



**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

MAY 01 2017

Mr. Bernie Fox, Chief Executive Officer
Thunder Butte Petroleum Services, Inc.
P.O. Box 1227
New Town, North Dakota 58763

Re: Thunder Butte Petroleum Services, Inc., Thunder Butte Petroleum Services Crude Storage and Loading Facility, Permit #SMNSR-TAT-000781-2016.001, Proposed Synthetic Minor New Source Review Permit

Dear Mr. Fox:

The Environmental Protection Agency Region 8 has completed its review of Thunder Butte Petroleum Services, Inc.'s (TBPS) request to obtain a synthetic minor source permit to construct pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49 for the Thunder Butte Petroleum Services Crude Storage and Loading Facility located on Indian country lands within the Fort Berthold Indian Reservation in North Dakota. Based on the information submitted in TBPS' application, the EPA hereby issues the enclosed final MNSR permit to construct for the Thunder Butte Petroleum Services Crude Storage and Loading Facility. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from March 22, 2017 to April 21, 2017. The EPA received comments from Arcadis U.S., Inc. No other comments were received during the public comment period. The EPA's responses to the public comments are enclosed. The EPA made administrative revisions to the permit based on the comments received. The final permit will be effective on May 1, 2017.

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 draft 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 draft 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 Donald Law of my staff at (303) 312-7015.

Sincerely,

A handwritten signature in black ink that reads "Monica Morales". The signature is written in a cursive style with a large, stylized initial "M".

Monica Morales, Acting Director
Air Program

Enclosures (2)

cc: Edmund Baker, Environmental Director, MHA Nation
Al Nygard, Chief Executive Officer, MHA Nation
Roger Felty, Arcadis, U.S., Inc.

EPA Responses to Comments from Arcadis U.S., Inc. on the Proposed Permit to Construct for the Thunder Butte Petroleum Services Crude Storage and Loading Facility Pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49

Comments from Roger Felty, Arcadis U.S., Inc.

1. Monitoring Requirements – VOC Emissions Calculations

Permit condition I.D.3(d) requires that “VOC emissions from all controlled and uncontrolled emission sources at the facility shall be included in the monthly calculation, including, but not limited to: crude oil storage tanks, truck off-loading operations, truck loading operations, engines, enclosed combustion devices, and equipment leaks.” Arcadis U.S., Inc requests that “engines” be struck from the above requirement as no engines will be operating at the facility.

EPA Response: We have removed the reference to engines listed in the above permit condition. At no point in the permitting process did TBPS state engines would be in operation at the TBPS facility. The existence of the term “engines” came from a previously issued Region 8 permit to a non-TBPS facility and is not applicable for the Thunder Butte facility. EPA Region 8 considers the removal of this term as Administrative in nature.

2. Technical Support Document, Page 3, Section I. - Project Description

Arcadis U.S., Inc. requests to correct the description of the vapor combustor to as follows:

“John Zink Vapor Combustion system, **or equivalent**, designed for a minimum of 350 gallons per minute loading and a maximum of 1,050 gallons per minute loading designed to operate at 98% control efficiency.”

3. Technical Support Document, Page 9, Section V.C. - Emission and Operational limits

As the TBPS facility will not contain any rail loading stations, Arcadis U.S., Inc. requests to correct the second paragraph to read as follows:

“TBPS requested that the enforceable VOC emission limit account for the actual emission reductions that would occur from using an enclosed combustion device at the **rail-loading stations**, internal floating roofs on the crude oil storage tanks, and submerged fill piping and arms at the tank-to-truck loading stations.”

4. Technical Support Document, Page 12, Section 6.B.3.b. - NOx

As the TBPS facility does not propose to operate any emergency generators, Arcadis U.S., Inc. proposes that the first two sentences of the first paragraph be combined and rewritten as follows:

"NOx would be emitted in small amounts due to a combustion unit at the proposed facility. For NOx, the proposed project would include ~~two (2)~~ one (1) emission source, ~~an-emergency generator engine meeting EPA "Tier 2" NSPS for NOx and other criteria pollutants,~~ and enclosed combustion device for the ~~rail~~ tank-to-truck loading stations."

EPA Response to Comment on the Technical Support Document for the Proposed Permit: Although we agree with the requested corrections to the Technical Support Document, there is no Technical Support Document associated with the final permit action and we do not revise Technical Support Documents issued in support of a proposed permit. Arcadis U.S. Inc.'s comments on the Technical Support Document will be included as part of the permit record and the necessary corrections are, therefore, documented in the permanent permit record.

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-TAT-000781-2016.001

Synthetic Minor Permit to Construct to establish legally and practically enforceable limitations and requirements, specifically: a facility-wide volatile organic compound (VOC) emission limit and to be considered a minor source with respect to 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) with respect to VOC emissions.

Permittee:

Thunder Butte Petroleum Services, Inc.

Permitted Facility:

Thunder Butte Petroleum Services Crude Storage and Loading Facility on the
Fort Berthold Indian Reservation
Ward County, North Dakota

Effective:

May 1, 2017

Summary

On May 17, 2016, the EPA received from Thunder Butte Petroleum Services, Inc. (TBPS) an application requesting approval to construct and operate a crude oil storage and loading facility within the exterior boundaries of the Fort Berthold Indian Reservation in Ward County, North Dakota. On October 17, 2016, the EPA received supplemental information and received a complete application package on February 3, 2017.

Potential uncontrolled emissions of VOC from the facility were estimated to be 272.47 tons per year (tpy). This permit requires the installation of controls with a 98% VOC control efficiency, and a limit on the amount of crude oil that can flow through the facility in any given year to minimize VOC emissions at the facility. However, potential uncontrolled emissions of all other regulated pollutants were estimated to be at concentrations below the levels that trigger PSD permitting requirements. Therefore, only limits for VOC emissions needed to be addressed in this permit. This permit has an allowable VOC emission level of 94.95 tpy.

The uncontrolled potential emissions for all other criteria pollutants are as follows:

NO _x =	0.42 tpy (uncontrolled potential, not a limit)
SO ₂ =	0.01 tpy (uncontrolled potential, not a limit)
CO =	1.28 tpy (uncontrolled potential, not a limit)
PM =	NIL tpy (uncontrolled potential, not a limit)
PM ₁₀ =	NIL tpy (uncontrolled potential, not a limit)
PM _{2.5} =	NIL tpy (uncontrolled potential, not a limit)
CO _{2e} =	703.58 tpy (uncontrolled potential, not a limit)

TBPS is required to use vapor collection and enclosed combustors for control of VOC emissions displaced during loading of trucks from the crude oil storage tanks. Additionally, the storage tanks must be equipped with internal floating roofs and the truck-to-tank off-loading stations must use submerged filling to control VOC emissions. Requirements have also been included for minimizing fugitive dust from construction and operation activities.

The EPA has determined that dispersion modeling for the crude oil storage and loading facility is not necessary because captured emissions would be controlled by at least 98%, and there are no identified air quality concerns with regard to effects of VOC emissions within the external boundaries of the Fort Berthold Indian Reservation airshed.

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I. Conditional Permit to Construct

A. General Information

Facility: Thunder Butte Truck Loading Facility
Permit number: SMNSR-TAT-000781-2016.001
SIC Code and SIC Description: 5171 – Petroleum Bulk Stations and Terminals

The equipment listed in this permit shall be operated by Thunder Butte Petroleum Services, LLC at the following location:

<u>Site Location:</u>	<u>Corporate Office Location</u>
Thunder Butte Truck Loading Facility	Thunder Butte Petroleum Services
NW ¼ Sec 19 T152N R87W	P.O. Box 1227
Fort Berthold Indian Reservation	New Town, North Dakota 58763
Ward County, ND	
Latitude / Longitude:	
47.974722N / -101.869167W	

B. Construction Proposal

This permit approves the construction and operation of a crude oil storage and loading facility. The facility will include two (2) crude oil storage tanks with 140,000-barrel capacity each, four (4) truck-to-tank off-loading stations, and three (3) tank-to-truck loading stations. The crude oil storage tanks will be equipped with internal floating roofs for control of VOC emissions from crude oil storage tanks pursuant to 40 CFR part 60, subpart Kb. The truck off-loading stations will use submerged filling arms and piping to the tanks. The tanks will act as intermediate storage between the trucks that will deliver the crude oil to the facility and the trucks that will transport the crude oil to its final destination. The Permittee will use vapor collection with a 70% capture efficiency and an enclosed combustion device with a 98% VOC control efficiency for the control of VOCs displaced during loading of crude oil into trucks.

C. Applicability

1. This Federal Permit to Construct is being issued under the authority of 40 CFR 49.151, Tribal Minor New Source Review Program (MNSR).
2. The requirements in this permit have been created, at the Permittee's request, to establish a facility-wide VOC emission limit and to maintain minor source status with respect to the PSD Permit Program and thus PSD requirements do not apply.
3. The requirements in this permit are intended to establish legally and practically enforceable restrictions on the potential-to-emit (PTE) of VOC emissions.
4. 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 40 CFR part 52 (PSD) or 40 CFR part 49 (MNSR) shall continue to apply.

5. 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.

D. Facility-Wide Emission Requirements

1. Facility-wide Emission Limit

Facility-wide VOC emissions shall not exceed 95.0 tons during any consecutive 12 months.

2. Work Practice and Operational Requirements

- (a) Total liquid flow rate of crude oil from the storage tanks to the three (3) tank-to-truck loading stations shall not exceed 1,760,000 barrels in any given consecutive 12-month period.
- (b) All liquid and gas collection, storage, and handling operations, regardless of size, shall be designed, operated and maintained so as to minimize leakage of hydrocarbons to the atmosphere.

3. Monitoring Requirements – VOC Emissions Calculations [40 CFR 49.155(a)(3)]

- (a) Total liquid flow rate of crude oil from the storage tanks to the three (3) tank-to-truck loading stations shall be measured as specified in the **Requirements for Tank-to-Truck Loading Stations, Section G** of this permit.
- (b) Facility-wide actual VOC emissions shall be calculated in tons and recorded at the end of each month, beginning the first calendar month that operations commence.
- (c) Prior to 12 full months of facility-wide VOC emissions calculations, the Permittee shall, at 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 shall, at 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.
- (d) VOC emissions from all controlled and uncontrolled emission sources at the facility shall be included in the monthly calculation, including, but not limited to: crude oil storage tanks, truck off-loading operations, truck loading operations, enclosed combustion devices, and equipment leaks.
- (e) VOC emissions shall be calculated as specified in this permit.

4. Testing Requirements

The Permittee shall conduct semiannual extended laboratory analysis of the crude oil received at the facility to obtain an actual Reid vapor pressure (RVP) to be used in calculating monthly VOC emissions from the truck-to tank off-loading and truck loading and vapor combustion processes.

5. Recordkeeping Requirements [40 CFR 49.155(a)(4)(i)]

The Permittee shall maintain the following records:

- (a) The actual rolling monthly facility-wide VOC total emissions, in tpy;
- (b) Daily total liquid flow rate of crude oil to the tank-to-truck loading stations;
- (c) The results of each extended laboratory analysis of the crude oil received at the facility;
- (d) All input parameters and methodologies and supporting documentation used to calculate the facility-wide monthly VOC emissions; and
- (e) All deviations from the requirements of this permit.

E. Requirements for Minimizing Fugitive Dust

1. Work Practice and Operational Requirements

- (a) The Permittee shall take all reasonable precautions to prevent fugitive dust emissions and shall construct, maintain, and operate the facility to minimize fugitive dust emissions. Reasonable precautions include, but are not limited to the following:
 - i. Use, where possible, water or chemicals for control of dust during construction and operations, grading of roads, or clearing of land;
 - ii. Application of asphalt, water, or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces that can create airborne dust;
 - iii. The prompt removal from paved streets of earth or other material that does or may become airborne; and
 - iv. Restricting vehicle speeds at the facility.

2. Monitoring Requirements [40 CFR 49.155(a)(3)]

- (a) The Permittee shall periodically survey the facility during construction and operation to determine if there are obvious visible dust plumes. This survey must be done once per week, at a minimum, in all active areas and during daylight hours.
- (b) The Permittee shall document the results of each survey, including the date and time of the survey, identification of the cause of the visible dust plumes found, any corrective action taken and the reasonable precautions taken to prevent future fugitive dust emissions.

3. Recordkeeping Requirements [40 CFR 49.155(a)(4)]

The permittee shall maintain records for 5 years that document the fugitive dust periodic surveys, any corrective action taken and the reasonable precautions that were taken to prevent future fugitive dust emissions.

F. Requirements for Truck-to-Tank Off-Loading Stations and Crude Oil Storage Tanks

1. Work Practice and Operational Requirements

- (a) The Permittee shall install and operate a truck-to-tank off-loading piping system designed for submerged off-loading of crude oil from trucks to the crude oil storage tanks at the facility.
- (b) The Permittee shall install, operate and maintain crude oil storage tanks designed with internal floating roofs and mechanical shoe rim seal systems.

2. Monitoring and Testing Requirements [40 CFR 49.155(a)(3)]

- (a) The Permittee shall visually inspect the internal floating roof, the seal system and any other gaskets, slotted membranes and sleeve seals prior to initial filling of each storage tank with crude oil, at least once every 12 months after initial fill, and each time the storage tank is emptied and degassed.
- (b) The Permittee shall repair the items below before filling or refilling the storage tank with crude oil if one or more of the following are observed:
 - i. If the internal floating roof is not resting on the surface of the crude oil inside the storage tank;
 - ii. There is liquid accumulated on the roof;
 - iii. The seal is detached, or there are holes, tears, or other openings in the primary or secondary seal or seal fabric;
 - iv. The gaskets no longer close off the liquid surfaces from the atmosphere; or
 - v. The slotted membrane has more than 10% open area.
- (c) VOC emissions from crude oil storage tanks at the facility due to standing, working and breathing losses for each calendar month shall be calculated using the most current version of the EPA TANKS Emission Estimation Software, Version 4.09D, and the following:
 - i. Total measured volume of crude oil transferred from crude oil storage tanks to trucks for the month by barrel (bbl); and

- ii. Molecular weight of vapors, pounds per pound-mole (lbs/lb-mole) of **68.21 lbs/lb-mole**, as provided in the Calculated Physical Properties from the Thunder Butte Petroleum Services Bakken Crude PIONA-DHA Analysis.

[Note to Permittee: EPA TANKS can be found online at <http://www.epa.gov/ttnchie1/software/tanks/index.html>.]

3. Recordkeeping Requirements [40 CFR 49.155(a)(4)(i)]

- (a) The Permittee shall document and maintain a record of each storage tank inspection and any repairs.
- (b) All storage tank inspection records shall include, at a minimum, the following information:
 - i. The date of the inspection;
 - ii. All documentation and/or images produced in the inspection;
 - iii. The findings of the inspection;
 - iv. Any corrective action taken; and
 - v. The inspector's name and signature.

G. Requirements for Tank-to-Truck Loading Stations

1. Work Practice and Operational Requirements

- (a) All VOC emissions from the tank-to-truck loading stations at the facility shall be continuously controlled using an enclosed vapor collection system that routes vapors to an enclosed combustion device designed and operated to reduce the mass content of VOC emissions vented to the device by at least 98.0 %.
- (b) All piping connections, fittings, valves, or any other appurtenance employed to contain and collect vapors and transport them to the enclosed combustion device shall be designed to operate under negative pressure (suction) using a blower fan, maintained in a leak-free condition and connected and operating at all times a truck loading event is occurring.
- (c) The enclosed combustion device shall be:
 - i. Designed to have sufficient capacity to achieve at least a 98.0 % destruction efficiency for the minimum and maximum hydrocarbon mass flow routed to the device;
 - ii. Equipped with an automatic ignition system or continuous burning pilot;
 - iii. Equipped with a thermocouple, or similar temperature sensing device, to detect the presence of a pilot flame;
 - iv. Equipped with a continuous recording device, such as a chart recorder or similar device, to document the presence of a flame;
 - v. Maintained in a leak-free condition; and
 - vi. Designed to minimize visible smoke emissions.

- (d) The Permittee shall follow the manufacturer's written operating instructions, procedures and maintenance schedule for the enclosed combustion device and enclosed vapor collection system, to ensure good air pollution control practices for minimizing emissions.
- (e) Control devices other than those listed above that are capable of achieving a control efficiency at least equivalent to that specified in this permit may be utilized upon written EPA approval.

2. Monitoring and Testing Requirements [40 CFR 49.155(a)(3)]

- (a) The Permittee shall measure the barrels of crude oil loaded into trucks from the crude oil storage tanks using a meter.
- (b) Within 180 days after initial startup, during a truck loading event, the Permittee shall conduct a VOC emissions test of the enclosed combustor to which emissions from the combined truck loading stations are routed, to demonstrate 98% destruction efficiency. Emissions testing shall be conducted in accordance with EPA Reference Method 25A, listed in 40 CFR part 60, appendix A. The Permittee may submit a written request to the EPA for an alternate testing method, but shall only use that test method upon receipt of written approval by the EPA.
- (c) Within 180 days after initial start-up and every 5 years thereafter, the Permittee shall verify the destruction efficiency of the VOC control equipment using EPA Reference Method 25A, listed in 40 CFR part 60, appendix A. The Permittee may submit a written request to the EPA for an alternate testing method, but shall only use that test method upon receipt of written approval by the EPA.
- (d) Within 180 days after initial start-up, and every 5 years thereafter, during a truck loading event, the Permittee shall conduct a test of the closed-vent system to demonstrate that it is operating under negative pressure. Testing shall be conducted in accordance with EPA Reference Method 21, listed in 40 CFR part 60, appendix A. The Permittee may submit a written request to the EPA for an alternative testing method, but shall only use that test method upon receipt of written approval by the EPA.
- (e) The Permittee shall monitor the enclosed vapor collection system during all truck loading events, to confirm proper operation as follows:
 - i. Continuously ensure that the blower fan is operating at all times a truck loading event is occurring using vacuum pressure measurement upstream of the blower fan; and
 - ii. In the event that the blower fan is not operational, immediately shut down all loading operations and repair the blower fan. Loading operations shall not resume until the blower fan is repaired and operational.

- (f) The Permittee shall monitor the control device to confirm proper operation as follows:
 - i. Continuously monitor the pilot flame using a thermocouple and recording device that indicates the continuous ignition of the pilot flame at all times the enclosed combustion device is operating;
 - ii. Check the recording device to insure proper operation once per day;
 - iii. Check the pilot flame to insure proper operation once per day; and
 - iv. Correct a pilot flame failure when notified by the malfunction alarm, as soon as possible, but no longer than 5 days from the day of the notification.

- (g) VOC emissions from truck loading for each calendar month shall be calculated using the methodology described in the most current version of EPA AP-42 – Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources, Section 5.2 Transportation and Marketing of Petroleum Liquids (for loading losses), and using the following:
 - i. Total measured volume of crude oil produced for the month (bbl);
 - ii. Molecular weight of vapors, pounds per pound-mole (lbs/lb-mole) of **68.21 lbs/lb-mole** as provided in the Calculated Physical Properties from the Thunder Butte Petroleum Services Bakken Crude PIONA-DHA Analysis;
 - iii. The hours that losses from tank-to-truck loading were routed to the enclosed combustion device; and
 - iii. The destruction efficiency of the enclosed combustion device as required by this permit.

3. Recordkeeping Requirements [40 CFR 49.155(a)(4)(i)]

- (a) Records shall be kept daily of the total barrels of crude oil transferred to trucks.
- (b) Records shall be kept of the site specific design input parameters provided by an independent engineering analysis, or the manufacturer or vendor, and used to properly size the enclosed combustor to assure the 98.0 % VOC reduction requirement in this permit. The permittee has selected maximum total liquid flow rate to the trucks as the design input parameter.
- (c) Records shall be kept of all exceedances of the maximum total liquid flow rate limit of crude oil to the trucks as specified in this permit. The records shall include the enclosed combustor's total operating time during the calendar month in which the exceedance occurred, the date, time and length of time that the parameters were exceeded, and the corrective actions taken or the preventative measures adopted to operate the facility within that operating parameter.
- (d) Records shall be kept of any instances in which the blower fan on the vapor collection system malfunctions while a truck loading event is occurring, the date of the malfunction, and the amount of time that the truck loading event continued before being shut down for blower fan repairs.

- (e) Records shall be kept of any instances in which the enclosed combustion device was bypassed or down in each calendar month while crude oil was being loaded onto trucks, the reason for each incident, its duration, and the corrective actions taken or the preventative measures adopted to avoid such bypasses or downtimes.
- (f) Records shall be kept of any instances in which the pilot flame is not present in the enclosed combustor while it is operating, the date and times that the pilot was not present and the corrective actions taken or the preventative measures adopted to increase the operating time of the pilot flame.
- (g) Records shall be kept of any instances in which the thermocouple installed to detect the presence of a flame in the enclosed combustor is not operational while the enclosed combustor is operating, the time period during which it was not operational and the corrective measures taken.
- (h) Records shall be kept of all required testing and monitoring in accordance with 40 CFR 49.155(a)(4). The records shall include the following:
 - i. The date, place, and time of observations, sampling or measurements;
 - ii. The date(s) analyses were performed;
 - iii. The companies or entities that performed observations and the analyses;
 - iv. The analytical techniques or methods used;
 - v. The results of such analyses or measurements; and
 - vi. The operating conditions as existing at the time of sampling or measurement.

H. Records Retention [40 CFR 49.155(a)(4)(ii)]

- 1. The Permittee must retain all records required by this permit for a period of at least 5 years from the date the record was created.
- 2. Records must be kept at the facility or the location that has day-to-day operational control over the facility.

I. Reporting [40 CFR 49.155(a)(5)]

1. Annual Emission Reports

- (a) The Permittee shall submit a written annual report of the actual annual emissions from all emission units at the facility covered under this permit each year no later than April 1st. The annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the responsible official for Clean Air Act compliance for the Permittee.

- (b) 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.

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.

3. The Permittee shall promptly submit to the EPA a written report of any deviations of emission or operational limits 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 as follows:
- (a) Within 30 days from the discovery of a deviation that would cause the Permittee to exceed the emission limits or operational limits in this permit if left un-corrected for more than 5 days after discovering the deviation; and
 - (b) By April 1st 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 Regional Office 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 to construct. 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 Increments:* 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 of Existing 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, the Permittee 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.
16. *Permit Effective Date:* This permit is effective immediately upon issuance. The issuance date is the date the permit is signed by the Acting Director, Air Program, or their designee.

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 startup of this permitted source to the EPA within 60 days of such date, unless this permitted source of emissions is an existing source.

B. Authorization

Authorized by the United States Environmental Protection Agency, Region 8



Monica Morales
Acting Director
Air Program



Date

