) refers to compliance with 40 CFR 63.771(c) that requires the closed vent system to have “no detectable emissions” as per 63.771(c)(2). XTO proposes that the reference to 40 CFR 63.771(c) be replaced with the verification of “no detectable emissions”

that is stated in this permit in the “Monitoring Requirements” section. The requested language is as follows:

“The Permittee shall design, install, continuously operate, and maintain a closed vent system such that it is compliant with the closed vent system monitoring requirements in this permit.””

Basis #3: CFR citation was included to help provide information to ensure compliance with the “no detectable emissions” requirement.

*EPA Response: We have made the requested revisions in the final permit to make requirements consistent throughout permit as suggested.*

**Comment #4:** “Request to modify the language in Section I.C.5(a) to address equipment that is installed and currently not operating due to current field gas supply or other field-wide operational modifications. The proposed language is, as follows:

“The permittee shall demonstrate that the thermal oxidizer achieves the 95.0% VOC and total BTEX emissions destruction efficiency requirement by performing an initial performance test of the thermal oxidizer(s) within 180 days after either the date of startup of the dehydration unit, if the dehydration unit is not in operation on the effective date of this permit, or within 180 days after the effective date of this permit, if the existing dehydration unit is operating on the effective date of this permit. In addition, an additional thermal oxidizer (Thermal Oxidizer #2) may be used as a backup device or as a supplemental control device to control dehydrator emissions in conjunction with the current Thermal Oxidizer #1. The dehydrator will route all process vents into Thermal Oxidizer #1, Thermal Oxidizer #2, or a combination of both Thermal Oxidizers at any given time of operation.””

Basis #4: Proposed language made no accommodation for equipment that was installed but not operating.

*EPA Response: We have made a revision to the condition in Section I.C.5(c) in the final permit to reflect actual site configuration and to make accommodation for equipment not operating.*

**Comment #5:** “Request to add language in Section I.C.5(c) to address equipment that is installed and currently not operating due to current field gas supply or other field-wide operational modifications. The added language is intended to address the operation of the onsite dehydrator and both thermal oxidizers (Thermal Oxidizer #1 and #2) referenced in the permit application. Thermal Oxidizer #2 may be installed on location, but may not be installed or operable at the proposed time of the permit issuance. The proposed language is, as follows:

“If an existing dehydrator or thermal oxidizer(s) are installed, but not-operational at the time of issuance of this permit, or if the existing thermal oxidizer(s) are repaired or replaced, then the Permittee shall either conduct a performance test on the existing,

repaired, or replaced units within 180-days of commencing operation of the existing, repaired, or replaced unit, or the units shall be model tested by the manufacturer under and meeting the criteria of 40 CFR 63.772(h) to demonstrate compliance with the VOC and total BTEX emission reduction requirements in this permit.””

Basis #5: Proposed language made no accommodation for equipment that was installed but not operating.

*EPA Response: We have made the requested revision to the condition as suggested, in the final permit to reflect actual site configuration and to make accommodation for equipment not operating.*

**Comment #6:** “Regarding Section I.C.6(b) – This monitoring requirement refers to monthly inspections following 40 CFR 63.773(c) which is contrary to the timing of the inspections referenced within the rule. The referenced rule, 40 CFR 63.773(c) requires an initial Method 21 inspection and follow-up Method 21 inspections whenever a component is repaired or replaced. In addition, 40 CFR 773(c) requires annual visual inspections, not monthly. XTO requests that, because the applicable facilities are not Major-source facilities and are applying for “synthetic-minor” permits, the monitoring procedures required by the permit in Section I.C.6(b) be revised to remove the reference to 40 CFR 63.773(c) and instead utilize the following language to address this issue:. The proposed language is, as follows:

“The Permittee shall visually inspect the closed-vent system on a monthly basis for evidence of visual defects that could result in air emissions. In addition, the permittee shall perform a one-time initial inspection utilizing an Infrared camera to demonstrate that the closed-vent system operates with no detectable emissions.””

Basis #6: Proposed permit language should reflect actual schedule from CFR.

*EPA Response: We have made a revision to the condition in the final permit to be consistent with the monitoring requirements of 40 CFR 63.773(c), and with other permits issued by EPA.*

**Comment #7:** “Regarding Section I.C.6(c) – This monitoring requirement requires the natural gas flowrate meter to be inspected on a monthly basis. XTO requests that EPA clarify that the meter inspections consist of a “monthly visual inspection to verify that the meter is operable and a minimum of annual calibration verification to verify that the meter accuracy is within plus or minus 2% or better.” The proposed language is, as follows:

“The Permittee shall perform a monthly visual inspection to verify that the meter is operable and a minimum of one (1) annual calibration verification to verify that the meter accuracy is within plus or minus 2% or better.””

Basis #7: Proposed permit language is consistent with other permits where gas meters are required.

*EPA Response:* : We have made a revision to the condition in the final permit to clarify monitoring requirements for the gas flowmeter, and to be consistent with other EPA issued permits

**Comment #8:** “Regarding Section I.C.7(c) – Since the monitoring requirements are requested to be revised, XTO requests that the word “monthly” be revised to the word “applicable”. The proposed language is, as follows:

“All applicable inspections of the thermal oxidizer, closed-vent system, and natural gas flowrate meter;”

Basis #8: Proposed permit language is consistent with other permits where the same monitoring schedules are required for all pieces of equipment.

*EPA Response:* We have made a revision to the condition in the final permit to clarify monitoring requirements for equipment with different monitoring schedules, and to be consistent with other EPA issued permits.

**Comment #9:** “To clarify the initial annual reporting year, the associated submittal deadline, and the scope of the report, XTO requests that clarifying language be added to Section I.E.1(a), as follows:

“The permittee shall submit a written annual report of the actual annual VOC and BTEX emissions from all emission units at the facility with emission limits in this permit each year no later than April 1st. The annual report shall cover the period for the previous calendar year. The first annual report will cover the calendar year in which the permit becomes effective and will be due on April 1 of the following year.””

Basis #9: Proposed permit language is consistent with other permits where the records reporting schedule is April 1.

*EPA Response:* We have made the requested revision to the condition in the final permit to clarify reporting requirements and their scope.

United States Environmental Protection Agency  
Region 8, Air Program  
1595 Wynkoop Street  
Denver, CO 80202



**Air Pollution Control  
Synthetic Minor Source Permit to Construct**

**40 CFR 49.151**

**# SMNSR-UO-000123-2012.001**

*Permit to Construct to establish legally and practically enforceable  
limitations and requirements on sources at an existing facility.*

**Permittee:**

XTO Energy, Inc.

**Permitted Facility:**

River Bend Unit 11-18F Site  
Uintah and Ouray Indian Reservation  
Uintah County, Utah

## Summary

On August 27, 2012, we received an application from XTO Energy, Inc. (XTO), requesting a synthetic minor permit for the River Bend Unit 11-18F Site in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49. On May 6, 2014 we received a revised application that replaced the original application. The EPA made a proposed permit available for public inspection and comment from November 27 to December 28, 2015. XTO submitted comments on the proposed permit on December 18.

This final permit action applies to an existing facility operating on Indian country lands within the Uintah and Ouray Indian Reservation in Utah.

This permit would not authorize the construction of any new emission sources, or emission increases from existing units, nor would it otherwise authorize any other physical modifications to the facility or its operations.

This permit was requested to establish permit limits to allow the facility to continue operating as a synthetic minor hazardous air pollutant (HAP) source after the April 2014 expiration of a Consent Decree (No. 2:09-CV-00331-SA) ((see 40 CFR 49.151(c)(1)(ii)(d) and 49.158(a)(c)(4)(ii) and (iii)). XTO requested volatile organic compound (VOC) and HAP emission limits on the glycol dehydration system.

Upon compliance with the permit, XTO will have legally and practically enforceable restrictions on emissions that can be used when determining the applicability of other Clean Air Act (CAA) permitting requirements, such as under the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR Part 52 and the Title V Operating Permit Program at 40 CFR Part 71 (Part 71).

The EPA has determined that issuance of this MNSR permit will not contribute to National Ambient Air Quality Standards (NAAQS) violations, or have potentially adverse effects on ambient air quality.



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## **I. Conditional Permit to Construct**

### **A. General Information**

Facility: XTO Energy, Inc. – River Bend Unit 11-18F Site  
Permit number: SMNSR-UO-000123-2012.001  
SIC Code and SIC Description: 1311- Crude Petroleum and Natural Gas

<u>Site Location:</u> River Bend Unit 11-18F Site NE ¼, SW ¼ Sec 18 T10S R20E Uintah and Ouray Indian Reservation Uintah County, Utah Latitude 39.94625N, Longitude -109.71063W	<u>Corporate Office Location</u> XTO Energy, Inc. 810 Houston Street Fort Worth, Texas 76102
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The equipment listed in this permit shall be operated by XTO at the location described above:

### **B. Applicability**

1. This federal Permit to Construct is being issued under authority of the MNSR Permit Program.
2. The requirements in this permit have been created, at the Permittee's request to establish legally and practically enforceable restrictions for limiting VOC and total benzene, toluene, ethylbenzene, and xylene (BTEX) triethylene glycol (TEG) dehydration system emissions.
3. Any conditions established for this facility or any specific units at this facility pursuant to any Conditional Permit to Construct issued under the authority of the PSD Permit Program or the MNSR Permit Program shall continue to apply.
4. By issuing this permit, EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner, and/or Operator, if the conditions of this permit are not met by the Permittee, Owner, and/or Operator.

### **C. Dehydration System Requirements**

#### **1. Construction and Operational Limits**

- (a) The Permittee shall install, operate and maintain emission controls as specified in this permit on the TEG natural gas dehydration system meeting the following specifications:
  - (i) Limited to a maximum throughput of 40 million standard cubic feet per day (MMscfd) of natural gas;
  - (ii) Equipped with no more than one (1) natural gas-fired TEG reboiler with a maximum rated heat input of 1.0 million British thermal units per hour (MMBtu/hr); and
  - (iii) Equipped with no more than three (3) glycol/gas separation units.
- (b) Only the dehydration unit that is operated and controlled as specified in this permit is approved for installation under this permit.

2. Emission Limits

- (a) Emissions from the TEG dehydration system shall not exceed the following limits:
  - (i) VOC: 5.9 tons in any consecutive 12-month period; and
  - (ii) Total BTEX: 3.5 tons in any consecutive 12-month period.
- (b) Emission limits shall apply at all times, unless otherwise specified in this permit.

3. Emissions Calculation Requirements

- (a) VOC and total BTEX emissions must be calculated, in tons, and recorded at the end of each month, beginning with the first calendar month that permitted operations commence.
- (b) Prior to 12 full months of VOC and total BTEX emissions calculations, the Permittee must, within seven (7) calendar days of the end of each month, add the emissions for that month to the calculated emissions for all previous months since production commenced and record the total. Thereafter, the Permittee must, within seven (7) calendar days of the end of each month, add the emissions for that month to the calculated emissions for the preceding 11 months and record a new 12-month total.
- (c) VOC and total BTEX emissions shall be calculated, in tons, using a generally accepted simulation model or software (examples include ProMax and GRI-GLYCalc™ Version 4.0 or higher). Inputs to the model shall be representative of actual operating conditions of the glycol dehydration unit and may be determined using the procedures documented in the Gas Research Institute (GRI) report entitled “Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions” (GRI-95/0368.1).

4. Control and Operational Requirements

- (a) The Permittee shall install, operate, and maintain a meter that continuously measures the natural gas flowrate to the TEG dehydration system with an accuracy of plus or minus 2% or better.
- (b) The Permittee shall route all the TEG dehydration system process vents through a closed-vent system to a thermal oxidizer(s).
- (c) The Permittee shall design, install, continuously operate, and maintain a closed vent system such that it is compliant with the closed vent system monitoring requirements in this permit.
- (d) The Permittee shall design, install, continuously operate, and maintain no more than two (2) thermal oxidizers capable of reducing uncontrolled emissions of VOC and total BTEX from the TEG dehydration system process vents by at least 95.0% by weight.
- (e) The Permittee shall follow the manufacturer’s recommended maintenance schedule and operational procedures to ensure optimum performance of the TEG dehydration system,

closed-vent system, and thermal oxidizer(s).

5. Testing Requirements

- (a) The Permittee shall demonstrate that all thermal oxidizers in operation on the effective date of this permit achieve the 95.0% VOC and total BTEX emissions destruction efficiency requirement by performing an initial performance test of the thermal oxidizer(s) within 180 days after the effective date of this permit.
- (b) Subsequent performance tests are not required for thermal oxidizers that are model tested under and meet the criteria of 40 CFR 63.772(h).
- (c) If an existing dehydrator or thermal oxidizer(s) are installed, but not-operational at the time this permit is effective, or if the existing dehydrator or thermal oxidizer(s) are repaired or replaced, then the Permittee shall either conduct a performance test on the existing, repaired, or replaced units within 180-days of commencing operation of the existing, repaired, or replaced unit, or the units shall be model tested by the manufacturer under and meeting the criteria of 40 CFR 63.772(h) to demonstrate compliance with the VOC and total BTEX emission reduction requirements in this permit.
- (d) The Permittee shall conduct each performance test using the following test methods and procedures:
  - (i) Method 1 or 1A, as appropriate for the selection of the sampling sites, as specified in 40 CFR 63.772(e)(3)(i);
  - (ii) Method 2, 2A, 2C, or 2D, of 40 CFR part 60, Appendix A to determine gas volumetric flowrate, as specified in 40 CFR 63.772(e)(3)(ii); and
  - (iii) Method 18 at 40 CFR Part 60, Appendix A, Method 25A at 40 CFR Part 60, Appendix A, ASTM D6420-99 (2004), or any other method or data that have been validated according to the applicable procedures in Method 301 at 40 CFR Part 63, Appendix A, to determine compliance with the 95.0% VOC and total BTEX emissions destruction efficiency requirement.

6. Monitoring Requirements

- (a) The Permittee shall inspect the thermal oxidizers on a monthly and bi-annual basis to ensure proper operation according to the manufacturer's maintenance recommendations.
- (b) The Permittee shall monitor the closed-vent system for leaks of hydrocarbon emissions from all vent lines, connections, fittings, valves, relief valves, or any other appurtenance employed to contain, collect, and transport gases, vapors, and fumes to the enclosed combustion devices as follows:
  - (i) Visit the facility on a quarterly basis to inspect the closed-vent system for defects that could result in air emissions and document each inspection. Defects include, but are not limited to, visible cracks, holes, or gaps in piping; loose connections; or broken or missing caps or other closure devices. If a quarterly visit is not feasible due to sudden, infrequent, and unavoidable events (e.g., weather, road conditions), every effort shall be made to visit the facility as close to quarterly as

- possible;
- (ii) The inspections shall be based on audio, visual, and olfactory procedures; and
  - (iii) Any leaks detected in the closed-vent system shall be addressed immediately unless the repair requires resources not currently available. If the resources are not available, the leak shall be repaired no later than 15 days after initial detection of the leak.
- (c) The Permittee shall monitor the thermal oxidizer to confirm proper operation as follows:
- (i) Inspect the thermal oxidizer on a monthly and bi-annual basis to ensure proper operation according to the manufacturer's maintenance recommendations;
  - (ii) Visually inspect the combustion source (continuous burning pilot flame or automatic igniter) to ensure proper operation whenever an operator is on site, at a minimum, once per calendar week; and
  - (iii) Visually confirm that no smoke is present during operation of each thermal oxidizer whenever an operator is on site; at a minimum, quarterly.
- (d) The Permittee shall operate and maintain a meter that continuously measures the natural gas flowrate from the TEG dehydration system. The meter shall be inspected on a monthly basis to ensure proper operation per the manufacturer's specifications.
- (e) The Permittee shall convert monthly natural gas flowrate to a daily average by dividing the monthly flowrate by the number of days in the month that the TEG dehydration system processed natural gas. The Permittee shall document the actual monthly average natural gas flowrate.

## 7. Recordkeeping Requirements

The Permittee shall document compliance with the VOC and total BTEX emission limits and emission reduction requirements in this permit by keeping the following records:

- (a) All manufacturer and/or vendor specifications for the TEG dehydration system, closed-vent system, thermal oxidizers, and any monitoring equipment;
- (b) The results of all required performance tests of the thermal oxidizers;
- (c) All required inspections of the thermal oxidizers, closed-vent system, and natural gas flowrate meter;
- (d) All calculations of the actual monthly average natural gas flowrate;
- (e) Actual monthly and consecutive 12-month VOC, and total BTEX emissions for the TEG dehydration system; and
- (f) Actual monthly and consecutive 12-month VOC and total BTEX emissions calculations for the TEG dehydration unit.

### **D. Requirements for Records Retention**

1. The Permittee shall retain all records required by this permit for a period of at least five (5) years from the date the record was created.
2. Records shall be kept in the vicinity of the facility, such as at the facility, the location that has day-to-day operational control over the facility, or the location that has day-to-day responsibility

for compliance of the facility.

## **E. Requirements for Reporting**

### 1. Annual Emission Reports

(a) The Permittee shall submit a written annual report of the actual annual VOC and BTEX emissions from all emission units at the facility with emission limits in this permit each year no later than April 1<sup>st</sup>. The annual report shall cover the period for the previous calendar year. The first annual report shall cover the calendar year in which the permit becomes effective and will be due on April 1<sup>st</sup> of the following year. All reports shall be certified to truth and accuracy by the person primarily responsible for CAA compliance for the Permittee.

(b) The report shall include VOC and total BTEX emissions.

(c) The report shall be submitted to:

U.S. Environmental Protection Agency, Region 8  
Office of Partnerships and Regulatory Assistance  
Tribal Air Permitting Program, 8P-AR  
1595 Wynkoop Street  
Denver, Colorado 80202

The report may be submitted via electronic mail to [R8AirPermitting@epa.gov](mailto:R8AirPermitting@epa.gov).

2. All other documents required to be submitted under this permit, with the exception of the Annual Emission Reports, shall be submitted to:

U.S. Environmental Protection Agency, Region 8  
Office of Enforcement, Compliance & Environmental Justice  
Air Toxics and Technical Enforcement Program, 8ENF-AT  
1595 Wynkoop Street  
Denver, Colorado 80202

Documents may be submitted via electronic mail to [R8AirReportEnforcement@epa.gov](mailto:R8AirReportEnforcement@epa.gov).

3. The Permittee shall promptly submit to the EPA a written report of any deviations of permit requirements specified in this permit and a description of any corrective actions or preventative measures taken. A “prompt” deviation report is one that is post marked or submitted via electronic mail to [R8AirreportEnforcement@epa.gov](mailto:R8AirreportEnforcement@epa.gov) as follows:

- (a) Within 30 days from the discovery of a deviation of the emission limits or operational limits that is left un-corrected for more than 5 days after discovering the deviation; and
- (b) By April 1<sup>st</sup> for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee’s ability to meet the emission limits.

4. The Permittee shall submit a written report for any required performance tests to the EPA within

60 days after completing the tests.

5. The Permittee shall submit any record or report required by this permit upon EPA request.

## **II. General Provisions**

### **A. Conditional Approval:**

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit. This authorization is expressly conditioned as follows:

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.
2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the CAA and is grounds for enforcement action and for a permit termination or revocation.
5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.
6. *NAAQS and PSD Increment:* The permitted source shall not cause or contribute to a NAAQS violation or a PSD increment violation.
7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.
8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
9. *Modifications to Existing Permitted Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit allowable emissions of pollutants above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a

proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).

10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.
11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
12. *Severability Clause:* 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.
13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.
14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR Part 2, Subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:
  - (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
  - (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
  - (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
  - (e) Record any inspection by use of written, electronic, magnetic and photographic media.



- (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
- (e) Record any inspection by use of written, electronic, magnetic and photographic media.

16. *Permit Effective Date:* This permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. The Permittee may notify the EPA, in writing, that this permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of this permit and should include the reason or reasons for rejection.

17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.

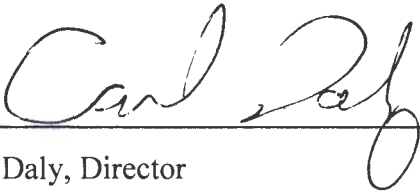
U.S. Environmental Protection Agency, Region 8  
Office of Partnerships and Regulatory Assistance  
Tribal Air Permitting Program, 8P-AR  
1595 Wynkoop Street  
Denver, Colorado 80202

18. *Invalidation of Permit:* Unless this permitted source of emissions is an existing source, this permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the construction of the approved phases of a phased construction project. The Permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.

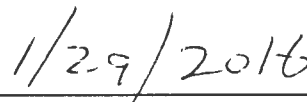
19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source is an existing source.

**B. Authorization:**

Authorized by the United States Environmental Protection Agency, Region 8



Carl Daly, Director  
Air Program



Date