Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No. V-SU-000034-2007.02
Administrative Amendment

BP America Production Company
Wolf Point Compressor Station
Southern Ute Indian Reservation
La Plata County, Colorado

Description of Permit Amendment

On March 14, 2012, EPA received a request to include the alternative option to comply with the parts per million, volumetric dry limits at 15% oxygen for engine unit WP1, as allowed by 40 CFR Part 60, Subpart JJJJ for nitrogen oxide (NO_x), carbon monoxide (CO) and volatile organic compounds (VOC).

The following modifications have been made to this permit:

Section II.C. – Emission Limits:

Updated the emission limits table to include the part per million, volumetric dry limits at 15% oxygen for engine unit WP1.

EPA is making this revision as an administrative amendment in accordance with 40 CFR 71.7(d). The permit will be reissued as permit number V-SU-000034-2007.02.

For specific applicability information regarding the Part 71 permit for this facility, please see the Statement of Basis for permit number V-SU-0034-07.00.

Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No. V-SU-0034-07.00
First Permit Renewal
November 2010

BP America Production Company
Wolf Point Compressor Station
Southern Ute Reservation
La Plata County, Colorado

1. Facility Information

a. Location

BP America Production Company's Wolf Point Compressor Station is located within the exterior boundaries of the Southern Ute Indian Reservation in the southwestern part of the State of Colorado. The exact location is NW ¼ Section 16, T33N, R9W, in La Plata County, Colorado. The mailing address is:

BP America Production Company
380 Airport Road
Durango, CO 81303

b. Contacts

Facility Contact:
Julie A. Best
Environmental Coordinator
380 Airport Road
Durango, CO 81303
970-375-7540

Responsible Official:
Joseph L. Uppercue
Deputy Operations Site Manager, Red Cedar
380A North Airport Road
Durango, CO 81303
970-247-6846

Company Contact:
Rebecca Tanory
Environmental Specialist
501 Westlake Park Boulevard
Houston, TX 77079
281-366-3946

Alternate Responsible Official:
David P. McKenna
Operations Site Manager, San Juan North
380A Airport Road
Durango, CO 81303
970-382-3137

Tribal Contact:
Brenda Jarrell
Air Quality Program Manager - Southern Ute Indian Tribe
(970) 563-4705 x2246

c. Description of Operations

BP America Production Company (BP) owns and operates the Wolf Point Compressor Facility. Fruitland coal bed methane wells feed into a gathering pipeline system leading to the inlet of this facility. The natural gas produced from these wells contains approximately 93% methane and 7% carbon dioxide and is water vapor saturated. The wells do not produce any condensate or natural gas liquids.

Upon entering the compressor station, the gas first passes through an inlet separator vessel to remove any free liquids in the gas stream by gravity. The gas then passes to a filter vessel, which serves to filter out any solids such as coal dust in the gas. The gas is then compressed and finally passes through an outlet coalescer vessel which removes any entrained droplets of lubricating oil before being metered and sent either to BP's Florida River Compression Facility or to various third party-owned and operated gathering facilities for further processing if the Florida Facility is off line. In addition, there are no pigging facilities or operations associated with this station.

d. Construction and Permitting History

The Wolf Point Compressor Station was constructed in 2001 to provide field compression for natural gas wells in the area. The first two Waukesha L7042GL reciprocating engines, fueled by natural gas, became operational on May 1, 2001. The third Waukesha L7042GL reciprocating engine became operational on May 15, 2001. The fourth Waukesha L7042GL reciprocating engine became operational in October 2005. EPA has never issued a pre-construction permit for the Wolf Point Compressor Station. On February 27, 2003, EPA issued an initial title V (part 71) Permit to Operate the Wolf Point Compressor Station. On September 19, 2005, EPA issued an administrative amendment to the part 71 permit (V-SU-0034-02.01), which corrected the facility location, added the latitude and longitude coordinates, and added an Alternate Responsible Official. On February 7, 2006, EPA issued a minor modification to the part 71 permit (V-SU-0034-02.02), which updated the Tribal Contact name, added an engine, and updated emission factors.

On March 27, 2006, EPA received a request to significantly modify the part 71 permit. In this modification request, BP proposed removing the four existing Waukesha L7042GL reciprocating engines and installing three new Caterpillar G3606 engines with catalytic controls for carbon monoxide (CO) and formaldehyde (CH_2O) emissions so that the facility total emissions remained below the applicability thresholds for the Reciprocating Internal Combustion Engine Maximum Achievable Control Technology Requirements (RICE MACT, 40 CFR Part 63, Subpart ZZZZ). BP requested that the part 71 permit be modified to include enforceable conditions to assure minor source status for hazardous air pollutants (HAP) with regard to applicability to the MACT regulations. On July 21, 2006, EPA issued the significant modification to the part 71 permit (V-SU-0034-02.03).

On September 28, 2007, EPA issued an administrative amendment to the part 71 permit (V-SU-0034-02.04), which changed the plant mailing address, updated the names and contact information for the Alternate Responsible Official and Facility Contact, and revised the text for Alternative Operating Scenarios and Off Permit Changes to clarify the requirements.

e. Description of First Permit Renewal

On September 10, 2007, EPA received an application for renewal of the part 71 permit. The three Caterpillar G3606 compressor engines authorized in the effective permit with federally enforceable emission limits had not yet been installed, because of a change in the intended replacement schedule; therefore, the effective permit did not reflect the actual equipment operating at the facility, or the major HAP emission status at the time. In the permit renewal application, BP requested that the existing engines be added back into the permit, the specific emission-limiting conditions for the replacement engines be removed from the permit, and an alternative operating scenario be added, under which the new engines may be installed at a later date. At the time EPA received the application for renewal, this replacement project was anticipated to begin in 2008, with operation in later 2008 or early 2009. Concurrent with installation of the new engines, the existing engines would be removed from service.

BP proposed to conduct the engine replacement project in phases to avoid major HAP source status and subsequently triggering applicability to the requirements of the RICE MACT. In order to maintain the facility's permitted minor HAP status, BP proposed two potential alternative operating scenarios for phase I of the project under which three of the existing four Waukesha L7042GL engines (exact units not specified) would be removed from service, followed by installation of two of three Caterpillar G3606 engines. For the second phase of the engine replacement project (another alternative operating scenario), the fourth Waukesha L7042GL engine would be removed, followed by installation of a third Caterpillar G3606 engine. This phased process would keep the maximum potential to emit (PTE) CH_2O below the HAP major source trigger of ten tons per year (tpy) throughout the replacement project. BP also stated in the application that additional insignificant equipment may be added as part of the engine replacement project and proposed to submit an application for a minor modification of the permit upon completion of the engine replacement project.

Based on discussions between EPA and BP after submittal of the renewal application, BP expressed a desire to keep the specific emission limiting conditions for the replacement engines in the permit in order to maintain establishment of the synthetic minor limits; however, BP recalculated the emission limits that would be necessary to keep the PTE of CH_2O below the HAP major source threshold based on their proposed phased replacement project and requested slightly higher limits for CO and CH_2O than were permitted previously. EPA verified BP's calculations and proposed modified emission limits in the draft permit. Because the effective permit did not reflect actual current operations and emission status at the time, and because BP did not specify which particular emission units would be removed and installed during each phase of the proposed engine replacement project, for clarification purposes, EPA separately identified specific operating scenarios in the draft permit and wrote specific requirements into the final permit that were dependent on the scenario under which the facility was operating at any given time.

EPA published notice of the availability of the draft renewal permit and Statement of Basis for public comment on April 18, 2008. The public comment period ended on May 19, 2008. EPA received comments on the draft permit and Statement of Basis from BP. No other comments were received during the public comment period.

The renewal permit had not yet been finalized when EPA received a minor modification

application from BP on November 25, 2009. BP determined that one of the replacement compressor engines, unit WP1, would be subject to requirements in the NSPS for Stationary Spark Ignition Internal Combustion Engines, found at 40 CFR part 60, subpart JJJJ, upon start-up. BP requested that the new requirements be added to the current effective permit at the time (#V-SU-0037-02.04), since the final renewed permit was not yet issued and effective. Adding the new requirements and updated engine information for unit WP1 does not change any existing emission limits or monitoring, record keeping, or reporting requirements of the permit; therefore, in accordance with 40 CFR 71.7(e)(1), EPA determined that the requested modification qualified as a minor modification. As part of the same application, BP also requested an administrative amendment to the permit to remove the oxidation catalyst specific vendor information for emission units WP1, WP2, and WP3, from Section II.B.1. of the effective permit. The as-built oxidation catalyst control system that will be installed on each of the emission units WP1, WP2, and WP3 upon startup will be a Maxim Silencers, Inc. 24" MCCCOS-400 catalyst system, instead of the VANEC ADCAT oxidation catalyst that was referenced in the current effective permit. The as-built catalysts that would be installed would be able to meet the emission reductions in the effective permit for the units.

Additionally, on March 2, 2010, EPA received a notification from BP describing the initial startup dates for compressor engine Units WP1, WP2, and WP3. The notification also described the permanent shutdown and removal from service of compressor engine Units C1 through C4 (dated March 1, 2010). This notification was supported by additional information verifying the physical removal from service of Units C1 through C4 that EPA received from BP on March 18, 2010. Completion of the engine replacement project permitted in the current effective permit rendered the alternative operating scenarios as written in the draft renewal permit unnecessary, as the facility is now operating permanently under Alternative Operating Scenario #3 of the draft renewal permit The requested modification to add NSPS JJJJ requirements and removal of the alternative operating scenarios from the draft permit both meet the definition of minor modifications, according to 40 CFR 71.7(e). Because the draft renewal permit had already gone through public comment and minor modifications do not require public notice and comment period, EPA processed the modifications as part of the final renewal permit.

EPA made additional changes to the previously effective part 71 permit to those changes described above. On November 8, 2007, EPA sent a letter to inform BP of a new mailing address, effective December 17, 2007, for the submittal of the annual fee payments required pursuant to 40 CFR part 71 and the title V Permits issued by EPA's Office of Air and Radiation. The fee payment bank name and address has been corrected in the Annual Fee Payment section of the final renewal permit (Section IV.A.). EPA added a condition to Section III.A. to account for the general record keeping requirements for sources with one or more glycol dehydration units that are exempt from the requirements of 40 CFR part 63, subpart HH if they can demonstrate average actual annual benzene emissions less than 1 tpy.

Additionally, in an effort to streamline the title V permits and reduce the number of administrative permit amendments requested, EPA modified the structure of the permit, including removing specific non-enforceable facility information, such as the names and phone numbers of the Responsible Official, Facility Contact, and Tribal Contact, as well as the plant mailing address. Part 71 does not require this information to be in the permit and changes to such information are the most often requested administrative permit amendments. This

information will be maintained in the Statement of Basis for each permit action. EPA requests from this point forward that BP continue to send notification in writing of changes to such facility information; however, the changes will no longer require administrative permit amendments. The notifications will be kept on file, similar to off permit change notifications, and the most current information will be updated in the Statement of Basis as part of the next permit modification or renewal.

f. List of All Units and Emission-Generating Activities

BP America Production Company provided in their application the information contained in Table 1 for this facility, which lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as "insignificant" are listed separately in Table 2.

Table 1 - Emission Units
BP Wolf Point Compressor Station

Emission Unit Id. No.	Description	Control Equipment
	1,736 site-rated hp, lean burn, natural gas-fired Caterpillar G3606 Compressor Engines (either 90°F or 129° F ECM)	Oxidation Catalyst
WP1	Serial No. 3XF00328 Install/Startup: 3/4/2010	
WP2	Serial No. 4ZS00662 Install/Startup: 3/4/2010	
WP3	Serial No. 4ZS00665 Install/Startup: 3/4/2010	
	59 hp, natural gas-fired Kohler 50RZGB Gas Generator Set (GM 5.7 liter engine)	None
G1	Serial No. 0685338 (generator) Installed: 2001 5.7L-05349 (engine)	

Part 71 allows sources to separately list in the permit application units or activities that qualify as "insignificant" based on potential emissions below 2 tpy for all regulated pollutants that are not listed as HAP under section 112(b) and below 1000 lbs/year or the deminimus level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee. Units that qualify as "insignificant" for the purposes of the part 71 application are in no way exempt from applicable requirements or any requirements of the part 71 permit.

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Table 2 - Insignificant Emission Units
BP Wolf Point Compressor Station

Emission Unit ID	Description
1	Process Fugitive Emissions
2	Compressor Blowdowns, max of 395 MMscf/yr
3	4 - 500 gallon (or one 2,000 gallon) Used Oil Tanks
4	4 - 500 gallon (or one 2,000 gallon) Lube Oil Tanks
5	1 - 300 bbl Produced Water Tank
6	1 - 0.5 MMBtu/hr heater for the produced water tank
7	1 - 300 bbl Produced Water/Oily Water Tank
8	1 - 0.5 MMBtu/hr heater for the produced water/oily water tank
9	2 – 286 bbl Water Tanks
10	2 – 0.5 MMBtu/hr Heaters for the water tanks
11	1 – 575 gallon TEG Tank
12	1 – 0.25 MMBtu/hr Dehy Reboiler
13	1 - 2.0 MMscfd Glycol Still Column Vent
14	1 - 750 gallon Ethylene Glycol Tank
15	1 – 21 bbl Lube Oil Drip Tank

2. Potential to Emit and Establishment of Synthetic Minor Limits

a. Applicable PTE Guidance

Under 40 CFR 52.21, "potential to emit" (PTE) is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. PTE is meant to be a worse case emissions calculation. Actual emissions may be much lower.

National EPA guidance on PTE states that air pollution control equipment can be credited as restricting PTE only if federally enforceable requirements are in place requiring the use of such air pollution control equipment. (Reference: letter dated November 27, 1995, from David Solomon, Acting Group Leader, Integrated Implementation Group, Office of Air Quality Planning & Standards, U.S. EPA, to Timothy Mohin of Intel Government Affairs.) The primary applicable guidance is a memo titled, "Guidance on Limiting Potential to Emit in New Source Permitting," dated June 13, 1989, to EPA Regional Offices, from the Office of Enforcement and Compliance Assurance (OECA), and the Office of Air Quality Planning & Standards (OAQPS).

A later memo to the EPA Regional Offices, dated January 25, 1995, titled "Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and §112 Rules and General Permits," also provides guidance on this topic.

In consultation with Office of General Counsel at EPA Headquarters, as well as with EPA Regions IX and X, the EPA Region VIII office determined that authority exists under the CAA and 40 CFR 71 to create a restriction on potential to emit through issuance of a part 71 permit. The specific citations of authority are:

CAA Section 304(f)(4): provides that the term "emission limitation, standard of performance or emission standard" includes any other standard, limitation, or schedule established under any permit issued pursuant to title V ... , any permit term or condition, and any requirement to obtain a permit as a condition of operations.

40 CFR 71.6(b): provides that all terms and conditions in a part 71 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

40 CFR 71.7(e)(1)(i)(A)(4)(*i*): provides that a permit modification that seeks to establish a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the CAA (which includes PSD), and for which there is no underlying applicable requirement, does not qualify as a minor permit modification. Under 40 CFR 71.7(e)(3)(i), it is therefore a significant permit modification, which, according to 40 CFR 71.7(e)(3)(ii), must meet all the requirements that would apply to initial permit issuance or permit renewal.

Hourly emissions limits for CO and CH_2O in pounds per hour are established in the permit as enforceable conditions for replacement units WP1, WP2, and WP3. The fitting of the engines with oxidation catalysts, along with work practice requirements, operational restrictions, and adequate testing, monitoring, reporting, and recordkeeping requirements have also been included as permit conditions to make the restrictions on potential emissions practically enforceable.

It is important to note that establishment of the enforceable synthetic minor limits for the compressor engines (WP1, WP2, and WP3) is only designed to protect the source from major HAP status and subsequent applicability to MACT standards for major sources. As discussed in the remainder of this Statement of Basis, the established enforceable limits will not protect the source from potential applicability to any recently promulgated MACT standards for area sources, or separately enforceable New Source Performance Standards (NSPS).

b. Components of the PTE Restrictions

The final renewal permit changes the permit restrictions previously established in permit #V-SU-0034-02.03, as explained below.

Potential Emissions: The previously effective permit for the Wolf Point Compressor Station included hourly emission limits as a component of the restriction on PTE for engines WP1, WP2, and WP3, along with certain related work practice and operational requirements, and adequate testing, monitoring, reporting, and recordkeeping requirements. The enforceable limits on the CO and CH_2O emissions for units WP1, WP2, and WP3 reduced potential emissions to below major HAP levels for CH_2O emissions. The revised CO and CH_2O emission limitations requested by BP and issued in the final renewal permit maintain potential emissions below major major HAP levels for CH_2O emissions.

Emission Limits: In response to BP's previous application request to make enforceable the use of the oxidation catalysts on replacement engine units WP1, WP2, and WP3, emission limits for CO and CH_2O were established in permit #V-SU-0034-02.03, as well as work practice and operational requirements. Those emission limits were permitted as 0.96 pounds per hour (lbs/hr) CO and 0.61 lbs/hr CH_2O. In its renewal application, BP requested revised emission limits of 1.04 pounds per hour of CO and 0.69 pounds per hour of CH_2O on each of the replacement engines, based on a re-evaluation of estimated emissions. BP determined that the requested revised limits, though higher than previously permitted, would still ensure the facility-wide PTE stays below the major HAP thresholds. EPA has verified and concurred with BP's calculated emission limits and adjusted in the final renewal permit the previously permitted work practice and operational requirements as necessary to ensure compliance with the revised emission limits.

Testing: In order to determine compliance with the established permit limits, requirements for reference method performance testing for CO and CH_2O were included as permit conditions in permit #V-SU-0034-02.03. In addition, a requirement to conduct performance testing upon catalyst change-out was included. EPA has maintained these requirements in the first renewal permit.

Monitoring: Monitoring is accomplished using a portable analyzer semi-annually to monitor for CO emissions, an annual performance test for CH_2O emissions, weekly temperature measurements to monitor the inlet temperatures of engine exhaust into the catalyst for each engine, and monthly measurements of pressure drop across the catalyst. In order for the oxidation catalyst to effectively reduce CO and CH_2O emissions, the inlet temperature to the catalyst must be maintained at no less than 450°F and no more than 1,350°F, which was included in permit #V-SU-0034-02.03 as a permit condition. Pressure drop is a good indication of catalyst operation; too low, the catalyst may be blown out; too high, the catalyst may be clogged. Permit #V-SU-0034-02.03 required that the pressure drop across the catalysts shall not change by more than two (2) inches of water at 100% load plus or minus 10% from the baseline pressure drop across the catalyst measured during the final performance test. EPA has maintained these requirements in the first renewal permit.

Table 3 shows the facility PTE in terms of each individual emission unit.

Table 3 - Summary of Potential Emissions
BP Wolf Point Compressor Station

Emission Unit ID	Description	Controlled Emissions (tpy)						*Uncontrolled Emissions (tpy)*	
		NOx	**CO**	**PM**	**SO_2**	**VOC**	**CH_2O**	***CO***	***CH_2O***
G1	59 hp Kohler 50RZGB Gas Generator Set (GM 5.7 liter engine)	4.10	25.81	0.06	0.00	1.14	0.07	*25.81*	*0.07*
WP1	1,736 hp Caterpillar G3606 Compressor Engine w/ Oxidation Catalyst	11.73	4.19	0.52	0.03	16.76	2.68	*41.90*	*6.70*
WP2	1,736 hp Caterpillar G3606 Compressor Engine w/ Oxidation Catalyst	11.73	4.19	0.52	0.03	16.76	2.68	*41.90*	*6.70*
WP3	1,736 hp Caterpillar G3606 Compressor Engine w/ Oxidation Catalyst	11.73	4.19	0.52	0.03	16.76	2.68	*41.90*	*6.70*
IEUs	Insignificant Emission Units	1.23	1.04	0.09	0.00	2.21	0.00	*1.04*	*0.00*
Total		**43.76**	**40.57**	**1.83**	**0.10**	**57.69**	**8.85**	***152.55***	***20.17***
Minor PSD source. Synthetic area HAP source with federally enforceable emission limits on Caterpillar engines, therefore Caterpillar engines not subject to RICE MACT for major sources. Engine unit WP1 subject to NSPS JJJJ and RICE MACT for area sources (comply by complying w/ NSPS JJJJ).									

The PTE for the Wolf Point Compressor Station, with enforceable emission controls taken into consideration, are as follows:

Nitrogen Oxides (NO_x) – 43.76 tpy
Carbon Monoxide (CO) – 40.57 tpy
Volatile Organic Compounds (VOC) – 57.69 tpy
Small Particulates (PM_{10}) – 1.83 tpy
Sulfur Dioxide (SO_2) - 0.10 tpy
Total Hazardous Air Pollutants (HAPs) – 8.85 tpy
Largest Single HAP (formaldehyde, CH_2O) – 8.85 tpy

3. Tribe Information

a. Indian Country

The BP Wolf Point Compressor Station is located within the exterior boundaries of the Southern Ute Indian Reservation and is thus within Indian country as defined at 18 U.S.C. §1151. The Southern Ute Tribe does not have a federally-approved Clean Air Act (CAA) title V operating permits program nor does EPA's approval of the State of Colorado's title V program extend to Indian country. Thus, EPA is the appropriate governmental entity to issue the title V permit to this facility.

b. The Reservation

The Southern Ute Indian Reservation is located in Southwestern Colorado adjacent to the New Mexico boundary. Ignacio is the headquarters of the Southern Ute Tribe, and Durango is the closest major city, just five (5) miles outside of the north boundary of the Reservation. Current information indicates that the population of the Tribe is about 1,305 people with approximately 410 tribal members living off the Reservation. In addition to Tribal members, there are over 30,000 non-Indians living within the exterior boundaries of the Southern Ute Reservation.

c. Tribal Government

The Southern Ute Indian Tribe is governed by the Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation, Colorado adopted on November 4, 1936 and subsequently amended and approved on October 1, 1975. The Southern Ute Indian Tribe is a federally recognized Tribe pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat.984), as amended by the Act of June 15, 1935 (49 Stat. 378). The governing body of the Southern Ute Indian Tribe is a seven member Tribal Council, with its members elected from the general membership of the Tribe through a yearly election process. Terms of the Tribal Council are three (3) years and are staggered so in any given year two (2) members are up for reelection. The Tribal Council officers consist of a Chairman, Vice-Chairman and Treasurer.

d. Local Air Quality

The Tribe maintains an air monitoring network consisting of two stations equipped to measure ambient concentrations of oxides of nitrogen (NO, NO_2, and NO_x), ozone (O_3), and carbon monoxide (CO), and to collect meteorological data. The Tribe has collected NO_2 and O_3 data at the Ignacio, Colorado station (also known as the Ute 1 station, with AQS identification number 08-067-7001) and the Bondad, Colorado station (also known as Ute 3, with AQS identification number 08-067-7003) since June 1, 1982, and April 1, 1997, respectively. The CO channel at the Ignacio station has been reporting to AQS since January 1, 2000, and both stations began reporting NO and NO_x data to AQS on the same day. Also in 2000, both stations initiated meteorological monitors measuring wind speed, wind direction, vertical wind speed, outdoor temperature, relative humidity, solar radiation, and rain/snowmelt precipitation. Reporting of vertical wind speed data from both stations terminated on July 1, 2007. Particulate data (PM_{10}) was collected from December 1, 1981 to September 30, 2006 at the Ignacio station and from April 1, 1997 to September 30, 2006 at the Bondad station. The Tribe reports hourly data to AQS for the criteria pollutants being monitored (NO_2, O_3, and CO), allowing AQS users to retrieve data that can be compared to any of the National Ambient Air Quality Standards for these pollutants.

4. Applicable Requirements

a. Applicable Requirement Review

The following discussion addresses some of the regulations from the Code of Federal Regulations (CFR) at title 40. Note, that this discussion does not include the full spectrum

potentially applicable regulations and is not intended to represent official applicability determinations. These discussions are based on the information provided by Red Cedar in the most recent part 71 application and are only intended to present the information certified to be true and accurate by the Responsible official of this facility.

Chemical Accident Prevention Program

Based on information supplied in BP's application, Wolf Point Compressor Station currently has no regulated substances above the threshold quantities in this rule; therefore, is not subject to the requirement to develop and submit a risk management plan. BP has an ongoing responsibility to submit this plan IF a substance is listed that BP has in quantities over the threshold amount or IF BP ever increases the amount of any regulated substance above the threshold quantity.

Stratospheric Ozone and Climate Protection

Air Conditioning Units: Based on information supplied in BP's application, there are no air conditioning units at the Wolf Point Compressor Station. However, should BP perform any maintenance, service, repair, or disposal of any equipment containing chlorofluorocarbons (CFCs), or contracts with someone to do this work, BP would be required to comply with title VI of the CAA.

Halon Fire Extinguishers: Based on information supplied in BP's application, there are no halon fire extinguishers at the Wolf Point Compressor Station. However, should BP obtain any halon fire extinguishers, then it must comply with the standards of 40 CFR part 82, subpart H for halon emissions reduction, if it services, maintains, tests, repairs, or disposes of equipment that contains halons or uses such equipment during technician training. Specifically, BP would be required to comply with title IV of the CAA and 40 CFR part 82, subpart H and submit an application for a modification to this title V permit.

New Source Performance Standards (NSPS)

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 60.

As explained below, the Wolf Point Compressor Station is subject to subpart JJJJ of part 60 (for compressor engine Unit WP1; therefore, the General Provisions of part 60 apply.

40 CFR Part 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule applies to steam generating units with a maximum design heat input capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr.

There are no steam generating units with a maximum design heat input capacity greater than or equal to 10 MMBtu/hr at the facility; therefore, the Wolf Point Compressor Station is not subject to subpart Dc.

40 CFR Part 60, Subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. 40 CFR part 60, subpart K does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

The subpart does not apply to the storage vessels at the Wolf Point Compressor Station because there are no petroleum liquid storage tanks at this facility with capacity greater than 40,000 gallons that were constructed, reconstructed, or modified after June 11, 1973, and prior to May 19, 1978.

40 CFR Part 60, Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to June 23, 1984. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. Subpart Ka does not apply to petroleum storage vessels with a capacity of less than 420,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.

This subpart does not apply to the storage vessels at the Wolf Point Compressor Station because there are no petroleum liquid storage tanks at this facility with capacity greater than 40,000 gallons that were constructed, reconstructed, or modified after May 18, 1978, and prior to June 23, 1984.

40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This rule applies to storage vessels with a capacity greater than or equal to 75 cubic meters storing volatile organic liquids.

This subpart does not apply to the storage vessels at the Wolf Point Compressor Station because the facility has no tanks greater than or equal to 75 cubic meters that store volatile organic liquids.

40 CFR Part 60, Subpart GG: Standards of Performance for Stationary Gas Turbines. This rule applies to stationary gas turbines, with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hr), that commenced construction, modification, or reconstruction after October 3, 1977.

There are no stationary gas turbines located at the Wolf Point Compressor Station; therefore, this subpart does not apply.

40 CFR Part 60, Subpart KKK: Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. This rule applies to compressors and other equipment at onshore natural gas processing facilities. As defined in this subpart, a natural gas processing plant is any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids (NGLs) to natural gas products, or both. Natural

gas liquids are defined as the hydrocarbons, such as ethane, propane, butane, and pentane that are extracted from field gas.

The Wolf Point Compressor Station does not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products, and thus does not meet the definition of a natural gas processing plant under this subpart. Therefore, subpart KKK does not apply.

40 CFR Part 60, Subpart LLL: Standards of Performance for Onshore Natural Gas Processing; SO_2 Emissions. This rule applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H_2S) and carbon dioxide (CO_2) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H_2S and CO_2) removed by a sweetening unit.

There are no sweetening or sulfur recovery units at the Wolf Point Compressor Station. Therefore, this subpart does not apply.

40 CFR Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition (SI) internal combustion engines (ICE) that commenced construction, modification or reconstruction after June 12, 2006, where the SI ICE are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower.

For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator (See 40 CFR 60.4230(a)).

BP provided the following information:

Table 4 - NSPS Subpart JJJJ Applicability

Unit	Serial Number	Unit Description	Fuel	Max Rated HP	Construction, Modification, or Reconstruction Date	Manufacture Date	Start-up Date	Subpart JJJJ Trigger Date – Manufactured on or after
G1	0685338 (gen) 5.7L-05349 (engine)	Kohler 50RZGB. Lean Burn	Natural gas	56	2001	2001 or earlier	2001	7/1/2007
WP1	3XF00328	Caterpillar G3606, Lean Burn	Natural gas	1,736	After 6/12/2006*	7/6/2001*	3/4/10	NA – all engines reconstructed after 6/12/2006 are subject
WP2	4ZS00662	Caterpillar G3606, Lean Burn	Natural gas	1,736	8/3/2006	7/25/2006	3/4/10	7/1/2007

Unit	Serial Number	Unit Description	Fuel	Max Rated HP	Construction, Modification, or Reconstruction Date	Manufacture Date	Start-up Date	Subpart JJJJ Trigger Date – Manufactured on or after
WP3	4Z00665	Caterpillar G3606, Lean Burn	Natural gas	1,736	8/3/2006	8/6/2006	3/4/10	7/1/2007

*According to BP, repairs on this engine after 6/12/2006 met the definition of reconstruction in 40 CFR part 60, subpart A.

According to the information provided by Red Cedar in the November 25, 2009, minor modification application and the March 2, 2010 notification of initial startup, replacement compressor engine Unit WP1, a 1,736 bhp Caterpillar G3606 natural gas-fired lean burn compressor engine, is a reconstructed unit that commenced reconstruction after June 12, 2006. Therefore, WP1 is subject to the standards in NSPS JJJJ. Compressor engines WP2 and WP3 were ordered new after 6/12/2006, but were manufactured prior to July 1, 2007; therefore, neither is subject to the standards in NSPS JJJJ.

40 CFR Part 60, Subpart KKKK: Standards of Performance for Stationary Combustion Turbines. This subpart establishes emission standards and compliance schedules for the control of emissions from stationary combustion turbines that commenced construction, modification or reconstruction after February 18, 2005. The rule applies to stationary combustion turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour.

BP does not operate stationary combustion turbines at the Wolf Point Compressor Station. Therefore, subpart KKKK does not apply.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

40 CFR Part 63, Subpart A: General Provisions. This subpart contains national emissions standards for HAPs that regulate specific categories of sources that emit one or more regulated HAP pollutants under the CAA. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 63.

As explained below, Wolf Point Compressor Station is not subject to any specific subparts of part 63. The facility is an area HAP source and, based on construction dates, operates natural gas-fired RICE (WP1, WP2, WP3) that are affected units of 40 CFR 63, subpart ZZZZ (the RICE MACT). Because engines at area sources of HAP must demonstrate compliance with the RICE MACT by complying with the requirements of NSPS JJJJ, there are no further requirements in the RICE MACT applicable to the engines, including the general provisions in subpart A. However, pursuant to §63.10(b)(3), BP must keep a record of the non-applicability for a period of five (5) years or until conditions change at the facility causing the engines to become affected units.

40 CFR Part 63, Subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities. This subpart applies to the owners and operators of affected units located at natural gas production facilities that are major sources of HAPs, and that process, upgrade, or store natural gas prior to the point of custody transfer, or that process,

upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions, and the group of ancillary equipment, and compressors intended to operate in volatile hazardous air pollutant service, which are located at natural gas processing plants.

Throughput Exemption

Those sources whose maximum natural gas throughput, as appropriately calculated in §63.760(a)(1)(i) through (a)(1)(iii), is less than 18,400 standard cubic meters per day are exempt from the requirements of this subpart.

Source Aggregation

Major source, as used in this subpart, has the same meaning as in §63.2, except that:

1.) Emissions from any oil and gas production well with its associated equipment and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units.

2.) Emissions from processes, operations, or equipment that are not part of the same facility shall not be aggregated.

3.) For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage tanks with flash emission potential shall be aggregated for a major source determination.

Facility

For the purpose of a major source determination, facility means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in subpart HH. Examples of facilities in the oil and natural gas production category include, but are not limited to: well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

Production Field Facility

Production field facilities are those located prior to the point of custody transfer. The definition of custody transfer (40 CFR 63.761) means the point of transfer after the processing/treating in the producing operation, except for the case of a natural gas processing plant, in which case the point of custody transfer is the inlet to the plant.

Natural Gas Processing Plant

A natural gas processing plant is defined in 40 CFR 63.761 as any processing site engaged in the extraction of NGLs from field gas, or the fractionation of mixed NGLs to natural gas products, or a combination of both. A treating plant or gas plant that does not engage in these activities is considered to be a production field facility.

Major Source Determination for Production Field Facilities

The definition of major source in this subpart (at 40 CFR 63.761) states, in part, that only emissions from the dehydration units and storage vessels with a potential for flash emissions at production field facilities are to be aggregated when comparing to the major source thresholds. For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated.

Area Source Applicability

40 CFR part 63, subpart HH applies to area sources of HAPs. An area source is a HAP source whose total HAP emissions are less than 10 tpy of any single HAP or 25 tpy for all HAPs in aggregate. This subpart requires different emission reduction requirements for triethylene glycol dehydration units found at oil and gas production facilities based on their geographical location. Units located in densely populated areas (determined by the Bureau of Census) and known as urbanized areas with an added 2-mile offset and urban clusters of 10,000 people or more, are required to have emission controls. Units located outside these areas will be required to have the glycol circulation pump rate optimized or operators can document that PTE of benzene is less than 1 tpy.

Applicability of Subpart HH to the Wolf Point Compressor Station

The Wolf Point Compressor Station does not engage in the extraction of NGLs; therefore, is not considered a natural gas processing plant. Hence, the point of custody transfer, as defined in this subpart HH, occurs downstream of the station and the facility would therefore be considered a production field facility. For production field facilities, only emissions from the dehydration units and storage vessels with a potential for flash emissions are to be aggregated to determine major source status. The facility does not have flash tanks and the HAP emissions from the dehydration units alone at the facility are below the major source thresholds of 10 tpy of a single HAP and 25 tpy of aggregated HAPs.

With respect to the area source requirements of this subpart, the facility is located outside both an urban area and an urban cluster. Furthermore, uncontrolled benzene emissions from the one TEG glycol dehydrator unit at the facility was determined to be less than 1 tpy using GRI-GLYCalc Version 4.0, as presented in the supporting documentation in the application. **As a result, the dehydration unit at the facility is exempt from the §67.764(d) general requirements for area sources. However, the following general recordkeeping requirement does apply to this facility:**

- §63.774(d)(1) – retain the GRI-GLYCalc determinations used to demonstrate that actual average benzene emissions are below 1 tpy.

40 CFR Part 63, Subpart HHH: National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities. This rule applies to natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user, and that are a major source of hazardous air pollutant (HAP) emissions. Natural gas transmission means the pipelines used for long distance transport and storage vessel is a tank or other vessel designed to contain an accumulation of crude oil, condensate, intermediate hydrocarbon, liquids, produced water or other liquid and is constructed of wood, concrete, steel or plastic structural support.

This subpart does not apply to the Wolf Point Compressor Station, as the facility is a natural gas production facility and not a natural gas transmission or storage facility.

40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. This rule establishes national emission limitations and operating limitations for HAPs emitted from stationary spark ignition internal combustion engines (SI ICE) and stationary compression ignition internal combustion engines (CI ICE).

For the purposes of this standard, construction or reconstruction is as defined in §63.2.

Rule History

June 15, 2004: SI and CI ICE > 500 bhp at Major HAP Source

This rule was originally promulgated in June 15, 2004 (69FR 33474). The original rule regulated all new and reconstructed lean burn and rich burn stationary SI ICE and CI ICE greater than 500 bhp located at major HAP sources. Only one category of existing ICE was subject to the rule at that time: Existing 4SRB SI ICE with a horse power rating equal to or greater than 500 bhp.

For this version of the rule,

Existing means: Construction or reconstruction commenced on or before 12/19/2002.
New means: Construction or reconstruction commenced after 12/19/2002.

January 18, 2008: New SI & CI ICE at Area HAP Sources & New SI & CI ICE with Horse Power Rating ≤ 500 bhp at Major HAP Sources

The first round of amendments to MACT ZZZZ were promulgated on January 18, 2008 (73FR 3568). Requirements were established for new SI & CI ICE of any horse power rating located at area sources of HAPs and new SI & CI ICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs.

For this version of the rule:

Existing means: Construction or reconstruction commenced before 6/12/2006.
New means: Construction or reconstruction commenced on or after 6/12/2006.

March 3, 2010: Existing CI ICE at Area & Major HAP Sources

The second round of amendments to MACT ZZZZ was promulgated on March 3, 2010. New requirements were established for existing CI ICE of any horse power rating located at area sources of HAPs, existing CI RICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs, and existing non-emergency CI ICE with a horse power rating greater than 500 bhp at major sources of HAPs.

For this version of the rule:

Existing CI at Area Source, any bhp = Construction or reconstruction commenced before 6/12/2006.

Existing CI at Major Source, bhp $\leq$ 500 = Construction or reconstruction commenced before 6/12/2006.

Existing Non-Emergency CI at Major Source, bhp > 500 = Construction or reconstruction commenced on or before 12/19/2002.

August 20, 2010: Existing SI ICE at Area Sources & Existing SI ICE $\leq$ 500 bhp at Major HAP Sources

The third round of amendments to MACT ZZZZ was promulgated on August 20, 2010. New requirements were established for existing SI ICE of any horse power rating at area sources of HAPs and existing SI ICE with a horse power rating less than or equal to 500 bhp at major sources of HAPs.

For this version of the rule:

Existing SI ICE at Area Source, any bhp = Construction or reconstruction commenced before 6/12/2006.
Existing SI ICE at Major Source, bhp $\leq$ 500 bhp = Construction or reconstruction commenced before 6/12/2006

While engines identified above are subject to the final rule and its amendments (August 20, 2010, March 3, 2010, January 18, 2008, June 15, 2004), there are distinct requirements for each engine depending on their design, use, horsepower rating, fuel, and major or area HAP emission status.

Summary of Applicability to Engines at Major HAP Sources

Major HAP Sources			
Engine Type	**Horse Power Rating**	**New or Existing?**	**Trigger Date**
SI ICE – All[1]	≥ 500 hp	New	On or After 12/19/2002
SI ICE – 4SRB	> 500 hp	Existing	Before 12/19/2002
SI ICE – All[1]	≤ 500 hp	New	On or After 6/12/2006
SI ICE - All[1]	≤ 500 hp	Existing	Before 6/12/2006
CI ICE - All[2]	≥ 500 hp	New	On or After 12/19/2002
CI ICE – Non Emergency	> 500 hp	Existing	Before 12/19/2002
CI ICE – All[2]	≤ 500 hp	New	On or After 6/12/2006
CI ICE – All[2]	≤ 500 hp	Existing	Before 6/12/2006

1. All includes emergency ICE, limited use ICE, ICE that burn land fill gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency ICE and limited use ICE

Summary of Applicability to Engines at Area HAP Sources

Area HAP Sources			
Engine Type	**Horse Power Rating**	**New or Existing?**	**Trigger Date**
SI ICE - All[1]	All hp	New	On or After 6/12/2006
SI ICE - All[1]	All hp	Existing	Before 6/12/2006
CI ICE - All[2]	All hp	New	On or After 6/12/2006
CI ICE - All[2]	All hp	Existing	Before 6/12/2006

1. All includes emergency ICE, limited use ICE, ICE that burn land fill or digester gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency ICE and limited use ICE

Applicability of Subpart ZZZZ to the Wolf Point Compressor Station

BP provided the following information:

Table 5 - NESHAP Subpart ZZZZ Area Source Applicability

Unit	Serial Number	Unit Description	Fuel	Max RatedHP	Commenced Construction, Reconstruction, or Modification Date	Installation/ Startup Date	Compliance Date
G1	0685338 (gen) 5.7L-05349 (engine)	Kohler 50RZGB. Lean Burn	Natural gas	56	2001	2001	October 19, 2013
WP1	3XF00328	Caterpillar G3606, Lean Burn	Natural gas	1,895	7/6/2001*	3/4/2010	Upon start-up
WP2	4ZS00662	Caterpillar G3606, Lean Burn	Natural gas	1,895	7/25/2006	3/4/2010	Upon start-up
WP3	4Z00665	Caterpillar G3606, Lean Burn	Natural gas	1,895	8/6/2006	3/4/2010	Upon start-up

*According to BP, repairs on this engine after 6/12/2006 met the definition of reconstruction in 40 CFR part 63, subpart A.

When accounting for federally enforceable engine emission controls, the Wolf Point Compressor Station is a synthetic minor, or area source of HAP emissions (as defined in subpart ZZZZ). According to information provided by BP in the November 25, 2009 minor modification application and the March 2, 2010 notification of initial startup, Caterpillar G3606 compressor engines WP2 and WP3 commenced construction (as defined in §63.2) after June 12, 2006 and Caterpillar G3606 compressor engine Unit WP1 commenced reconstruction (as defined in §63.2) after June 12, 2006; therefore, units WP1, WP2, and WP3 are subject to specific requirements in the subpart, which state that new or reconstructed stationary RICE at an area source of HAP emissions must comply with the requirements of the subpart by complying with the standards in NSPS JJJJ. According to §63.6590(c), no further requirements apply, including the general provisions of subpart A. As explained previously in the discussion of NSPS JJJJ applicability, WP1 will be subject the standards in NSPS JJJJ, but WP2 and WP3 will not.

Generator engine G1 commenced construction prior to June 12, 2006 and it is less than 500 bhp; therefore it is subject to the requirements for existing SI RICE at area sources of HAP; however, Red Cedar is not required to fully comply with the requirements applicable to unit G1 until October 19, 2013.

Compliance Assurance Monitoring (CAM) Rule

40 CFR Part 64: Compliance Assurance Monitoring Provisions. According to 40 CFR 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) at a major source that is required to obtain a part 70 or part 71 permit if the unit satisfies all of the following criteria:

1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under §64.2(b)(1);

"§64.2(b)(1): Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards:

(i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to Section 111 or 112 of the Act;
(ii) Stratospheric ozone protection requirements under title VI of the Act;
(iii) Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b) or 410 of the Act;
(iv) Emissions limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions with a source or between sources;
(v) An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter;
(vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1."

"§64.1: Continuous compliance method means a method, specified by the applicable standard or an applicable permit condition, which:

(1) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and
(2) Provides data either in units of the standard or correlated directly with the compliance limit."

2) The unit uses a control device to achieve compliance with any such limit or standard; and

3) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

The Wolf Point Compressor Station is subject to emission limits for CO and CH_2O for specific compressor engines. The three engines (WP1, WP2, and WP3) that would operate at the site are subject to a requirement to control emissions using oxidation catalysts. One of the engines (WP1) is also subject to NSPS JJJJ, which is an exempt emission limitation or standard under CAM. The two engines with controls that are not subject to NSPS JJJJ (WP2 and WP3) meet the requirements for applicability of CAM for the uncontrolled CO and CH_2O potential emissions. However, according to 40 CFR 64.2(b)(1)(vi), CAM requirements do not apply to any emission unit that is subject to an emission limit or standard for which an applicable requirement specifies a continuous compliance determination method. The final part 71 renewal permit for these controlled engines requires demonstrations through semi-annual performance testing for CO and annual performance testing for CH_2O emissions using a portable analyzer, a monitoring protocol approved by EPA, and EPA Reference test methods. In addition, periodic parametric monitoring and maintenance activities (see Section II. of the final part 71 renewal permit) are required. Parametric measurements include differential pressure and temperature across the catalytic converter. These final permit conditions are sufficient to provide reasonable assurance of continuous compliance and allow BP to make an informed certification of compliance.

Mandatory Greenhouse Gas Reporting

40 CFR Part 98: Mandatory Greenhouse Gas Reporting. This rule requires sources above certain emission thresholds to calculate, monitor, and report greenhouse gas emissions. According to the definition of "applicable requirement" in 40 CFR 71.2, neither 40 CFR part 98, nor CAA §307(d)(1)(V), the CAA authority under which 40 CFR part 98 was promulgated, are listed as applicable requirements for the purpose of title V permitting. Although the rule is not an applicable requirement under 40 CFR part 71, BP is not relieved from the requirement to comply with the rule separately from compliance with their part 71 operating permit. It is BP's responsibility to determine applicability to part 98 and to comply, if necessary.

b. Conclusion

Based on the information provided in BP's application for the Wolf Point Compressor Station, this source is subject to those existing applicable Federal CAA programs discussed above. The Wolf Point Compressor Station is not subject to any implementation plan such as exists within

state jurisdictions. Therefore, the Wolf Point Compressor Station is not subject to any other substantive requirements that control their emissions under the CAA.

EPA recognizes that, in some cases, sources of air pollution located in Indian country are subject to fewer requirements than similar sources located on land under the jurisdiction of a state or local air pollution control agency. To address this regulatory gap, EPA is in the process of developing national regulatory programs for preconstruction review of major sources in non-attainment areas and of minor sources in both attainment and non-attainment areas. These programs will establish, where appropriate, control requirements for sources that would be incorporated into part 71 permits. To establish additional applicable, federally-enforceable emission limits, EPA Regional Offices will, as necessary and appropriate, promulgate Federal Implementation Plans (FIPs) that will establish Federal requirements for sources in specific areas. EPA will establish priorities for its direct Federal implementation activities by addressing as its highest priority the most serious threats to public health and the environment in Indian country that are not otherwise being adequately addressed.

Further, EPA encourages and will work closely with all tribes wishing to develop Tribal Implementation Plans (TIPs) for approval under the Tribal Authority Rule. EPA intends that its Federal regulations created through a FIP will apply only in those situations in which a tribe does not have an approved TIP.

5. EPA Authority

a. General Authority to Issue Part 71 Permits

Title V of the CAA requires that EPA promulgate, administer, and enforce a Federal operating permits program when a state does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 FR 34202), EPA adopted regulations codified at 40 CFR part 71 setting forth the procedures and terms under which the Agency would administer a Federal operating permits program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate EPA's approach for issuing Federal operating permits to stationary sources in Indian country.

As described in 40 CFR 71.4(a), EPA will implement a part 71 program in areas where a state, local, or tribal agency has not developed an approved part 70 program. Unlike states, Indian tribes are not required to develop operating permits programs, though EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the "Tribal Authority Rule"). Therefore, within Indian country, EPA will administer and enforce a part 71 Federal operating permits program for stationary sources until a tribe receives approval to administer their own operating permits program.

6. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

7. Public Participation

a. Public Notice

There was a 30-day public comment period for actions pertaining to the draft permit. Public notice was given for the draft permit by mailing a copy of the notice to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, the state and federal land managers and the local emergency planning authorities which have jurisdiction over the area where the source is located. A copy of the notice was also provided to all persons who have submitted a written request to be included on the mailing list. If you would like to be added to our mailing list to be informed of future actions on these or other CAA permits issued in Indian country, please send your name and address to:

Claudia Smith, Part 71 Permit Contact
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129

Public notice was published in the Durango Herald on April 18, 2008, giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

b. Opportunity for Comment

Members of the public were given the opportunity to review a copy of the draft permit prepared by EPA, the application, the statement of basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were available at:

La Plata County Clerk's Office
1060 East 2nd Avenue
Durango, Colorado 81302

and

Southern Ute Indian Tribe
Environmental Programs Office
116 Mouache Drive
Ignacio, Colorado 81137

and

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

All documents were available for review at the U.S. EPA Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays).

Any interested person could submit written comments on the draft part 71 operating permit during the public comment period to the Part 71 Permit Contact at the address listed above. EPA keeps a record of the commenters and of the issues raised during the public participation process. All comments have been considered and answered by EPA in making the final decision on the permit.

Anyone, including the applicant, who believed any condition of the draft permit was inappropriate could raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must have been included in full and may not have been incorporated by reference, unless the material was already submitted as part of the administrative record in the same proceeding or consisted of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

Comments on the draft permit and Statement of Basis were received from BP during the public comment period. Revisions were made to both draft documents based on those comments. No other comments were received during the public comment period.

c. Opportunity to Request a Hearing

A person could submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed in section 8.a above, by stating the nature of the issues to be raised at the public hearing. No request for a public hearing was received. EPA did not receive any requests for a public hearing during the public comment period.

d. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30-day period to appeal a permit begins with EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration that the Environmental Appeals Board should review.

The Environmental Appeals Board will issue an order either granting or denying the petition for review, within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within 10 days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the Environmental Appeals Board. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the Board.

e. Petition to Reopen a Permit for Cause

Any interested person may petition EPA to reopen a permit for cause, and EPA may commence a permit reopening on its own initiative. EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the Environmental Appeals Board by a letter briefly setting forth the relevant facts.

f. Notice to Affected States/Tribes

As described in 40 CFR 71.11(d)(3)(i), public notice was given by mailing a copy of the notice to the air pollution control agencies of affected states, tribal and local air pollution control agencies that have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or Federal land manager whose lands may be affected by emissions from the source. The following entities were notified:

- State of Colorado, Department of Public Health and Environment
- State of New Mexico, Environment Department
- Southern Ute Indian Tribe, Environmental Programs Office
- Ute Mountain Ute Tribe, Environmental Programs
- Navajo Tribe, Navajo Nation EPA
- Jicarilla Tribe, Environmental Protection Office
- La Plata County, County Clerk
- Town of Ignacio, Mayor
- National Park Service, Air, Denver, CO
- U.S. Department of Agriculture, Forest Service, Rocky Mountain Region
- Carl Weston
- San Juan Citizen Alliance
- Wild Earth Guardians (formerly Rocky Mountain Clean Air Action)