Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No. V-SU-00036-2008.01
Reopen for Cause
February 2011

Red Cedar Gathering Company
Pump Canyon Compressor Station
Southern Ute Indian Reservation
La Plata County, Colorado

1. Facility Information

a. Location

The Pump Canyon Compressor Station, owned and operated by Red Cedar Gathering Company (Red Cedar), 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 Section 11, T32N, R8W, in La Plata County, Colorado. The mailing address is:

Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301

b. Contacts

Responsible Official:
Albert J. Brown, President and COO
Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301
970-764-6900
970-382-0462 (fax)

The Tribal Contact:
Brenda Jarrell, Air Quality Program Manager
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137
970-563-4705 Ext. 2246

Facility Contact:
Ethan W. Hinkley, Environmental Compliance Specialist
Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301
970-764-6910
970-382-0462 (fax)

2. Description of Reopen for Cause

On March 3, 2010 (75 FR 9648), EPA published revisions to the National Emission Standards for Hazardous Air Pollutants, also known as the maximum achievable control technologies (MACT) for Reciprocating Internal Combustion Engines (RICE MACT). While the primary purpose of the final rule was to include the regulation of emissions of hazardous air pollutants (HAPs) from certain existing compression ignition RICE, the rule also included changes to the startup, shutdown, and malfunction (SSM) provisions for all RICE as a result of a December 18, 2008 D.C. Circuit Court of Appeals order.

According to 40 CFR 71.7(f)(1)(i), issued operating permits shall be reopened for cause if an additional applicable requirement under the Clean Air Act becomes applicable to a major part 71 source with a remaining permit term of 3 or more years. 40 CFR 71.7(f)(3) requires the permitting authority to provide a notice of intent to reopen for cause to the part 71 source at least 30 days in advance of the date the permit is to be reopened. EPA notified Red Cedar Gathering Company of its intent to reopen the operating permit for Pump Canyon Compressor Station in a letter dated May 11, 2010.

Following EPA's notification letter of intent to reopen the permit for cause to address the March 3, 2010 revisions to RICE MACT, additional changes to the rule were promulgated on August 20, 2010. While the main focus of the August 20, 2010 rule revisions was to include additional affected units, there were also changes made to the allowed performance test methods that affect the language in the permit. Rather than specifically referencing the test methods appropriate for the emission units in the permit, we revised the language to provide greater flexibility by referencing the table of requirements for performance test in the regulation. This does not change any of the applicable requirements of the RICE MACT. The August 20, 2010 rule revisions also included Continuous Parameter Monitoring Systems (CPMS) specifications. The permit has been revised to incorporate the new CPMS requirements for the affected emission units.

a. RICE MACT promulgation history and applicability

40 CFR Part 63, Subpart ZZZZ (RICE MACT): 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 Rating ≤ 500 bhp at Major HAP Sources

The first round of amendments to RICE MACT was promulgated on January 18, 2008 (73FR 3568). Requirements were established for new SI and CI ICE of any horse power rating located at area sources of HAPs and new SI and 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 RICE MACT 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 ≤ 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 ≤ 500 bhp at Major HAP Sources

The third round of amendments to RICE MACT was promulgated on August 20, 2010. New requirements were established for existing SI ICE of any rating at area sources of HAPs and existing SI ICE with a 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 ≤ 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, horse power rating, fuel, and major or area HAP emission status.

Summary of Applicability to Engines at Major HAP Sources

Table 1 – Applicability to Engines at Major HAP Sources

Major HAP Sources			
Engine Type	**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 landfill gas, 4SLB, 2SLB, and 4SRB.
2. All includes emergency ICE and limited use ICE

Summary of Applicability to Engines at Area HAP Sources

Table 2 – Applicability to Engines at Area HAP Sources

Area HAP Sources			
Engine Type	**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 the Pump Canyon Compressor Station

Red Cedar provided the following information:

Table 3 - NESHAP Subpart ZZZZ Applicability Determination
Red Cedar Pump Canyon Compressor Station

Unit	Serial Number	Unit Description	Fuel	BHP	Commenced Construction Reconstruction or Modification Date	Subpart ZZZZ Requirements
C-201	C-11322-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-202	C-61144-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-203	C-12226-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-305	WPW-02222	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)
C-306	WPW-02226	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)
C-307	WPW-02231	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)

According to the information provided in Red Cedar's part 71 renewal application, the Pump Canyon Compressor Station is a major HAP source. Engine units C-201, C-202 and C-203 commenced construction before December 19, 2002 and are considered existing units. In addition, none of these three units have undergone reconstruction (as defined in §63.2) or modification after December 19, 2002. Therefore, these units are not subject to the requirements of the RICE MACT.

However, units C-305, C-306 and C-307 commenced construction after December 19, 2002, and are considered new units; therefore, these three units are subject to the major source requirements of this subpart.

b. RICE MACT revisions applicable to the Pump Canyon Compressor Station

The revisions to the RICE MACT published in the federal register on March 3, 2010 included emission regulations for stationary CI ICE that are located at area and major sources of HAP emissions. Additionally, the rule included revised standards for the SSM procedures that were previously regulated under the RICE MACT. The engines located at the Pump Canyon Compressor Station are all SI ICE and units C-305, C-306, and C-307 were previously subject to the RICE MACT. Therefore, the revised standards for SSM procedures apply to those engines at the Pump Canyon Compressor Station.

EPA has promulgated additional operational standards during startup as part of the revised rule. These standards specify that the permittee must limit the engine startup time to no more than 30 minutes and must minimize the engine's time spent at idle during startup. For conditions where it may take more than 30 minutes to start up the engine (i.e. cold starts or where the ambient temperature is very cold), the permittee may petition the Administrator pursuant to 40 CFR 63.6(g) for alternative work practices. These standards apply during normal operations, as well as during malfunctions, and are reflected in Section II. of the permit. In addition, emission limits apply at all times, except during periods of startup, and sources are no longer required to submit a SSM Plan under the revised rule.

The following modifications have been made to this permit:

- Section II. – Requirements for Engines
    1. Corrected the text to reflect recent revisions to 40 CFR part 63, subpart ZZZZ.

For specific applicability information to other requirements not mentioned in this Statement of Basis, please see the Statement of Basis for part 71 permit number V-SU-0036-08-00.

c. Conclusion

Based on the information provided in Red Cedar's applications for the Pump Canyon Compressor Station, EPA has determined that the facility is subject to the March 3, 2010 and August 20, 2010 revisions promulgated at 40 CFR part 63, subpart ZZZZ as discussed in Section 2, above. As discussed in Section 5 below, only portions of the permit that have been revised are subject to public review and comment during the public comment period.

3. 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 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.

4. 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.

5. Public Participation

a. Public notice

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 71.11(d). **40 CFR 71.7(f)(2) further states that "proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists".**

There was a 30-day public comment period for actions pertaining to a draft permit. The public comment period only affected those parts of the permit for which cause to reopen exists according to 40 CFR 71.7(f)(2). Public notice was given for this 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 the contact listed below:

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

Public notice was published in the Durango Herald 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
98 Everett Street, Suite C
Durango, Colorado 81303

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 was given the opportunity to submit written comments on Section II of 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.

Anyone, including the applicant, who believed any condition in Section II 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 be incorporated by reference, unless the material was already 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. No comments were received on the draft permit action.

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 above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA would have held a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. EPA would have provided public notice of the public hearing. If a public hearing had been held, any person may submit oral or written statements and data concerning the draft permit. No public hearing was requested for the draft permit action.

d. Appeal of permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on Section II of the draft permit or participated in the public hearing may petition to the Environmental Appeals Board to review any condition in this section 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 which 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 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
- La Plata County, Assessor's Office
- 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

Air Pollution Control
Title V Permit to Operate
Final Statement of Basis for Permit No. V-SU-0036-08.00
First Permit Renewal
October 2009

Red Cedar Gathering Company
Pump Canyon Compressor Station
Southern Ute Reservation
La Plata County, Colorado

1. Facility Information

a. Location

The Pump Canyon Compressor Station, owned and operated by Red Cedar Gathering Company (Red Cedar), 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 Section 11, T32N, R8W, in La Plata County, Colorado. The mailing address is:

Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301

b. Contacts

Responsible Official:
Albert J. Brown, President and COO
Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301
970-764-6900
970-382-0462 (fax)

The Tribal Contact:
James Temte
Southern Ute Indian Tribe
Air Program Manager
970-563-4705

Facility Contact:
Ethan W. Hinkley, Environmental Compliance Specialist
Red Cedar Gathering Company
125 Mercado Street, Suite 201
Durango, CO 81301
970-764-6910
970-382-0462 (fax)

c. Description of operations

The Pump Canyon Compressor Station, owned and operated by Red Cedar, compresses natural gas prior to the point of custody transfer as defined in 40 CFR part 63, subpart HH. The facility does not extract natural gas liquids (NGLs) from field gas, fractionate mixed NGL to natural gas products, nor remove carbon dioxide. Pump Canyon performs natural gas compression and dehydration.

Air pollutant emissions are primarily from six internal combustion engines that drive the compressors. Three of the engines are Waukesha model 7042 GL lean burn natural gas-fired engines, site rated at 1,330 brake horsepower (bhp) and exhausted individually to the atmosphere. The other three engines are Caterpillar G3516TA LE lean burn natural gas fired engines with oxidation catalysts controls that act as a second stage of compression prior to the gas entering the production pipeline.

d. List of all units and emission-generating activities

In the part 71 operating permit renewal application for the Pump Canyon Compressor Station, Red Cedar provided the information shown in Tables 1 and 2 below. Table 1 lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as "insignificant" emitting units (IEUs) are listed separately in Table 2.

Table 1 - Emission Units
Red Cedar Gathering Company, Pump Canyon Compressor Station

Emission Unit ID	Description	Control Equipment
	Waukesha 7042 GL 4-stroke lean burn compressor engines, 1,330 bhp, natural gas fired:	None
C-201	serial no. C-11322/1 Installed 09/13/2006	
C-202	serial no. C-61144/1 Installed 09/07/2006	
C-203	serial no. C-12226/1 Installed 12/15/2001	
	Caterpillar G3516TA LE 4-stroke lean burn compressor engines, 1,340 bhp, natural gas fired:	Oxidation Catalyst
C-305	serial no. WPW-02222 Installed: 2/11/2009	
C-306	serial no. WPW-02226 Installed: 2/5/2009	
C-307	serial no. WPW-02231 Installed: 1/19/2009	
	PESCO Natural Gas Dehydrator Vent, 25 mmscfd unit with an 8 gpm Viking pump	None
X-302	serial no. 11772 Installed: 7/2007	

Part 71 allows sources to separately list in the permit application units or activities that qualify as "insignificant" based on potential emissions below 2 tons per year (tpy) for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under section 112(b) and below 1,000 lbs/year or the deminimis 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. 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 permit renewal application that the emission units in Table 2, below, are IEUs. The application provided emission calculations for the tanks using TANKS 4.0 and for the heaters using AP-42 emission factors. This supporting data justifies the source's claim that these units qualify as IEUs.

Table 2 -- Insignificant Emission Units
Red Cedar Gathering Company, Pump Canyon Compressor Station

Emission Unit ID	Description
H-101 and H-102	Inlet slug catcher heaters (8,000 btu/hr)
H-103	Catalytic heater for fuel skid (18,000 btu/hr)
H-501 and H-502	Tank heaters (325,000 btu/hr each)
X-302	TEG reboiler (500,00 btu/hr)
TK-501	Waste water drain tank (500 bbl) 21,000 gallons, atmospheric vent
TK-502	Waste oil drain tank (210 bbl) 8,820 gallons, atmospheric vent
TK-503	Glycol still vent tank (500 gallons)
TK-504 and TK-507	Engine coolant storage tanks 500 gallons each, atmospheric vent
TK-505	TEG storage tank, 500 gallons, atmospheric vent
TK-506	Compressor lube oil storage tank (1,600 gallons)
TK-510 and TK-511	Engine lube oil storage tanks (1,000 gallons)
TK-508	Engine coolant maintenance tank (1,000 gallons)

e. Construction, permitting, and compliance history

The Pump Canyon Compressor Station commenced operation as a minor HAP and major title V source on December 8, 1999. The facility triggered title V permitting for carbon monoxide (CO) emissions that were greater than 100 tpy. The Environmental Protection Agency Region 8 (EPA) received the initial title V application on December 4, 2002. EPA issued the initial title V permit (part 71) #V-SU-0036-02.00 on January 9, 2004. EPA conducted an inspection on October 5, 2004, and discovered that a fourth Caterpillar 3612 engine (C-204) was being installed without EPA approval. The installation of the new engine triggered the regulatory requirement to control HAPs from reciprocating internal combustion engines (RICE) using maximum achievable control technology (MACT) pursuant to 40 CFR part 63, subpart ZZZZ (RICE MACT). However, the installation of the new engine did not trigger a Prevention of Significant Deterioration (PSD) review.

On November 3, 2004, Red Cedar submitted a significant modification application resulting from the October 2004 inspection. The application included the addition of the fourth compressor engine as well as updated potential to emit (PTE) for CO, VOC and CH_2O based on the most recent manufacturer's data. Permit #V-SU-0036-02.01 was issued to the facility on December 6, 2005, and it incorporated the RICE MACT requirements for unit C-204. EPA conducted another inspection of the facility in February of 2006. This inspection did not result in any findings of non-compliance and/or actions. Additionally, EPA received an administrative amendment request from Red Cedar to change the Responsible Official and the Tribal Contact in February of 2006. This administrative amendment to the permit was issued as #V-SU-0036-02.02 on May 22, 2006.

On May 15, 2006, Red Cedar submitted an application for a significant modification to the title V permit. They proposed to add a fifth compressor engine subject to the RICE MACT; a Caterpillar 3516 LE (C-205) equipped with an oxidation catalyst. In addition, Red Cedar asked EPA to correct the permit to reflect dehydration unit (X-302) that EPA missed in issuance of the initial permit. EPA issued the significant modification on July 21, 2006 (#V-SU-0036-02.03) to identify the RICE MACT requirements as applicable to the new engine. EPA also issued administrative amendments to the permit in May and November of 2007.

On April 18, 2008 Red Cedar submitted a minor modification application requesting to remove burned out Caterpillar G3612 engine C-204, change out existing Caterpillar 3516LE engine, C-205, with a new, permanent Caterpillar 3516LE engine, C-306, and add two new Caterpillar 3516K engines, C-305 and C-307.

On July 21, 2008, while the minor modification was being processed, EPA received the renewal application for Pump Canyon Compressor Station. EPA determined, after consulting with Red Cedar, that the minor modification would be processed as part of the permit renewal action.

While drafting the renewal permit, EPA discovered that beneficial reductions of VOCs and CO from the RICE MACT compliant oxidation catalyst controls had been incorrectly recognized in permits #V-SU-0036-02.01 through #V-SU-0036-02.05. Those reductions were not practically enforceable through supplemental permit conditions, such as emission limits and additional monitoring. Therefore, the historical PTE for VOCs and CO emissions has been restored to its pre-controlled estimate in Table 3 below. After correcting the PTE, EPA has determined no additional applicable requirements were triggered.

EPA has no record of any other federal permitting activity, such as PSD or minor New Source Review (NSR), at this facility.

Table 3 below shows the construction and permitting history of Pump Canyon Compressor Station, including the calculated PTE of the emission units at each point in time and the facility's relevant air pollutant regulatory emission status. The history includes information from the initial permit application, the October 2004 and February 2006 inspections, significant and administrative permit amendments, and the application for this permit renewal action.

Table 3 – Construction and Permitting History
Red Cedar Pump Canyon Compressor Station

January 9, 2004→ Initial Permit Issued (V-SU-0036-02.00)					
	PTE (tpy)				
	NOx	**CO**	**VOC**	**HAPs**	**CH_2O**
C-201, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.7	6.4	3.1[a]	2.3[a]
C-202, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.7	6.4	3.1[a]	2.3[a]
C-203, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.7	6.4	3.1[a]	2.3[a]
Insignificant Emission Units (IEUs): Waste Water Drain Tank, Waste Oil Drain Tank, Engine Coolant Storage Tank, TEG Storage Tank, Lube Oil Storage Tank, Catalytic Skid Heaters (2), Tank Heaters (2), 0.2 MMBTU/hr Glycol Dehydrator, 1.0 MMBTU/hr Glycol Dehydrator.	0.5	0.2	0.8	0.01	0.004
January 2004 PTE Cumulative Totals	**58.4**	**104.3**	**20.0**	**9.3**	**6.9**
PSD Status of Facility: Minor			**HAP Status of Facility:** Minor		
HAP Status of Facility per Subpart HH: Minor			**Title V Status of Facility:** Subject		
[a] Using AP-42 emission factors					
June 15, 2004→ NESHAP for Reciprocating Internal Combustion Engines (RICE) Promulgated					
Affected Sources: Existing RICE ≥ 500 bhp, located at major sources of HAP emissions, constructed or reconstructed on or before 12/19/2002 New/Reconstructed RICE ≥ 500 bhp, located at major sources of HAP emissions, constructed or reconstructed after 12/19/2002 Final Compliance Dates Existing lean burn RICE – Exempt Existing rich burn RICE – June 15, 2007 New or reconstructed rich or lean burn RICE constructed on or before August 16, 2004 New or reconstructed rich or lean burn RICE constructed after August 16, 2004 – upon startup Applicability to Pump Canyon Compressor Station ***Minor HAP source. Rule did not apply.***					

November 3, 2004→ Significant Modification: Addition of fourth compressor engine (C-204), incorporation of 40 CFR 63, subpart ZZZZ standards and update CO, VOC and CH_2O PTE according to updated emission factors (V-SU-0036-02.01)

	NOx	CO	VOC	HAPs	CH_2O
C-201, 1,330[b] bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE		-0.7	+6.4	+1.0	+1.4
C-202, 1,330 [b] bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE		-0.7	+6.4	+1.0	+1.4
C-203, 1,330 [b] bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE		-0.7	+6.4	+1.0	+1.4
C-204, 2,927 bhp Caterpillar 3612 LE (oxidation catalyst)- new 4SLB RICE	+19.8	+70.7 [c]	+15.5 [c]	+0.8	+0.3
Total Emissions Increase for the Project	**+19.8**	**+68.6**	**+34.7**	**+3.8**	**+4.5**
November 2004 PTE Cumulative Total	**78.2** [d]	**172.9**[d]	**54.7** [d]	**13.1**[d]	**11.4**[d]

PSD Status of Facility: Minor **HAP Status of Facility:** Major
HAP Status of Facility per Subpart HH: Minor **Title V Status of Facility:** Subject

[b] Red Cedar reevaluated emissions based on the most recent manufacturer's data at maximum sea level bhp rating (manufacturer emission factor, no derate for elevation)

[c] CORRECTION: Permit #V-SU-0036-02.01 incorrectly recognized beneficial reductions of CO and VOC emission from the oxidation catalysts; however, those reductions were not practically enforceable through any permit condition; the PTE for CO and VOCs has been restored to its pre-controlled estimate in this summary.

[d] CORRECTION: The PTE totals in this chart include calculations for IEUs, which had not been included in this final permit action.

May 15, 2006→ Significant Modification: Addition of fifth compressor engine, C-205. Also add dehydrator unit X-302 to the permitted list of insignificants (V-SU-0036-02.03)

	NOx	CO	VOC	HAPs	CH_2O
C-205, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	+19.4	+24.5 [e]	+3.9[e]	+2.0	+0.8
Total Emissions Increase for the Project	**+19.4**	**+24.5**	**+3.9**	**+2.0**	**+0.8**
2006 PTE Cumulative Total	**97.6**	**197.4**	**58.6**	**15.1**	**12.2**

PSD Status of Facility: Minor **HAP Status of Facility:** Major
HAP Status of Facility per Subpart HH: Minor **Title V Status of Facility:** Subject

[e] CORRECTION: Permit #V-SU-0036-02.03 incorrectly recognized beneficial reductions of CO and VOC emissions from the oxidation catalysts; however, those reductions were not practically enforceable through any permit condition; the PTE for CO and VOCs has been restored to its pre-controlled estimate in this summary.

January 18, 2008→ NSPS for Spark Ignition (SI) Internal Combustion Engines (ICE) and Amendments to NESHAP for RICE Promulgated

RICE MACT Affected Sources:

- As above for 2004 RICE NESHAP promulgation for >500 bhp at major sources
- New/Reconstructed SI ICE at minor HAP Sources that commenced construction, modification, or reconstruction after 6/12/2006 (SI ICE NSPS)
- Existing RICE < 500 bhp, located at major sources of HAP emissions, constructed or reconstructed before 6/12/2006
- New/Reconstructed RICE < 500 bhp, located at major sources of HAP emissions, constructed or reconstructed on or after 6/12/2006

Final Compliance Dates

- As above for 2004 RICE NESHAP Promulgation for >500 bhp at major sources
- Existing lean burn RICE at minor HAP source or ≤ 500 bhp at major source - No requirements
- Existing rich burn RICE at minor HAP source or ≤ 500 bhp at major source - No requirements
- New/Reconstructed RICE at minor HAP source or ≤ 500 bhp at major HAP source started up before January 18, 2008 → January 18, 2008
- New/Reconstructed RICE at minor HAP source or ≤ 500 bhp at major source started up after January 18, 2008 → upon startup

Applicability to Pump Canyon Compressor Station

C-201, C-202 and C-203 are existing lean burn engines at a major HAP source→ Exempt from RICE MACT because engines were manufactured before 1/1/2008→ Exempt from NSPS JJJJ.

C-204 and C-205 are new lean burn engines at a major HAP source→ Subject to RICE MACT because manufacture date is after 1/1/2008 and construction commenced after 6/12/2006→ Subject to NSPS JJJJ

April 18, 2008 / July 21, 2008→ Merged Minor Modification and Permit Renewal Action: Remove engine C-204. Change out engine C-205 with temporary replacement engine C-303, until permanent replacement engine C-306 is received. Add new engines C-305 (temporary unit ID C-302) and C-307 (temporary unit ID C-304). Removed glycol dehydrator X-301 and increased throughput to glycol dehydrator X-302, update CH_2O and HAPS PTE according to updated emission factors (Renewal #V-SU-0036-08.00)

	NOx	CO	VOC	HAPs	CH_2O
C-201, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE				+0.8	
C-202, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE				+0.8	
C-203, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE				+0.8	
C-204, 2,927 bhp Caterpillar 3612 LE (oxidation catalyst)- new 4SLB RICE	-19.8	-70.7	-15.5	-0.8	-0.3
C-305, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst) new 4SLB RICE		-22.8	-2.0	+0.9[f]	+0.8[f]
C-306, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	+19.4	+1.7	+1.9	+2.9	+1.6[f]
C-307, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	+19.4	+1.7	+1.9	+2.9	+1.6[f]
X-302, 25 MMSCFD Glycol Dehydrator			+28.1	+17.5	
IEUs: Waste Water Drain Tank, Waste Oil Drain Tank, Engine Coolant Storage Tank (2), TEG Storage Tank, Lube Oil Storage Tanks (2), Catalytic Skid Heater, Tank Heaters (2), Inlet Slug Catcher Heaters (2), TEG Reboiler, Glycol Still Vent Tank, Engine Coolant Maintenance Tank.	+0.1	+0.3	-0.5	+0.09	
Total Emissions Increase/Decrease for the Project	**+19.1**	**-89.8**	**+13.9**	**+25.9**	**+3.7**
July 2008 PTE Cumulative Total	**116.7**	**107.6**	**72.5**	**41.0**	**15.9**

PSD Status of Facility: Minor **HAP Status of Facility:** Major

HAP Status of Facility per Subpart HH: Minor **Title V Status of Facility:** Subject

[f] Units C-305, C-306 and C-307 are subject to federal requirements RICE MACT and NSPS JJJJ which allows the facility to take credit for reductions of CO, VOCs, CH_2O and NOx. However, total PTE for NOx, pre-controls, is well below the standard.

Summary of Pump Canyon's Controlled Emissions for Permit Renewal Action V-SU-0036-08.00					
	NOx	**CO**	**VOC**	**HAPs**	**CH_2O**
C-201, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.0	12.8	4.9	3.7
C-202, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.0	12.8	4.9	3.7
C-203, 1,330 bhp Waukesha 7042 GL (no controls)- existing 4SLB RICE	19.3	34.0	12.8	4.9	3.7
C-305, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	19.4	1.7	1.9	2.9	1.6
C-306, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	19.4	1.7	1.9	2.9	1.6
C-307, 1,340 bhp Caterpillar 3516 LE (oxidation catalyst)- new 4SLB RICE	19.4	1.7	1.9	2.9	1.6
X-302, 25 MMSCFD Glycol Dehydrator	-	-	28.1	17.5	-
IEUs: Waste Water Drain Tank, Waste Oil Drain Tank, Engine Coolant Storage Tanks (2), TEG Storage Tank, Lube Oil Storage Tanks (2), Catalytic Skid Heater, Tank Heaters (2), Inlet Slug Catcher Heaters (2), TEG Reboiler, Glycol Still Vent Tank, Engine Coolant Maintenance Tank.	0.6	0.5	0.3	0.1	0.0
Total Controlled Emissions	**116.7**	**107.6**	**72.5**	**41.0**	**15.9**
PSD Status of Facility: Minor			**HAP Status of Facility:** Major		
HAP Status of Facility per Subpart HH: Minor			**Title V Status of Facility:** Subject		

Description of Renewal Permit #V-SU-0036-08.00

The renewal application was almost identical to the April 18, 2008 minor modification application. Red Cedar proposed removing engine C-204, adding a fifth and sixth compressor engine (C-206, C-207 – named C-302 and C-304 in the minor modification application), replacing an existing Caterpillar G3612 engine with controls (C-205 – renamed C-303 in the minor modification application, then changed back to C-205 in renewal application) with a Caterpillar G3516LD engine with controls, and incorporating newly applicable language for 40 CFR 60, subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Below is the progression of engine unit IDs including actual engine IDs from incoming required startup notifications per 40 CFR 63.9(b)(4)(v):

Minor Modification Engine ID		Renewal Temporary Engine ID		Actual Engine ID
C-205	→	C-303	→	C-305
C-206	→	C-302	→	C-306
C-207	→	C-304	→	C-307

Additionally, the renewal application recognized that the facility would be subject to 40 CFR 63, subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities (MACT HH) and applicable language would need to be added to the renewed permit.

EPA modified Section II of the permit, "Specific Requirements for Engines," as part of drafting the operating permit renewal. References to engines C-306 and C-307 were added to the sections referencing specific requirements for engine C-305. Applicable requirements of 40 CFR 60, subpart JJJJ, Standards of Performance (NSPS) for Stationary Spark Ignition Internal

Combustion Engines (SI ICE NSPS) were added to the several subsections describing specific requirements for engines C-305, C-306, and C-307. Specifically, additional requirements for engines C-305, C-306 ,and C-307 were added to the following sections of the permit:

II.A. 40 CFR Part 60 and 40 CFR Part 63 General Provisions
II.D. Emission Limits
II.F. Operation and Maintenance Requirements
II.H. Performance Testing Requirements
II.I. Performance Testing Procedures
II.K. Initial Compliance Requirements
II.M. Notifications
II.N. Recordkeeping Requirements

Section III "Specific Requirements for Glycol Dehydrators" was added in order to incorporate applicable requirements of MACT HH. The following sections were added to the permit in order to outline specific requirements for glycol dehydrator unit X-302:

III.A. 40 CFR Part 63, General Provisions
III.B. 40 CFR Part 63, Subpart HH
III.C. Operation and Maintenance Requirements
III.D. Recordkeeping Requirements
III.E. Reporting Requirements

Additionally, as a result of the new engine rules promulgated at 40 CFR part 60, subpart JJJJ (SI ICE NSPS) and the amended rules promulgated at 40 CFR part 63, subpart ZZZZ (RICE MACT), EPA has added clarification to the text in Section IV.D. Alternative Operating Scenarios and Section V.Q. Off Permit Changes. The revised text clarifies when the Alternative Operating Scenarios and Off Permit Changes provisions can be utilized and clarifies the notification requirements for when an off permit change is made.

In addition to the changes described above for renewal of the part 71 permit, the following changes have also been made as part of the final renewal permit. In an effort to streamline the title V permits and reduce the number of administrative permit amendments requested, EPA is modifying 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, and the parent company 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 Statements of Basis for each permit action. EPA requests from this point forward that Red Cedar 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. Potential to emit

Pursuant to 40 CFR 52.21, potential to emit 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. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter. See the 1995 guidance memo signed by John Seitz, Director of OAQPS titled, "Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act."

Table 4 - Potential to Emit
Red Cedar Gathering Company, Pump Canyon Compressor Station

Emission Unit ID	Regulated Air Pollutants in tpy (controlled)							
	NO_X	VOC	SO_2	PM_{10}	CO	Lead	HAP	CH_2O
C-201	19.3	12.8	0.0	0.4	34.0	-	4.9	3.7
C-202	19.3	12.8	0.0	0.4	34.0	-	4.9	3.7
C-203	19.3	12.8	0.0	0.4	34.0	-	4.9	3.7
C-305	19.4	1.9	0.0	0.4	1.7	-	2.9	1.6
C-306	19.4	1.9	0.0	0.4	1.7	-	2.9	1.6
C-307	19.4	1.9	0.0	0.4	1.7	-	2.9	1.6
X-302	-	28.1	-	-	-	-	17.5	-
IEUs	0.6	0.3	0.0	0.0	0.5	-	0.1	0.0
TOTAL	116.7	72.5	0.0	2.4	107.6	-	41.0	15.9

The PTE for the Pump Canyon Compressor Station without considering controls is:

Nitrogen oxides (NO_x) – 116.7 tpy
Volatile organic compounds (VOC) – 78.5 tpy
Lead - 0 tpy
Total hazardous air pollutants (HAPs) – 45.8 tpy
Largest single HAP (formaldehyde, CH_2O) – 20.7 tpy
Carbon monoxide (CO) – 176.0 tpy
Small particulates (PM_{10}) – 2.4 tpy
Sulfur dioxide (SO_2) - 0 tpy

The PTE for the Pump Canyon Compressor Station with practically and federally enforceable controls is:

Nitrogen oxides (NO_x) – 116.7 tpy
Carbon monoxide (CO) – 107.6 tpy
Volatile organic compounds (VOC) – 72.5 tpy
Small particulates (PM_{10}) – 2.4 tpy
Lead - 0 tpy
Sulfur dioxide (SO_2) - 0 tpy
Total hazardous air pollutants (HAPs) – 41.0 tpy
Largest single HAP (formaldehyde, CH_2O) – 15.9 tpy

2. Tribe Information

a. Indian country

Red Cedar's Pump Canyon 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 Indian 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 the Pump Canyon Compressor Station.

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 Indian 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 1,305 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 2 members are up for reelection. The Tribal Council officers consist of a Chairman, Vice-Chairman and Treasurer.

d. Local air quality and monitoring status:

The Tribe maintains an air monitoring network consisting of two stations equipped to measure ambient concentrations of nitrogen oxides (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 Air Quality System (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.

3. Applicable Requirements

a. Applicable requirement review

The following discussions address applicable requirements, and requirements that may appear to be applicable but are not. All applicable and non-applicable requirements addressed here are included in the CFR at title 40.

Prevention of Significant Deterioration (PSD)

New major stationary sources of air pollution are required by the CAA to obtain an air pollution permit before commencing construction. A major stationary source is any source type belonging to a list of 28 source categories which emits or has the potential to emit 100 tpy or more of any pollutant subject to regulation under the CAA or any other source type which emits or has the potential to emit such pollutants in amounts equal to or greater than 250 tpy.

The Pump Canyon Compressor Station does not belong to any of the 28 source categories. Therefore, the potential to emit threshold for determining PSD applicability for this source is 250 tpy. Upon initial construction in 1999, the Pump Canyon Compressor Station application indicated that the potential emissions of any pollutant regulated under the CAA [not including pollutants listed under section 112] were below the major source PSD thresholds; therefore, this facility was not required to obtain a PSD permit at that time.

With the addition of a fourth engine (C-205) in November 2004 and fifth and sixth engines (C-305 and C-307) in July 2008, the uncontrolled potential emissions of the modifications at the facility did not exceed the 250 tpy threshold; therefore, the modifications did not trigger a PSD review. The facility is a minor PSD source.

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, Pump Canyon Compressor Station operates three engines subject to 40 CFR part 60, subpart JJJJ, therefore the General Provisions of part 60 apply.

40CFR 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 capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr. 40 CFR part 60, Subpart Dc does not apply to Pump Canyon Compressor Station because there are no steam generating units with a maximum heat design capacity between 10 and 100 MMBtu/hr at the facility.

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 Pump Canyon Compressor Station because there are no tanks at this site 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.

The subpart does not apply to the storage vessels at Pump Canyon Compressor Station because there are no tanks at this site 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.

The subpart does not apply to the storage vessels at Pump Canyon 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 MMBtu/hr), that commenced construction, modification, or reconstruction after October 3, 1977.

There are no stationary gas turbines located at the Pump Canyon Compressor Station; therefore, this rule 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 (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.

The Pump Canyon 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, this rule 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.

The Pump Canyon Compressor Station does not perform sweetening or sulfur recovery at the facility. Therefore, this rule 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)).

According to the information provided by Red Cedar in the July 21, 2008 renewal application and off permit change notifications, engines C-305, C-306 and C-307 are subject to this subpart, as shown in Table 4 below.

Table 5 – NSPS Subpart JJJJ Applicability Determination
Red Cedar Pump Canyon Compressor Station

Unit	Serial Number	Unit Description	Fuel	BHP	Manufacture Date	Commence Construction Date	Subpart JJJJ Require-ments
C-201	C-11322-1	Waukesha 7042 4SLB	NG	1,330	Before 1/1/2008	Before 6/12/2006	Not Subject
C-202	C-61144-1	Waukesha 7042 4SLB	NG	1,330	Before 1/1/2008	Before 6/12/2006	Not Subject
C-203	C-12226-1	Waukesha 7042 4SLB	NG	1,330	Before 1/1/2008	Before 6/12/2006	Not Subject
C-305	WPW-02222	Caterpillar G3516TA LE 4SLB	NG	1,340	After 1/1/2008	After 6/12/2006	Subject
C-306	WPW-02226	Caterpillar G3516TA LE 4SLB	NG	1,340	After 1/1/2008	After 6/12/2006	Subject
C-307	WPW-02231	Caterpillar G3516TA LE 4SLB	NG	1,340	After 1/1/2008	After 6/12/2006	Subject

The Waukesha L7042GL lean burn natural gas fired stationary SI ICE (C-201, C-202 and C-203) currently operating at the Pump Canyon Compressor Station commenced construction, reconstruction, or modification prior to June 12, 2006. None of those three engines have undergone overhaul that exceeded 50% of the cost of purchasing a new engine [per the definition of reconstruction found in 40 CFR 60.4230(a)]; therefore, this subpart does not apply to those three engines.

The Caterpillar G3516TA LE lean burn natural gas fired stationary SI ICE (C-305, C-306, and C-307) installed at the Pump Canyon Compressor Station in January and February of 2009 commenced construction after June 12, 2006 and were manufactured after January 1, 2008. Thus, engines C-305, C-306, and C-307 are subject to this subpart.

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 the specific subparts of part 63.

As explained below, the Pump Canyon Compressor Station is subject to 40 CFR part 63, subpart HH National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities and subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; therefore the General Provisions of part 63 apply.

40 CFR Part 63, Subpart B: Requirements for Control Technology Determinations for Major Sources in Accordance With CAA sections 112(g) and 112(j). 40 CFR part 63, subpart B applies to major sources of HAP that are constructed or reconstructed after the effective date of a title V permit program in the local jurisdiction in which the major source is located, unless the source is regulated or exempted from regulation in another subpart of part 63. The subpart potentially applies to Pump Canyon Compressor Station because the modification at the facility was major for HAP (PTE formaldehyde emissions were greater than 10 tpy) the modification date of the facility was in 2004, which was after the EPA title V permit program effective date of March 22, 1999. However, the subpart does not apply to Pump Canyon Compressor Station because the facility has been regulated or exempted from regulation by subparts HH (as discussed below) and ZZZZ (as discussed above).

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 can document that PTE of benzene is less than 1 tpy.

Applicability of Subpart HH to the Pump Canyon Compressor Station

The Pump Canyon Compressor Station 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 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. There are no tanks that have the potential for flash emissions at the facility. **However, the uncontrolled benzene emissions from the TEG glycol dehydrator unit X-302 at the facility have been determined to be more than 1 tpy using GRI-GLYCalc Version 4.0, as presented in the supporting documentation in the application. As a result, unit X-302 is subject to applicable requirements found in 40 CFR 63.764(d)(2), 63.774, and 63.775.**

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 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 Pump Canyon 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: 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 RICE.

This rule applies to owners or operators of new and reconstructed stationary RICE of any horsepower rating which are located at a major or area source of HAP emissions. While all stationary RICE located at major or area sources are subject to the final rule (promulgated

January 18, 2008, amending the final rule promulgated June 15, 2004), there are distinct requirements for regulated stationary RICE depending on their design, use, horsepower rating, fuel, and major or area HAP emission status.

Major Source Applicability

The standard now applies to engines with a horsepower rating of less than or equal to 500 bhp in addition to those engines with a horsepower rating greater than 500 bhp. The standard continues to have specific requirements for new or reconstructed RICE and existing spark ignition 4 stroke rich burn (4SRB) stationary RICE with horsepower ratings greater than 500 bhp located at a major HAP facility.

With the exception of the existing spark ignition 4SRB stationary RICE, other types of existing stationary RICE (i.e., spark ignition 2 stroke lean burn (2SLB), spark ignition 4 stroke lean burn (4SLB), compression ignition (CI), stationary RICE that combust landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, emergency, and limited use units) located at a major source of HAP emissions are not subject to any specific requirement under the final amended rule.

Existing RICE: A stationary RICE with a site rating of greater than 500 bhp is existing at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced before December 19, 2002. A stationary RICE with a site rating of less than or equal to 500 bhp is existing at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced before June 12, 2006.

New RICE: A stationary RICE with a site rating of greater than 500 bhp is new at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after December 19, 2002. A stationary RICE with a site rating of less than or equal to 500 bhp is new at a major source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after June 12, 2006.

Area Source Applicability

The standard now has specific requirements for new and reconstructed stationary RICE located at minor sources of HAPs, for engines with horsepower ratings less than, equal to, or greater than 500 bhp. The area source standards for new stationary RICE defer to the requirements of NSPS JJJJ for Spark Ignition Internal Combustion Engines or NSPS IIII for Compression Ignition Internal Combustion Engines for demonstrating compliance with subpart ZZZZ. Existing RICE located at an area HAP source are not subject to any specific requirements under the final rule.

Existing RICE: A stationary RICE is existing at an area source of HAP emissions if construction or reconstruction of the unit commenced before June 12, 2006. The area source standards do not apply to existing stationary RICE.

New RICE: A stationary RICE is new at an area source of HAP emissions if construction or reconstruction (as defined in §63.2) of the unit commenced on or after June 12, 2006.

Applicability of 40 CFR 63, Subpart ZZZZ to the Pump Canyon Compressor Station

Red Cedar provided the following information:

Table 6- NESHAP Subpart ZZZZ Applicability Determination
Red Cedar Pump Canyon Compressor Station

Unit	Serial Number	Unit Description	Fuel	BHP	Commenced Construction Reconstruction or Modification Date	Subpart ZZZZ Requirements
C-201	C-11322-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-202	C-61144-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-203	C-12226-1	Waukesha 7042 4SLB	NG	1,330	Pre- 12/19/2002	Not Subject (Existing)
C-305	WPW-02222	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)
C-306	WPW-02226	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)
C-307	WPW-02231	Caterpillar G3516TA LE 4SLB	NG	1,340	Post 12/19/2002	Subject (New)

According to the information provided in Red Cedar's application, the Pump Canyon Compressor Station is a major HAP source. Engine units C-201, C-202 and C-203 commenced construction before December 19, 2002 and are considered existing units. In addition, none of these three units have undergone reconstruction (as defined in §63.2) or modification before December 19, 2002. Therefore, these units are not subject to the requirements of the RICE MACT.

However, units C-305, C-306 and C-307 commenced construction after December 19, 2002, and are considered new units; therefore, these three units are subject to the major source requirements of this subpart.

Compliance Assurance Monitoring (CAM) Rule

40 CFR Part 64: Compliance Assurance Monitoring Provisions. The CAM rule applies to each Pollutant Specific Emission Unit (PSEU) that meets a three-part test. The PSEU must be 1) subject to an emission limitation or standard, and 2) use an add-on control device to achieve compliance, and 3) have pre-control emissions that exceed or are equivalent to the title V, 100 tpy major source threshold.

Since no PSEU at the Pump Canyon Compressor Station has pre-controlled emissions for any regulated pollutant above the 100 tpy threshold, the Pump Canyon Compressor Station is not subject to CAM requirements.

Chemical Accident Prevention Program

40 CFR Part 68: Chemical Accident Prevention Provisions. Based on Red Cedar's application, the Pump Canyon 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. However, Red Cedar has an ongoing responsibility to submit this plan IF a substance is listed that the total source has in quantities over the threshold amount or IF the total source ever increases the amount of any regulated substance above the threshold quantity.

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: Air Conditioning Units. Based on information provided in its application, Red Cedar does not currently use air conditioning units at the Pump Canyon Compressor Station. However, should Red Cedar perform any maintenance, service, repair, or disposal of any equipment containing chlorofluorocarbons (CFCs), or contract 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. Based on information provided by Red Cedar, there are no halon fire extinguishers at the Pump Canyon Compressor Station. 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 halons 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.

b. Conclusion

Since the Pump Canyon Compressor Station 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, the Pump Canyon Compressor Station is not subject to any implementation plan.

Based on the information provided in Red Cedar's applications for the Pump Canyon Compressor Station, EPA has determined that the facility is subject only to those applicable federal CAA programs discussed in 3.a., above.

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 nonattainment areas and of minor sources in both attainment and nonattainment 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 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. 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 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.

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. Public notice

There was a 30-day public comment period for actions pertaining to a draft permit. Public notice was given for this 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 the contact listed below:

Claudia Smith, 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 July 22, 2009, 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
205 Ouray Drive, Building #293
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.

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.

No comments on the draft permit and Statement of Basis were received from the permittee, or the public, 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 which 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 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
Wild Earth Guardians