Air Pollution Control
Title V Permit to Operate
Statement of Basis for Final Permit No. V-SU-000012-2011.00

Red Cedar Gathering Company
Coyote Gulch Treating Plant
Southern Ute Indian Reservation
La Plata County, Colorado

1. Facility Information

a. Location

The Coyote Gulch Treating Plant (Coyote Gulch), owned and operated by Red Cedar Gathering Company (Red Cedar), is located within the exterior boundary of the Southern Ute Indian Reservation, in the southwestern part of the State of Colorado. The exact location is Section 17, T32N, R11W, in La Plata County, Colorado. The mailing address is:

Red Cedar Gathering Company
Coyote Gulch Treating Plant
125 Mercado Street, Suite 201
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b. Contacts

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c. Description of Operations

The Coyote Gulch Treating Plant (Coyote Gulch), owned and operated by Red Cedar Gathering Company (Red Cedar), is a natural gas production field facility located in southwestern Colorado, within the exterior boundary of the Southern Ute Indian Reservation.

The Coyote Gulch facility was constructed to meet the needs for carbon dioxide (CO_2) removal from natural gas produced on a portion of the Southern Ute Reservation. Upstream of the facility there are production (coal-bed methane) wells connected to a gathering pipeline system at the inlet of the facility. The Coyote Gulch Treating Plant provides natural gas field compression, CO_2 removal and dehydration. The plant is comprised of three electric compressor engines, two reciprocating internal combustion engines (RICE), two amine plants, two hot oil process heaters, and three glycol dehydrators. There are also a number of small heaters and tanks, all listed in the operating permit application as insignificant emitting units. All emitting units are listed in Tables 1 and 2 below.

d. List of All Units and Emission-Generating Activities

Red Cedar provided the information contained in Tables 1 and 2 in its Part 71 permit renewal application. Table 1 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
Red Cedar Gathering Company - Coyote Gulch Treating Plant

Emission Unit Id.	Description	Control Equipment
E-03	One Caterpillar 3612LE Compressor Engine, 3,550 bhp, natural gas fired: Serial No. 1YG00205 Installed 4/16/2012	None
E-07	One Caterpillar G3616LE Compressor Engine, 4,735 bhp, natural gas fired: Serial No. BLB00302 Installed 3/4/2011	Oxidation Catalyst
H1A (Train 1) H1B (Train 1)	Two Amine Regenerator Reboilers natural gas fired: 33.5 MMBtu/hr max. design heat input Serial No. J96650 Installed 1996 33.5 MMBtu/hr max. design heat input Serial No. J96651 Installed 1996	None
H3 (Train 2) H4 (Train 2)	Two Hot Oil Heaters, natural gas fired: 40 MMBtu/hr max design heat input Serial No. J-66-308 Installed 1998 60 MMBtu/hr max design heat input Serial No. 69539 Installed 1998	None
V1 (Train 1) V3 (Train 2)	Two Amine Regenerator CO_2 Vents: Amine Plant #1 Still Vent Serial No. G-1032 Installed 1996 Amine Plant #2 Still Vent Serial No. 6940002 Installed 1998	None
V2 (Train 1) V4 (Train 2)	Two Dehydrator Still Vents, Sivalls Tank Company, 120 MMscfd: Serial No. 19.411 Installed 1996 Serial No. Custom Installed 1998	Enclosed Combustion Device
V5 (Train 2)	One Dehydrator Still Vent, QB Johnson, 40 MMscfd: Serial No. Custom Installed 1998	None

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 hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act (CAA) and below 1,000 lbs per year or the de minimus level established under Section 112(g), whichever is lower, for HAP emissions. 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.

Red Cedar stated in its Part 71 renewal permit application that the emission units in Table 2, below, are insignificant. The application provided calculations for heater/reboiler emissions using current

American Petroleum Institute emission factors. Red Cedar provided sufficient information, including EPA Tanks 4.0 calculations, to verify any emissions from liquids in the tanks were insignificant. This data supports the source's claim that these units qualify as insignificant.

Table 2 - Insignificant Emission Units
Red Cedar Gathering Company - Coyote Gulch Treating Plant

Emission Unit ID	Description
H2 (Train 1)	1.8 MMBtu/hr Dehydrator Regenerator Reboiler
H5 (Train 2)	2.0 MMBtu/hr Dehydrator Regenerator Reboiler
H6 (Train 2)	1.8 MMBtu/hr Dehydrator Regenerator Reboiler
H7 & H8	2 - 0.325 MMBtu/hr Tank Heater (TK-18-8103 & TK18-8104)
(Train 1 & Train 2)	2 - 3,780 gallon TEG Waste Water (still vent) Tanks
TK-03-1241 TK-07-1241 TK-0304 TK-0305 TK-0306	5 – 500 gallon lubricating oil tanks
TK-03-1240	1 – 500 gallon coolant storage tank
IEU 8 & IEU 9	2 – 200 gallon coolant storage tanks
TK-01-18-8101 & TK-01-18-8102	2 – 1,000 gallon used oil underground sumps
TK-18-3302	1 – 4,200 gallon amine storage tank
TK-07-BJ-4100	1 – 4,200 gallon TEG storage tank
TK-MBJ-1540	1 – 9,000 gallon hot oil storage tank
TK-03-1316	1 – 500 gallon hot oil storage tank
IEU 18	1 – 1,050 gallon gasoline storage tank
TK-18-8103 & TK-18-8104	2 – 8,820 gallon waste water / oil tanks
TK-18-3304 & TK-18-3303	2 – 12,600 gallon relief / blowdown amine storage tanks

e. Facility Construction and Permitting History

In 1996, amine sweetening and dehydration operations commenced at Coyote Gulch. At that time, the plant consisted of a single process train (Train 1) equipped with two Caterpillar 3616 LE, 4,445 hp RICE (E-01and E-02), two 33.5 MMBTU/hr amine regenerator still reboilers (H1A, H1B), an amine regenerator CO_2 vent (V1), a dehydrator reboiler (H2), and a dehydrator still vent (V2). The initial construction did not require a Prevention of Significant Deterioration (PSD) permit as the potential emissions were below major source thresholds.

In 1997, compression was supplemented with the addition of a Caterpillar 3612 LE, 3,335 hp RICE (E-03). This modification did not require a PSD permit as the potential emissions increases of the project were below major source thresholds. Therefore, the facility remained not subject to PSD.

In January 1998, a second process train (Train 2) was constructed. Equipment added as a result of this construction included a 40 MMBTU/hour and a 60 MM BTU/hour Hot Oil Heater (H3 and H4, respectively), a 2.0 MM BTU/hour Dehydrator Regenerator Reboiler (H5), Amine Regenerator CO2 Vent (V3), and a Dehydration Unit Still Vent (V4). This modification did not require a PSD permit as the potential emissions increases of the project were below major source thresholds. However, with this new construction, the facility became a major PSD source for CO. Therefore, the emissions from any newly proposed construction from that point forward were to be compared to PSD significance levels rather than PSD major source levels when determining PSD applicability.

In March 2000, EPA issued a Part 71, Title V operating permit for Coyote Gulch. A minor modification to the permit was issued in November 2001. EPA issued a renewed permit for Coyote Gulch on January 3, 2007. The renewal permit was administratively amended three times in August 2007, January 2008, and June 2008, respectively, amending non-enforceable facility contact information (names, addresses, phone numbers), changing permit format, and clarifying the language of certain applicable requirements.

EPA issued a Compliance Assistance Plan (CAP) for CAA violations at Coyote Gulch on August 11, 2010. On March 8, 2011, EPA issued a minor modification to incorporate applicable emission limitation requirements under 40 CFR Part 63, Subpart HH as required by the CAP. Additionally, the minor modification incorporated the applicable requirements of 40 CFR Part 60, Subpart Dc and the installation of compressor engine E-07 along with the corresponding requirements of 40 CFR Part 63, Subpart ZZZZ for that unit.

EPA received an application to renew the Part 71 permit on June 17, 2011. Additional information was received on August 16, 2011, August 29, 2011, and December 20, 2011. EPA has no record of any other federal air permitting activity at this facility, such as pre-construction PSD or minor New Source Review (minor NSR) permits.

f. Potential To Emit

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.

Greenhouse Gas Tailoring Rule

On June 3, 2010, EPA promulgated the final PSD and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule). The Tailoring Rule established the applicability criteria that determine which stationary sources and modification projects are subject to PSD and Title V permitting requirements for greenhouse gas (GHG) emissions. As of January 2, 2011, GHGs are regulated NSR pollutants under the PSD major source permitting program when they are emitted by new sources or modifications in amounts that meet the Tailoring Rule's set of applicability thresholds.

For PSD and Title V purposes, GHGs are a single air pollutant defined as the aggregate group of the flowing six gases: carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). CO_2-equivalent (CO_2e) is defined as the sum of the mass emissions of each individual GHG adjusted for its global warming potential value in Table A-1 of the Greenhouse Gas Reporting Program (40 CFR Part 98, Subpart A, Table A-1).

The Tailoring Rule established the following applicability criteria for GHGs:

PSD Applicability Criteria
PSD applies to GHGs if any of the following conditions are met: 1. The source is a new source otherwise subject to PSD (for another regulated NSR pollutant) and the source has a GHG PTE equal to or greater than • 75,000 tpy CO_2e; 2. The source is a new source and has a GHG PTE equal to or greater than: • 100,000 tpy CO_2e, and • 100 / 250 tpy mass basis 3. A modification to an existing source is otherwise subject to PSD (for another regulated NSR pollutant) and has a GHG emissions increase and net emissions increase: • Equal to or greater than 75,000 tpy CO_2e, and • Greater than 0 tpy mass basis 4. An existing source has a GHG PTE equal to or greater than: • 100,000 tpy CO_2e, and • 100 / 250 tpy mass basis and a modification to an existing source has a GHG emissions increase and net emissions increase: • Equal to or greater than 75,000 tpy CO_2e, and • Greater than 0 tpy mass basis 5. The source is an existing minor source for PSD, and a modification alone has actual or potential GHG emissions equal to or greater than: • 100,000 tpy CO_2e, and • 100 / 250 tpy mass basis

Title V Applicability Criteria
Title V applies to GHGs at the following sources: 1. Existing or newly constructed sources that emit or have a PTE equal to or greater than: • 100,000 tpy CO_2e, and • 100 / 250 tpy mass basis

A detailed summary and guidance of permitting requirements established by the Tailoring Rule can be found in the March 2011 EPA document titled "PSD and Title V Permitting Guidance for Greenhouse Gases", located at http://www.epa.gov/nsr/ghgdocs/ghgpermittingguidance.pdf.

The PTE for Coyote Gulch was listed by Red Cedar in Forms "GIS", "PTE", and the various forms "EMISS" of the Part 71 operating permit renewal application. Table 3 shows PTE data broken down by each individual emission unit, as well as the total facility-wide PTE.

Table 3 - Potential to Emit (uncontrolled)
Red Cedar Gathering Company – Coyote Gulch Treating Plant

Emission Unit ID	Regulated Air Pollutants[1,2,3,4] in tpy (uncontrolled)								
	NO_X	VOC	SO_2	PM_{10}	CO	Lead	Total HAPs	Largest Single HAP (Xylene)	GHGs (CO_2e)
E-03	24.0	30.6	0.0	0.0	85.7	0.0	11.6	0.0	15,048.9
E-07	32.0	40.5	0.0	0.0	114.3	0.0	15.8	0.0	19,980.8
H1A	14.5	0.8	0.0	1.1	12.2	0.0	1.9	0.2	17,381.6
H1B	14.5	0.8	0.0	1.1	12.2	0.0	1.9	0.2	17,381.6
H3	17.3	1.0	0.0	1.3	14.5	0.0	2.3	0.2	20,754.2
H4	25.9	1.4	0.0	2.0	21.8	0.0	3.4	0.3	31,131.3
V1	0.0	12.1	0.0	0.0	0.0	0.0	0.0	0.0	125,049.0
V3	0.0	14.2	0.0	0.0	0.0	0.0	0.1	0.0	200,078.0
V2	0.0	62.3	0.0	0.0	0.0	0.0	25.8	16.6	0.0
V4	0.0	49.1	0.0	0.0	0.0	0.0	22.0	14.5	0.0
V5	0.0	45.2	0.0	0.0	0.0	0.0	18.0	11.4	0.0
IEUs	2.8	0.2	0.0	0.3	2.4	0.0	0.4	0.0	3,242.8
TOTAL	131.0	258.2	0.0	5.8	263.1	0.0	103.2	43.4	450,048.2

1. Uncontrolled engine NO_x, CO, and VOC emissions are based on manufacturer supplied emission factors. HAP emissions were calculated using the highest emission factor from a composite of EPA's AP-42, GRI field data, and GRI literature data.
2. Uncontrolled dehydrator emissions based on GRI GLY-Calc modeled emissions.
3. Heater / reboiler emissions were calculated using EPA's AP-42 emission factors.
4. Amine vent emissions were calculated using emission factors from GRI field data, GRI literature data, 40 CFR Part 98.

2. Tribe Information

a. <u>Indian country</u>

Red Cedar's Coyote Gulch 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. EPA granted full approval of the Southern Ute Indian Tribe's Title V Operating Permits Program on March 2, 2012. The Southern Ute Indian Tribe will issue Title V permits according to the approved transition plan within 3 years from program approval, or March 2, 2015. EPA will continue to administer the Part 71 permit for this facility until the Part 70 permit is issued by the Tribe. Therefore, EPA is the appropriate governmental entity to issue the Title V permit to this facility at this time.

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 5 miles outside of the north boundary of the Reservation. Current information indicates that the population of the Tribe is about 1,450 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 years and are staggered so in any given year 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 (reporting the parameters NO, NO_2, and NO_x), ozone (O_3), CO, and $PM_{2.5}$, and to collect meteorological data. The AQS database has data from the Southern Ute Tribe for NO_2 and O_3 data at the Ignacio, Colorado station (AQS identification number 08-067-7001) and the Coyote Gulch, Colorado station (AQS identification number 08-067-7003) since 1990 and 1997, respectively. The CO channel at the Ignacio station has been reporting to AQS since 2004, and both stations began reporting NO and NO_x data to AQS in 2001. 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 Coyote Gulch station. Both stations began reporting $PM_{2.5}$ in 2009. 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.

3. Applicable Requirements

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 of 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 renewal application and are only intended to present the information certified to be true and accurate by the Responsible Official of this facility.

Prevention of Significant Deterioration (PSD) – 40 CFR 52.21

PSD is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a "major" stationary source or "major" modification of an existing stationary source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the potential to emit any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. PSD also applies to modifications at existing major sources that cause a "significant net emissions increase" at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21. A modification is a physical change or change in the method of operation.

Coyote Gulch is an existing source that does not belong to any of the 28 listed source categories. Therefore, the potential to emit threshold for determining PSD applicability for this source is 250 tpy for criteria pollutants and 100,000 tpy for CO_2e. The PTE in the renewal application increased for compressor engine unit E-03 as a result of updated emission factors for this unit. Additionally, the PTE increased for dehydration units V2, V4, and V5 due to updated GRI GLY-Calc input parameters resulting from a recent gas analyses. The PTE for CO_2e is greater than 100,000 tpy. Consequently, the PTE for CO, VOC, and CO_2e at Coyote Gulch exceeds the major source PSD thresholds and the source is now classified as major for PSD permitting purposes. **Therefore, potential emissions from any newly proposed construction from this point forward must be compared to the PSD significance levels rather than major source thresholds when determining PSD applicability.**

New Source Performance Standards (NSPS)

<u>40 CFR Part 60, Subpart A</u>: 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, Coyote Gulch is subject to 40 CFR Part 60, Subpart Dc; therefore, the General Provisions of Part 60 do apply.

<u>40CFR Part 60, Subpart Dc</u>: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule applies to steam generating units with a maximum design heat capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr and commenced construction, modification, or reconstruction after June 9, 1989.

According to the information provided by Red Cedar, emission units H1A and H1B meet the definition of steam generating units with a maximum heat design capacity between 10 and 100 MMBtu/hr and commenced construction after June 9, 1989. Therefore, this rule does apply to units H1A and H1B.

Although emission units H3 and H4 are steam generating units with a maximum heat design capacity between 10 and 100 MMBtu/hr, according to Red Cedar the units were constructed prior to June 9, 1989 and have not been modified or reconstructed. Red Cedar provided documentation in the January 11, 2011 submittal to support the claim that the units were operated prior to their installation at Coyote Gulch.

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.

According to Red Cedar, Coyote Gulch has one treated water storage tank with a storage capacity greater than 40,000 gallons onsite. However, the tank was constructed after May 19, 1978; therefore, Subpart K does not apply.

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.

According to Red Cedar, Coyote Gulch has one treated water storage tank with a storage capacity greater than 40,000 gallons onsite. However, the tank was constructed after June 23, 1984; therefore, Subpart Ka does not apply.

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 (471 bbl).

According to Red Cedar, Coyote Gulch has one tank with a storage capacity greater than 75 cubic meters onsite. However, Tank TK-18-3301 contains deionized water and does not store volatile organic liquids. Therefore, this subpart does not apply to the storage vessels at Coyote Gulch.

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 MMBtu/hr), that commenced construction, modification, or reconstruction after October 3, 1977.

According to Red Cedar, there are no stationary gas turbines located at Coyote Gulch; therefore, Subpart GG 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)).

Red Cedar provided the following information:

Table 3 – NSPS Subpart JJJJ Applicability Determination
Red Cedar Gathering Company - Coyote Gulch Treating Plant

Unit[1]	Serial Number	Unit Description	Fuel	BHP	Manufacture Date	Commenced Construction Date	Subpart JJJJ Trigger Date-Manufactured on or after
E-03	1YG00205	Caterpillar 3612LE Compressor Engine	Natural gas	3,550	7/28/2000	7/28/2000	7/1/2007
E-07	BLB00302	Caterpillar G3616LE Compressor Engine	Natural gas	4,735	3/31/2006	Prior to 7/1/07	7/1/2007

1. Per Red Cedar, these engines have not been modified or reconstructed (as defined in Part 60) since June 12, 2006.

According to the information provided by Red Cedar, the requirements in Subpart JJJJ do not apply to engine E-03 operating at Coyote Gulch, because it commenced construction before June 12, 2006 and have not been reconstructed or modified since (as defined in §60.15). The requirements in Subpart JJJJ do not apply to engine E-07 because the engine was manufactured prior to manufacture trigger date of July 1, 2007 and commenced construction at another facility prior to June 13, 2007.

Should Red Cedar propose to install a replacement engine for E-03 or E-07 that is subject to Subpart JJJJ, Red Cedar will not be allowed to use the off permit changes provision, and will be required to submit a minor permit modification application to incorporate Subpart JJJJ requirements into the permit.

<u>40 CFR Part 60, Subpart KKK</u>: 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 (NGLs) from field gas, fractionation of mixed NGLs to natural gas products, or both. NGLs are defined as the hydrocarbons, such as ethane, propane, butane, and pentane that are extracted from field gas.

According to Red Cedar, Coyote Gulch does not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products, and thus it does not meet the definition of a natural gas processing plant under this subpart. Therefore, Subpart KKK does not apply.

<u>40 CFR Part 60, Subpart LLL</u>: 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.

According to Red Cedar, Coyote Gulch has no sulfur recovery units. Therefore, Subpart LLL 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 HAP regulated 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, Coyote Gulch is subject to 40 CFR Part 63, Subpart HH and Subpart ZZZZ; therefore the General Provisions of Part 63 apply. Additionally, Coyote Gulch has equipment in relevant source categories (V5 (Subpart HH)), which is not subject to the relevant standards. A record of an applicability determination demonstrating that the unit is not subject to the relevant Part 63 standards must be kept (per §63.10(b)(3)) on site for 5 years after the determinations or until a source changes its operations to become an affected source. EPA approved a request from Red Cedar for a waiver of the onsite recordkeeping requirement in a letter dated August 6, 2008. According to the waiver agreement, these applicability determinations will be kept at the corporate headquarters office in Durango, Colorado.

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 shall 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 also 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 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 recirculation pump rate optimized or operators must document that PTE of benzene is less than 1 tpy.

Applicability of Subpart HH to Coyote Gulch

According to Red Cedar, Coyote Gulch does not engage in the extraction of NGLs and therefore is not considered a natural gas processing plant. Hence, the point of custody transfer, as defined in 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 but the HAP emissions from the dehydration units alone at the facility are above the major source thresholds of 25 tpy total HAPS and 10 tpy of a single HAP (xylene). Therefore, Coyote Gulch is considered a major source according to 40 CFR Part 63, Subpart HH. EPA verified the major source status following a September 13, 2007 inspection. **As a result, units V2, V4, and V5 are affected units for this rule.**

Uncontrolled benzene emissions from the TEG glycol dehydrator, unit V5, at the facility have been determined to be less than 1 tpy using GRI-GLYCalc Version 4.0. Certain major sources whose uncontrolled benzene emissions from glycol dehydrators and flash tanks are determined to be less than 1 tpy are exempt from the general requirements of the rule; however, they are required to retain GRI-GLYCalc determinations used to demonstrate that actual average benzene emissions are below 1 tpy, as presented in the supporting documentation in the application. **Unit V5 at the facility is exempt from the §63.764(c) general requirements for major sources per §63.764(e)(1)(ii). However, the following general recordkeeping requirement will continue to apply for this unit:**

- §63.774(d)(1) – retain each determination used to demonstrate that actual flowrate of natural gas throughput is less than 85,000 scm/day (3,000,000 scf/day) or the actual average benzene emissions are below 1 tpy.

TEG Dehydration Units V2 and V4 are subject to the applicable requirements for major sources found in 40 CFR Part 63, Subpart HH.

<u>40 CFR Part 63, Subpart HHH:</u> National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities. This subpart 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, <u>and</u> that are a major source of hazardous air pollutant (HAP) emissions. Natural gas transmission means the pipelines are used for long distance transport (excluding processing).

This subpart does not apply to Coyote Gulch as the facility is a natural gas production facility and not a natural gas transmission or storage facility.

<u>40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ)</u>: 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.

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 or digester 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 40 CFR 63, Subpart ZZZZ to Coyote Gulch Treating Plant:

Table 4 – RICE MACT Applicability Determination
Red Cedar Gathering Company - Coyote Gulch Treating Plant

Unit	Serial Number	Unit Description	Fuel	BHP	Commenced Construction Reconstruction or Modification Date	Installation Date
E-03	1YG00205	Caterpillar 3612LE 4SLB Compressor Engine	Natural gas	3,550	Prior to 12/19/2002	1997
E-07	BLB00302	Caterpillar G3616LE 4SLB Compressor Engine	Natural gas	4,735	After 12/19/2002	3/4/2011

According to the information provided by Red Cedar, although Coyote Gulch is a major source of HAP emissions, Unit E-03 at Coyote Gulch is not subject to the major source requirements of this subpart because it is a 4SLB engine that commenced construction before December 19, 2002 and has not been reconstructed or modified since (as defined in §63.2).

Based on the information provided by Red Cedar, emission unit E-07 was constructed after December 19, 2002 and is subject to major source requirements of this subpart.

40 CFR Part 63, Subpart DDDDD (Boiler MACT): National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. This rule establishes national emission limitations and operating limitations for HAPs emitted from new and existing industrial boilers, institutional boilers, commercial boilers, and process heaters that are located at major sources of HAPs. Boilers or process heaters that combust natural gas for fuel or have a maximum designed heat input capacity less than 10 MMBtu/hr are subject to work practice standards in lieu of emission limits. For the purposes of this subpart, an affected unit is an existing unit if it was constructed prior to June 4, 2010.

On May 18, 2011, EPA published the final rule to delay the effective dates of Subpart DDDDD (FR 28662). This rule delayed the effective dates of the Boiler MACT until such time as judicial review is no longer pending or until the EPA completes its reconsideration of the rules, whichever is earlier. Therefore, there are no requirements to be placed in the permit at this time.

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% of the amount, in tons per year, required for a source to be classified as a major source.

Coyote Gulch is a major source for NO_x, CO, VOC, Total HAPs, CH_2O, Xylene, and CO_2e. Emission unit E-07 is a PSEU with pre-controlled emissions that equal or exceed 100% of CO and CH_2O thresholds. However, the engine is subject to 40 CFR Part 63, Subpart ZZZZ and thus meets the exemption criteria of §64.2(b)(1). Emission units V2 and V4 are PSEUs with pre-controlled emissions that equal or exceed 100% of the single HAP threshold (Xylene). However, dehydration units V2 and V4 are subject to 40 CFR Part 63, Subpart HH and thus meet the exemption criteria of §64.2(b)(1). Although emission unit V5 is also a PSEU with pre-controlled emissions that equal or exceed 100% of the single HAP threshold (Xylene), the unit is not subject to an emission limitation or standard for HAPs and is therefore not subject to CAM requirements.

Since no other PSEUs at Coyote Gulch have pre-controlled emissions that exceed or equal 100% of major source thresholds, Coyote Gulch is not subject to CAM requirements.

Chemical Accident Prevention Program

40 CFR Part 68: Chemical Accident Prevention Provisions. This rule applies to stationary sources that manufacture, process, use, store, or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under §68.115. §68.115(b)(l) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture. §68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water. Based on Red Cedar's application, Coyote Gulch has regulated substances above the threshold quantities in this rule and therefore is subject to the requirement to develop and submit a risk management plan. EPA received a risk management plan for Coyote Gulch on December 16, 2009.

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: Air Conditioning Units. Based on information supplied in the renewal application, Red Cedar does not currently operate air conditioning units at Coyote Gulch. However, should Red Cedar perform any maintenance, service, repair, or disposal of any equipment containing chlorofluorocarbons (CFCs), or contracts with someone to do this work, Red Cedar would be required to comply with Title VI of the CAA and submit an application for a modification to this Title V permit.

40 CFR Part 82, Subpart H: Halon Fire Extinguishers. According to Red Cedar, there are no halon fire extinguishers at Coyote Gulch. However, should Red Cedar 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 halon or uses such equipment during technician training. Specifically, Red Cedar would be required to comply with 40 CFR Part 82 and submit an application for a modification to this Title V permit.

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, the source is not relieved from the requirement to comply with the rule separately from compliance with their Part 71 operating permit. It is the responsibility of each source to determine applicability to Part 98 and to comply, if necessary.

Conclusion

Since Coyote Gulch is located in Indian country, the State of Colorado's implementation plan does not apply to this source. In addition, no tribal implementation plan (TIP) has been submitted and approved for the Southern Ute Tribe, and EPA has not promulgated a federal implementation plan (FIP) for the area of jurisdiction governing the Southern Ute Indian Reservation. Therefore, Coyote Gulch is not subject to any implementation plan.

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, the EPA published the rule titled "Review of New Sources and Modifications in Indian country" on July 1, 2011. Initiated by and in response to tribal input, the rule addresses a significant regulatory gap by developing NSR rules for Indian country, which establish a preconstruction permitting program for minor stationary sources of air pollution throughout Indian country and major stationary sources located in areas in Indian country not meeting national clean air standards. The purpose of the NSR program is to protect public health and the environment, even as new industrial facilities are built and existing facilities expand. The rule requires new and existing synthetic minor sources currently operating under federal operating permits for sources in Indian country (regulated at 40 CFR Part 71), as well as sources proposing minor modifications at existing major sources, to submit applications to the region starting August 30, 2011. Existing true minor sources are required to register with the permitting authority no later than March 1, 2013. True minor sources that are looking to construct or modify will have to apply by September 2, 2014.

This program 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 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 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.

4. EPA Authority

a. <u>General Authority To Issue Part 71 Permits</u>

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 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 programs. Although EPA approved the Southern Ute Indian Tribe's Title V Operating Permit Program on March 2, 2012, EPA will continue to administer the Part 71 permit until a Part 70 permit is issued by the Tribe.

5. 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.

6. Public Participation

a. <u>Public notice</u>

As described in 40 CFR 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 CFR 71(d).

Public notice was given by providing notification of EPA's intent to issue the draft permit 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 that have jurisdiction over the area where the source is located. Notification was provided to all persons who submitted a written request to be included on the mailing list. Additionally, the general public in the affected community was notified by an advertisement in the local newspaper. 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 the contact listed below:

Part 71 Lead
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 March 30, 2012, giving opportunity for public comment on the draft permit and the opportunity to request a public hearing. No comments were received by EPA on the draft permit.

b. Opportunity for comment

Members of the public were given an opportunity to review a copy of the draft permit prepared by EPA, the application, this 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
98 Everett Street, Suite C
Durango, Colorado 81302

and

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

and

U.S. 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 may have submitted 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. All comments were considered and answered by EPA in making the final decision on the permit. EPA keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate should 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 be included in full and may not be incorporated by reference, unless the material has already been submitted as part of the administrative record in the same proceeding or consists of state or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

c. Opportunity to request a hearing

A person may submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit. No request for a public hearing was received.

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 notifying the air pollution control agencies of affected states, tribal and local air pollution control agencies which 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
- San Juan Citizen Alliance
- Carl Weston
- WildEarth Guardians
- La Plata County Assessor’s Office