Air Pollution Control
Title V Permit to Operate
Statement of Basis for Permit No. V-SU-0013-08.01
Administrative Amendment

Transwestern Pipeline Company
La Plata A Compressor Station
Southern Ute Indian Reservation
La Plata County, Colorado

1. Facility Information

a. Location

The Transwestern Pipeline Company (Transwestern) La Plata A Compressor Station is located within the exterior boundaries of the Southern Ute Indian Reservation in La Plata County, Colorado. It is sited approximately 14 miles southeast of Durango, Colorado at 3775 County Road 307. It is located at the following latitude and longitude: N 37° 08' 26", W -107° 45' 07". The mailing address is:

Transwestern Pipeline Company
La Plata A Compressor Station
4001 Indian School Road, NE
Albuquerque, New Mexico 87110

b. Contacts

Facility Contact:
George Friend
Senior Technical Specialist
Transwestern Pipeline Company
4001 Indian School Road, NE
Albuquerque, New Mexico 87110
505-260-4013

Responsible Official:
Jeff Whippo
Area Director
Transwestern Pipeline Company
711 Louisiana Street, Suite 900
Houston, Texas 77002
281-714-2000
281-714-2173 (fax)

Alternate Responsible Official:
Mike Spears
Senior Vice President, Operations & Engineering
Transwestern Pipeline Company
711 Louisiana Street, Suite 900
Houston, Texas 77002

Alternate Responsible Official:
Clint Cowan
Environmental Director
Transwestern Pipeline Company
711 Louisiana Street, Suite 900
Houston, Texas 77002

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

c. Description of operations

The La Plata A Compressor Station is a natural gas compression and transmission facility. Natural gas is received at the station through a single inlet line from other gas conditioning plants and then compressed by two inlet turbine-driven gas compressors (units T01 and T02). After compression, the gas exits the facility via a single gas pipeline.

The La Plata A Compressor Station has two storage tanks at the facility for storing lube oil and oily waste water/pipeline condensate. There is a single 2.5 MMBtu/hour gas-fired heater used for comfort heating.

The La Plata A Compressor Station uses one Solar Centaur Model 50-H Turbine (unit T01) and one Solar Taurus Model 60-T7000S turbine (unit T02) to provide compression for Transwestern Pipeline's mainline natural gas pipeline system. Both Solar stationary gas turbines are subject to the New Source Performance Standards (NSPS) for Stationary Gas Turbines, found at 40 CFR part 60, subparts A and GG as they apply to the emission units, emission limits, monitoring, recordkeeping, and reporting requirements, and facility-wide operating requirements. The nitrogen oxides (NO_x) emissions from unit T02 are controlled using SoLoNOx Retrofit equipment manufactured by Solar Turbines, Inc., that was installed in 1997. Unit T01 is equipped with a water injection system, where de-ionized, pure water is combined with natural gas fuel and combustion air to boost the horsepower of the turbine.

The source is comprised of the Ignacio Gas Plant, the La Plata A Compressor Station, and the La Plata B Compressor Station facilities and is considered one source for purposes of Prevention of Significant Deterioration (PSD) and New Source Review (NSR) pre-construction permitting requirements, and any other applicable Federal requirements. The three portions of the facility have been issued separate title V permits.

2. Description of Permit Amendment

EPA discovered that the citation identifying the origin of EPA's authority for the condition in Section II.E.1. of the currently effective permit (#V-SU-0013-08.00) was incorrect. The citation for the condition in the effective permit is currently identified as 40 CFR 60.334(c), from the Standards of Performance for Stationary Gas Turbines, found in part 60, subpart GG, which is only partially correct. 40 CFR 60.334(c) provides EPA the authority to allow Transwestern to demonstrate compliance with the applicable NO_x emission limit under §60.332 by using a previously approved procedure for monitoring--in this case, the Portable Analyzer Monitoring Protocol, the current protocol of which was approved by EPA on February 26, 2008.

Prior to promulgation of amendments to subpart GG in July 2004 (69 FR 41360), 40 CFR part 60, subpart GG required only a one-time compliance test and no periodic monitoring to assure compliance with the applicable NO_x limit for turbines in §60.332. In the initial operating permit, issued in November 2003, EPA required quarterly portable analyzer monitoring under the authority governed by 40 CFR 71.6(a)(3)(i)(B). This authority authorizes a sufficiency review of monitoring and testing in an existing emissions standard, and enhancement of that monitoring or testing through the permit, when the standard requires no periodic testing or instrumental or noninstrumental monitoring, specifies no frequency, or requires only a one-time test. The July 2004 amendments to subpart GG added requirements to periodically monitor NO_x emissions in order to assure compliance with the limits, but provided options for demonstrating that compliance in order to make it easier for sources that may have already had an approved periodic monitoring program in place. The origin of authority for the condition in Section II.E.1 should have been identified as both 40 CFR 60.334(c) *and* the enhanced periodic monitoring provisions in 40 CFR 71.6(a)(3)(i)(B). The operating permit for the La Plata A Compressor Station was re-opened for cause pursuant to 40 CFR 71.7(f) to correct the citation.

While the permit was open, EPA also took the opportunity to add clarification to some existing permit conditions and to correct an additional typo identified in the semi-annual reporting requirements. EPA provided clarification of the turbine replacement language in Section III.C. Alternative Operating Scenarios – Turbine Replacement / Overhaul to ensure that Transwestern understands when and how those provisions may be used. Additionally, the renewal permit indicated that the report due April 1st shall cover the prior six-month period from July 1st through the end of December and the report due October 1st shall cover the prior six-month period from January 1st through the end of June. These coverage periods differed from the schedule that had previously been established in the initial permit and that Transwestern had already set up for their reporting system. Therefore, the permit has been corrected to correspond to the established reporting schedule, requiring that the report due April 1st shall cover the prior six-month period from September 1st through the end of February and the report due October 1st shall cover the prior six-month period from March 1st through the end of August.

The following modifications have been made to this permit:

- Permit Issuance Cover Page
    1. Permit Revision History was updated.
- Section II.E.1. Monitoring Requirements
    1. Citation for the origin of authority was revised from "40 CFR 60.334(c)" to "40 CFR 334(c) and 40 CFR 71.6(a)(3)(i)(B)".
- Section III.B.1. General Reporting Requirements
    1. The semi-annual reporting period timeframes were revised **from** "July 1st through the end of December" and "January 1st through the end of June," **to** "September 1st through the end of February" and "March 1st through the end of August."

- Section III.C. Alternative Operating Scenarios – Turbine Replacement/Overhaul
    1. Added an explanatory note for clarification of when and how the provision may be used.

The permit modifications described above are administrative in nature and do not alter any existing enforceable requirements of the permit; therefore, the modifications qualify as administrative amendments, according to 40 CFR 71.7(d), and EPA has amended the permit in accordance with the requirements of permit Section IV.H. The permit will be reissued as permit number V-SU-0013-08.01.

For specific applicability information regarding the part 71 permit for this facility, please see the Statement of Basis for permit number V-SU-0013-08.00.

Air Pollution Control
Title V Permit to Operate
Statement of Basis for Final Permit No. V-SU-0013-08.00
First Permit Renewal
June 2009

Transwestern Pipeline Company
La Plata A Compressor Station
Southern Ute Indian Reservation
La Plata County, Colorado

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The source is comprised of the Ignacio Gas Plant, the La Plata A Compressor Station and the La Plata B Compressor Station facilities and is considered one source for purposes of Prevention of Significant Deterioration (PSD) and New Source Review (NSR) pre-construction permitting requirements, and/or any other applicable Federal requirements. The three portions of the facility have been issued separate title V permits.

d. List of all units and emission-generating activities

Transwestern provided the information contained in Tables 1 and 2 in its renewal application for the La Plata A Compressor Station. 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.

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 a hazardous air pollutant (HAP) under Clean Air Act (CAA) section 112(b) and below 1000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs.

However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee. Units that qualify as insignificant for the purposes of the part 71 application are in no way exempt from applicable requirements or any requirements of the part 71 permit.

Table 1 – Emission Units
Transwestern Pipeline Company
La Plata A Compressor Station

Emission Unit ID	Description	Control Equipment
T01	46 MMBtu/hr, 5,479 hp, Solar Model Centaur 50-H Turbine; Natural gas fired: Serial Number: 0154H Installed: 1991 (started up 2/12/91)	None
T02	49.2 MMBtu/hr, 6,937 hp, Solar Model Taurus 60-T7000S Turbine; Natural gas fired: Serial Number: OHB07-T0069 Installed: 1997 (started up 3/25/98)	SoLoNOx Catalytic Converter Retrofit

Table 2 - Insignificant Emission Units
Transwestern Pipeline Company
La Plata A Compressor Station

Emission Unit ID	Description
T-1	One 500 gallon horizontal pressurized (45 psi) lube oil storage tank
T-2	One 90 bbl vertical fixed-roof oily waste water/pipeline condensate tank
HEATER	2.5 MMBtu/hr natural gas fired heater for comfort heating
TRUCK	Lube oil/oily waste water truck loading point
FUG	Fugitive Emissions from piping components

e. Construction, permitting, and compliance history

Prior to the promulgation of the part 71 operating permit requirements, the source had not been required to obtain any Federal air quality permits. The State of Colorado issued emission permits 97-LP-0885 (previous permit 90-LP-050) and 97-LP-0653. However, it was determined that the compressor station is within the exterior boundaries of the Southern Ute Indian Reservation, and

therefore, subject to part 71 title V operating permit requirements. The primary emission points are the Solar Turbines, Inc. Centaur 50-H and Taurus 60-T7000S natural gas compressor turbines.

EPA received the initial part 71 operating permit application for the La Plata A Compressor Station on October 11, 1999. Based on their heat input capacity and construction date, the two turbines at the facility were determined to be subject to the requirements of NSPS subparts A and GG. EPA issued the initial part 71 permit on November 19, 2003, with conditions making the water injection system on T01 and the SoLoNox control on T02 enforceable as a means to achieve the NOx emission limits required by NSPS subpart GG. The initial permit has never been modified.

On May 13, 2005, EPA received a request for an administrative amendment to the initial permit to change the responsible official from Mr. Danny Pribble to Mr. Don Hawkins, Senior Vice President of Operations and Engineering. This amendment was never processed. On January 14, 2008, EPA received an application for renewal of the part 71 permit for the Transwestern La Plata A Compressor Station.

The La Plata A Compressor Station receives de-ionized water for water injection primarily from the Ignacio Gas Conditioning Plant across the road. Circumstances outside of Transwestern's control, such as drought, or a recent fire at the plant, can interrupt the supply of water from Williams, in which case, Transwestern must either import water by truck from New Mexico at a high cost or, under the current operating permit, shut down the turbine. The water pump is also shut down periodically to perform monthly routine maintenance and occasional repairs due to pump failure. Under the current part 71 permit, Transwestern has reported any interruption to water injection as a "deviation" from the permit. Although Transwestern has installed a back-up water pump to eliminate deviations, there may be periods when both pumps are temporarily inoperable, making water injection economically restrictive or operationally impossible.

In its part 71 renewal application, Transwestern described water injection as the normal operating mode to increase power output from the turbine. While water injection also decreases NOx formation in the combustion zone (and NOx concentration in the unit exhaust), it is not neccessary for the unit to comply with the applicable NOx emission limit in NSPS GG and was not installed to control NOx emissions; therefore, Transwestern views water injection as an optional process enhancement that is used under normal operation and not as a required element of emissions reduction for compliance purposes.

Upon review of the requirements of NSPS GG, EPA noted that NSPS GG requires owners or operators to take particular monitoring measures if they have chosen to meet the specified emission limits using certain control technologies, but it does not specifically require owners/operators to use control devices to meet the emission limits. Transwestern provided test results to demonstrate that unit T01 is capable of complying with the NSPS subpart GG NOx emission limit without water injection. The test results show that the Centaur 50-H gas turbine emits an average of less than 75 parts per million (ppm) of NO_x without water injection, which is less than half of the 174 ppm NSPS subpart GG emission limit.

Based on the information provided by Transwestern, which was certified for truth, accuracy, and completeness, EPA agrees with Transwestern that water injection is not necessary for unit T01 to meet the NOx emission limits in NSPS subpart GG. EPA removed the water injection system from Table 1 of the

permit identifying it as emission control equipment for unit T01. Subsequently, EPA replaced the NSPS GG monitoring requirements specific to sources that use water injection to control NOx with the monitoring requirements for sources not using water injection to control NO_x. This action will allow for Transwestern to disrupt water injection for the occasional necessary reasons described above, without the interruptions being considered a deviation of the permit requiring notification to EPA.

In addition to the changes described above for renewal of the part 71 permit, the following changes have been made as part of the final permit renewal. 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 Statement of Basis for each permit action. EPA requests from this point forward that Transwestern 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.

On November 8, 2007, EPA sent a letter to inform Transwestern of a new mailing address, effective December 17, 2007, for the submittal of annual fee payments required pursuant to 40 CFR part 71 and the title V permits issued by EPA's Air Program. EPA is amending the permit to correct the fee payment address. The new addresses are:

For <u>regular U.S. Postal Service mail</u>

U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000

For <u>non-U.S. Postal Service Express mail</u>
(FedEx, Airborne, DHL, and UPS)
U.S. Bank
Government Lockbox 979078
U.S. EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

On February 26, 2009, EPA received a notification from Transwestern that the Responsible Official for the La Plata A Compressor Station had changed from Mr. Don Hawkins, Senior Vice President of Operations and Engineering to Mr. Jeff Whippo, Area Director. This change has been reflected in this Statement of Basis.

f. <u>Potential to emit</u>

Potential to emit (PTE) means the maximum capacity of Transwestern's La Plata A Compressor Station to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the La Plata A Compressor Station to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material

combusted, stored, or processed, may be treated as part of its design if the limitation is enforceable by EPA. PTE is meant to be a worse case emissions calculation. Actual emissions may be much lower.

Table 3 includes PTE data provided by Transwestern for the La Plata A Compressor Station. Transwestern calculated the PTE of NO_x for each turbine based on the permit limit of 174 ppm in the stack gas.

Table 3 – PTE of Regulated Air Pollutants
Transwestern Pipeline Company
La Plata A Compressor Station

Emission Unit ID	Regulated Air Pollutants							
	NOx (tpy)	VOC (tpy)	SO_2 (tpy)	PM_{10} & $PM_{2.5}$ (tpy)	CO (tpy)	Lead (tpy)	HAP (tpy)	CH_2O (tpy)
T01	138.4	0.42	0.69	1.33	6.45	0.0	0.20	0.14
T02	149.8	0.45	0.73	1.42	17.6	0.0	0.21	0.15
IEUs	1.06	2.16*	0.01	0.08	0.9	0.0	0.00	0.00
TOTAL	288.3	3.0	1.4	2.8	25.0	0.0	0.4	0.3

NO_x - oxides of nitrogen VOC - volatile organic compounds
SO_2 - sulfur dioxide PM_{10} & $PM_{2.5}$ - particulate matter with a diameter 10 & 2.5 microns or less, respectively
CO - carbon monoxide HAP - hazardous air pollutants (see Clean Air Act Section 112(b))
* Based on additional documentation of tank emissions provided by Transwestern.

The facility-wide PTE are as follows:

Nitrogen Oxides (NOx) – 288.3 tpy
Carbon Monoxide (CO) – 25.0 tpy
Volatile Organic Compounds (VOC) – 3.0 tpy
Small Particulates (PM_{10} & $PM_{2.5}$) – 2.8 tpy
Sulfur Dioxide (SO_2) – 1.4 tpy
Total Hazardous Air Pollutants (HAPs) – 0.4 tpy
Largest Single HAP (formaldehyde, CH_2O) – 0.3 tpy

2. Tribe Information

a. Indian country:

The Transwestern La Plata A Compressor Station is located within the exterior boundaries of the Southern Ute Indian Reservation and is thus within Indian country as defined at 18 U.S.C. §1151. The Southern Ute Tribe does not have a federally-approved Clean Air Act (CAA) title V operating permits

program nor does EPA's approval of the State of Colorado's title V program extend to Indian country. Thus, EPA is the appropriate governmental entity to issue the title V permit to this facility.

b. The Reservation:

The Southern Ute Indian Reservation is located in Southwestern Colorado adjacent to the New Mexico boundary. Ignacio is the headquarters of the Southern Ute Tribe, and Durango is the closest major city, just 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 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:

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

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 Code of Federal Regulations (CFR) at title 40.

Prevention of Significant Deterioration (PSD)

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" new stationary source or "major" modification of an existing stationary source. The PSD regulations are found at 40 CFR 52.21. Source size is defined in terms of "potential to emit," which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing federally and practically enforceable conditions applicable to the 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 (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. A modification is a physical change or change in the method of operation. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21.

The La Plata A Compressor Station 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. The La Plata A Compressor Station is a major source of NOx emissions for the purposes of PSD requirements. The La Plata A Compressor Station, the La Plata B Compressor Station (owned by Northwest Pipeline GP), and the Ignacio Gas Plant (owned by Williams Field Services) are considered to be a single source for PSD and title V permitting purposes, and other applicable requirements including, but not limited to, section 112 National Emission Standards for Hazardous Air Pollutants. EPA made this single source applicability determination in response to an April 19, 1999 letter from Mr. Larry Campbell of Transwestern Pipeline Company in which he contended that the La Plata A Compressor Station was not a major source on its own, and therefore, was not subject to the 40 CFR part 71 federal operating permit provisions. EPA disagreed with Mr. Campbell's contention in a letter dated August 17, 1999, from Mr. Richard R. Long, Director of the EPA Region 8 Air and Radiation Program, to Mr. Larry Campbell of Transwestern Pipeline Company, and provided a rationale for asserting that La Plata A Compressor Station is part of a single source with the La Plata B Compressor Station and Ignacio Gas Plant,.

The single source determination requires that the potential emissions from all components of the source be aggregated when evaluating applicability of both PSD and title V. In addition, emissions netting calculations must include emission increases and decreases from the entire source. However, this does not mean that all the components of the source must necessarily obtain a PSD permit for a modification at one of the components. A PSD permit applies to the new construction, not the entire source. As always, the applicability of PSD and the required permitting must be evaluated on a case-by-case basis.

Although the La Plata A Compressor Station is a major PSD source (PTE of any one criteria pollutant is greater than 250 tons per year) as a result of the single source determination, a PSD review was not triggered at the La Plata A Compressor Station for the 1984, 1991, and 1992 PSD modifications that Williams Field Service implemented at the Ignacio Gas Plant. Hence, Transwestern was not required to obtain a PSD permit.

In regards to applicability determinations with respect to PSD and title V, Transwestern's La Plata A Compressor Station is considered a major stationary source. Therefore, any future proposed modifications at the facility must evaluate PSD applicability based on significance levels. Furthermore, any netting calculations must take into consideration increases and decrease facility-wide, which includes Williams Field Services Ignacio Gas Plant, Northwest Pipeline GP La Plata B Compressor Station, and Transwestern La Plata A Compressor Station.

New Source Performance Standard (NSPS)

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

As explained below, the La Plata A Compressor Station is subject to the provisions of 40 CFR part 60, subpart GG. Therefore, the general provisions of 40 CFR part 60 also apply.

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.

Subpart K does not apply to the storage vessels at the La Plata A Compressor Station because all of the tanks at the facility have a capacity less than 40,000 gallons.

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.

Subpart Ka does not apply to the storage vessels at the La Plata A Compressor Station because all of the tanks at the facility have a capacity less than 40,000 gallons.

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 the La Plata A Compressor Station because the facility has no tanks with a capacity greater than or equal to 75 cubic meters (approximately 19,813 gallons) 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.

Turbine units T01 and T02 were constructed after October 3, 1977. Each turbine also has a heat input at peak loads greater than10 MMBtu/hr and each is, therefore, subject to subpart GG. Units T01 and T02 are subject to the NO_x standard at 40 CFR 60.332(a)(2), the sulfur in fuel standard at 40 CFR 60.333(b), and the appropriate testing and monitoring requirements at 40 CFR 60.334 and 60.335.

The installation of existing units T01 and T02 occurred in 1991 and 1997, respectively. The units were subject to the initial performance tests for NO_x required by 40 CFR 60.8 in order to determine if the units met the NO_x emission standard at 40 CFR 60.332(a)(2). Units T01 and T02 were also subject to the test methods and procedures for NO_x specified in 40 CFR 60.335(a), (b), (c), and (f).

Periodic Monitoring

The requirements of 40 CFR 60.334(c) for monitoring of NO_x emissions state:

> "For any turbine that commenced construction, reconstruction, or modification after October 3, 1977, but before July 8, 2004, and which does not use steam or water injection to control NO_x emissions, the owner or operator may, but is not required to, for purposes of determining excess emissions, use a CEMS that meets the requirements of paragraph (b) of this section. Also, if the owner or operator has previously submitted and received EPA, State, or local permitting authority approval of a procedure for monitoring compliance with the applicable NO_x emission limit under §60.332, that approved procedure may continue to be used."

Turbine units T01 and T02 commenced construction in 1991 and 1997, respectively, and do not use steam or water injection to control NO_x emissions. Unit T01 is not controlled and unit T02 was retrofitted with SoLoNOx technology to control NO_x emissions. EPA approved Transwestern's Portable Analyzer and Monitoring Protocol for measuring NO_x emissions at the facility on February 26, 2008. Therefore, Transwestern may continue to use the approved monitoring protocol to demonstrate compliance with the applicable NO_x emission limit under §60.332(a).

Transwestern shall comply with the requirements of 40 CFR 60.334(h) for monitoring of nitrogen content and sulfur content of the fuel being burned in units T01 and T02.

Under §60.334(h)(2), monitoring of nitrogen content of the fuel is only required if the permittee claims an allowance for fuel-bound nitrogen. The permittee has not claimed such an allowance.

Under §60.334(h)(3), the permittee may elect not to monitor the sulfur content of the gaseous fuel, if the fuel is demonstrated by the permittee to meet the definition of natural gas in §60.331(u), based on information specified in §60.334(h)(3)(i) or (ii). The permittee has elected to supply the information specified in (i), which is:

> "gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less…"

The SO_2 standard in 40 CFR 60.333(b) is:

> "No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains total sulfur in excess of 0.8 percent by weight (8000 ppmw)."

Because the permittee has elected to demonstrate that the fuel meets the definition of natural gas in §60.331(u), by supplying a valid tariff sheet, as allowed in §60.334(h)(3)(i), there is no monitoring required to demonstrate compliance with the SO_2 standard in 40 CFR 60.333(b).

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 Transwestern in the renewal application, there are no stationary SI ICE operated at the La Plata A Compressor Station. Therefore, this subpart does not apply.

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

The La Plata A Compressor Station does not extract natural gas liquids from field gas, nor does it fractionate mixed NGLs to natural gas products; therefore, the facility does not meet the definition of a natural gas processing plant under this subpart and 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 La Plata A Compressor Station does not perform sweetening or sulfur recovery at the facility. Therefore, this rule does not apply.

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

The turbines operating at La Plata A Compressor Station (T01 and T02) are affected units under subpart KKKK; however, the requirements do not apply, because the turbines were constructed prior to February 18, 2005 (installed at the facility in 1991 and 1997) and EPA has no information that indicates that the turbines have been replaced with new units or have been modified or reconstructed after February 18, 2005. Therefore, based on the information provided by Transwestern, this rule 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, the La Plata A Compressor Station is not subject to any specific subpart of part 63; however, the facility emits at least one HAP regulated under the CAA and has equipment in relevant source categories (i.e., turbine units T01 and T02) which are not subject to relevant standards (i.e., 40 CFR part 63, subpart YYYY). A record of the applicability determinations demonstrating that this source is not subject to the relevant part 63 standards must be kept in accordance with §63.1(b)(3). This applicability determination must be kept on-site for a period of 5 years after the determinations or until a source changes its operations to become an affected source. There are no other general provisions under subpart A that apply to this facility.

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 compression facility that does not engage in these activities is considered to be a production field facility.

Major Source Determination for Production Field Facilities

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

Area Source Applicability

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

Applicability of Subpart HH to the La Plata A Compressor Station

The La Plata A Compressor Station is a production field facility, not a natural gas processing plant. Furthermore, the facility does not have dehydration units and the HAP emissions from the tanks at the facility with potential for flash emissions alone are below the major source thresholds of 10 tpy of a single HAP and 25 tpy of aggregated HAPs. Therefore, subpart HH does not apply to this facility.

<u>40 CFR Part 63, Subpart HHH</u>: 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 major sources of hazardous air pollutant (HAP) emissions. Natural gas transmission means the pipelines used for long distance transport and storage vessel is a tank or other vessel designed to contain an accumulation of crude oil, condensate, intermediate hydrocarbon, liquids, produced water or other liquid and is constructed of wood, concrete, steel or plastic structural support. A compressor station that transports natural gas prior to the point of custody transfer or to a natural gas processing plant (if present) is not considered a part of the natural gas transmission and storage source category.

The La Plata A Compressor Station is a natural gas transmission and storage facility, but does not have HAP emissions in excess of the major source thresholds of 10 tpy of a single HAP or 25 tpy of HAPs in aggregate. Therefore, subpart HHH does not apply to this facility.

40 CFR Part 63, Subpart YYYY: National Emission Standards for Hazardous Air Pollutants from Stationary Combustion Turbines. This rule establishes national emission limitations and work practice standards for HAPs emitted from Stationary Combustion Turbines. The affected source includes the stationary combustion turbine located at a major source of HAP emissions.

Stationary Combustion Turbine

Stationary combustion turbines are defined in §63.6175 as all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle stationary combustion turbine, any regenerative/recuperative cycle stationary combustion turbine, the combustion turbine portion of any stationary cogeneration cycle combustion system, or the combustion turbine portion of any stationary combined cycle steam/electric generating system. Stationary means that the combustion turbine is not self propelled or intended to be propelled while performing its function. Stationary combustion turbines do not include turbines located at a research or laboratory facility, if research is conducted on the turbine itself and the turbine is not being used to power other applications at the research or laboratory facility.

Major Source

Major source for purposes of this subpart has the same meaning as provided in 40 CFR 63.2 with the exception that emissions from any oil or gas exploration or 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, to determine whether such emission points or stations are major sources, even when emission points are contiguous are or are under common control.

Applicability to the La Plata A Compressor Station

The La Plata A Compressor Station is not subject to this subpart because it is not a major source of HAPs as determined from the requirements of this rule.

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) that meets the following three criteria: 1) is subject to an emission limitation or standard, and 2) uses a control device to achieve compliance, and 3) has pre-control emissions that exceed or are equivalent to the major source title V threshold of 100 tpy.

The turbines at the La Plata A Compressor Station are subject to limitations on emissions of NO_x and SO_2. PSEU turbine T01 does not use add-on control devices to achieve either pollutant emission limit. PSEU turbine T02 uses add-on control devices to achieve compliance with the NO_x limit, but it does not have the uncontrolled potential to emit NO_x greater than the major source threshold of 100 tpy. Because the La Plata A Compressor station gas turbines do not meet all of criteria, Transwestern is not required to submit a CAM plan. Therefore, turbines T01 and T02 are not subject to the CAM requirements.

Chemical Accident Prevention

40 CFR Part 68: Chemical Accident Prevention Provisions. Based on Transwestern's application, the La Plata A Compressor Station does not use or store any regulated substances listed in 112(r) of the CAA that is above the threshold quantity. Transwestern is not, therefore, subject to the requirement to develop and submit a risk management plan (RMP). However, Transwestern has an ongoing responsibility to submit a RMP if a substance is listed that the La Plata A Compressor Station has in quantities over the threshold amount or if the La Plata A Compressor Station ever increases the amount of any regulated substance above the threshold quantity.

Periodic Monitoring

The monitoring requirements contained in 40 CFR part 60, subpart GG only require that a one time performance test for NOx be conducted to demonstrate initial compliance with the requirements of 40 CFR 60.332. No additional testing or monitoring of NOx emissions is required under this NSPS.

The *Appalachian Power* court held that 40 CFR 71.6(a)(3)(i) authorizes a sufficiency review of monitoring and testing in an existing emissions standard, and enhancement of that monitoring or testing through the permit, when the standard requires no periodic testing or instrumental or non-instrumental monitoring, specifies no frequency, or requires only a one-time test. Thus, EPA has authority in the federal operating permit regulation to specify additional testing or monitoring for a source to assure compliance, when existing applicable regulations do not require periodic monitoring or only require a one-time emissions test.

Because 40 CFR part 60, subpart GG only requires that a one-time compliance test for NOx emissions be conducted for a subject turbine, additional monitoring of the turbines for assuring compliance with the NO_x emission limit has been included in the permit. Appropriate periodic monitoring for the gas-fired turbines was determined to be quarterly monitoring of NOx emissions using a portable analyzer.

Stratospheric Ozone and Climate Protection

40 CFR Part 82, Subpart F: Air Conditioning Units. Based on Transwestern's application, the La Plata A Compressor Station does not currently operate affected units at the facility. However, should the La Plata A Compressor Station perform any maintenance, service, repair, or disposal of any equipment, including window air conditioners, containing chlorofluorocarbons (CFCs), or contracts with someone to

do this work, Transwestern must comply with the standards of 40 CFR subpart F, specifically, §82.156, §82.158, §82.161, and §82.166(i), and request a minor modification to this part 71 permit.

40 CFR Part 82, Subpart H: Halon Fire Extinguishers. Based on Transwestern's application, the La Plata A Compressor Station does not have fire extinguishers on site that use halon, so subpart H for halon emissions reduction does not apply. If Transwestern ever decides to use fire extinguishers that use halon and use its personnel to service, maintain, test, repair, or dispose of equipment that contains halons or use such equipment during technician training, then it must comply with the standards of 40 CFR part 82, subpart H for halon emissions reduction and request a minor to this part 71 permit.

b. Conclusion

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

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

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

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

Public notice was published in the Durango Herald on April 10, 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
116 Mouache Drive
Ignacio, Colorado 81137

and

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

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

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

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

No comments on the draft permit or Statement of Basis were received during the public comment period.

c. Opportunity to request a hearing

A person could submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed in section 6.a above, by stating the nature of the issues to be raised at the public hearing. EPA did not receive any requests for a public hearing during the public comment period.

d. Appeal of permits

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

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

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

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

e. Petition to reopen a permit for cause

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

f. Notice to affected states/tribes

As described in 40 CFR 71.11(d)(3)(i), public notice was given by mailing a copy of the notice to the air pollution control agencies of affected states, tribal and local air pollution control agencies that have

jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or Federal land manager whose lands may be affected by emissions from the source. The following entities were notified:

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