

**United States Environmental Protection Agency**  
**Region 8**  
**Air Program**  
**1595 Wynkoop Street**  
**Denver, Colorado 80202**



**AIR POLLUTION CONTROL**  
**TITLE V PERMIT TO OPERATE**

In accordance with the provisions of title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

**BP America Production Company**  
**Dry Creek Compressor Facility**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate at the following location:

**Sections 5 & 6, Township 34N, Range 7W**  
**on the Southern Ute Indian Reservation**

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

A handwritten signature in black ink, appearing to read "Callie A. Videtich", written over a horizontal line.

Callie A. Videtich, Director  
Air Program  
US EPA Region 8

10/6/09  
Date

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**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE  
BP America Production Company  
Dry Creek Compressor Facility**

Permit Number: V-SU-0038-08.00  
Replaces Permit No.: V-SU-0038-03.06

Issue Date: October 6, 2009  
Effective Date: November 15, 2009  
Expiration Date: November 15, 2014

The permit number cited above should be referenced in future correspondence regarding this facility.

**Permit Revision History**

| <b>DATE OF REVISION</b> | <b>TYPE OF REVISION</b>               | <b>SECTION NUMBER AND TITLE</b> | <b>DESCRIPTION OF REVISION</b>   |
|-------------------------|---------------------------------------|---------------------------------|--|
| January 2004            | Initial Permit Issued                 |                                 | <b>Permit #V-SU-0038-03.00</b><br><br>Six Revisions:<br>9/2005 Administrative Amendment #V-SU-0038.03-01<br>5/2006 Administrative Amendment #V-SU-0038.03-02<br>9/2006 Administrative Amendment #V-SU-0038.03-03<br>9/2007 Administrative Amendment #V-SU-0038.03-04<br>2/2008 Administrative Amendment #V-SU-0038.03-05<br>7/2008 Minor Modification #V-SU-0038.03-06 |
| October 2009            | 1 <sup>st</sup> Renewal Permit Issued |                                 | <b>Permit # V-SU-0038-08.00</b>  |

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## Abbreviations and Acronyms

|                   |   |
|-------------------|---|
| AR                | Acid Rain   |
| ARP               | Acid Rain Program   |
| bbls              | Barrels   |
| BACT              | Best Available Control Technology   |
| CAA               | Clean Air Act [42 U.S.C. Section 7401 et seq.]                              |
| CAM               | Compliance Assurance Monitoring   |
| CEMS              | Continuous Emission Monitoring System                                       |
| CFR               | Code of Federal Regulations   |
| CH <sub>2</sub> O | Formaldehyde  |
| CMS               | Continuous Monitoring System (includes COMS, CEMS, and diluents monitoring) |
| COMS              | Continuous Opacity Monitoring System  |
| CO                | Carbon monoxide   |
| CO <sub>2</sub>   | Carbon dioxide  |
| DAHS              | Data Acquisition and Handling System  |
| dscf              | Dry standard cubic foot   |
| dscm              | Dry standard cubic meter  |
| EIP               | Economic Incentives Programs  |
| EPA               | Environmental Protection Agency   |
| FGD               | Flue gas desulfurization  |
| gal               | gallon  |
| GPM               | Gallons per minute  |
| H <sub>2</sub> S  | Hydrogen Sulfide  |
| HAP               | Hazardous Air Pollutant   |
| hr                | hour  |
| Id.               | Identification number   |
| kg                | kilogram  |
| lb                | pound   |
| MACT              | Maximum Achievable Control Technology                                       |
| MVAC              | Motor Vehicle Air Conditioner   |
| Mg                | Megagram  |
| MMBtu             | Million British Thermal Units   |
| mo                | Month   |
| NESHAP            | National Emission Standards for Hazardous Air Pollutants                    |
| NMHC              | Non-methane hydrocarbons  |
| NO <sub>x</sub>   | Nitrogen oxides   |
| NSPS              | New Source Performance Standard   |
| NSR               | New Source Review   |
| pH                | Negative logarithm of effective hydrogen ion concentration (acidity)        |
| PM                | Particulate Matter  |
| PM <sub>10</sub>  | Particulate Matter less than 10 microns in diameter                         |
| ppm               | Parts per million   |
| PSD               | Prevention of Significant Deterioration                                     |
| PTE               | Potential to emit   |
| psi               | Pounds per square inch  |
| psia              | pounds per square inch absolute   |
| RICE              | Reciprocating internal combustion engine                                    |
| RMP               | Risk Management Plan  |
| scfm              | Standard cubic feet per minute  |
| SNAP              | Significant New Alternatives Program  |
| SO <sub>2</sub>   | Sulfur Dioxide  |
| tpy               | Tons per year   |
| US EPA            | United States Environmental Protection Agency                               |
| VOC               | Volatile Organic Compounds  |

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## **I. Source Information and Emission Unit Identification**

### **I.A. General Source Information**

**Parent Company Name:** BP America Production Company

**Plant Name:** Dry Creek Compressor Facility

**Plant Location:** Sections 5 & 6, T34N, R7W  
Latitude: 37.21026  
Longitude: -107.63709

**Region:** 8

**State:** Colorado

**County:** La Plata

**Reservation:** Southern Ute Indian Reservation

**Tribe:** Southern Ute Indian Tribe

**Responsible Official:** Florida Operations Manager

**SIC Code:** 1311

**AFS Plant Identification Number:** 08-067-00361

**Other Clean Air Act Permits:** There are no other Federal CAA permits, such as minor NSR or PSD issued to this facility.

**Description of Process:**

Dry Creek is a natural gas compression facility located in southwestern Colorado within the exterior boundaries of the Southern Ute Indian Reservation. The facility was installed in 2000 to provide field compression for natural gas wells in the Fruitland formation.

The facility compresses coal bed methane gas from wells in the Fruitland formation. The natural gas handled by the facility is a mixture of approximately 90% methane and 10% carbon dioxide. This gas mixture is also water vapor saturated. The natural gas coming into the compressor facility is at approximately 70 psig and 65 °F. It should be noted that this facility does not handle any condensate or natural gas liquids.

The natural gas entering the compressor facility first passes through an inlet separator vessel to remove any free liquid water in the gas stream by gravity. The gas stream then passes to a distribution header, which distributes the gas to one of four compressors. There is a filter vessel on the inlet to each compressor, which serves to filter out any solids such as coal dust in the gas. Each compressor package consists of a skid-mounted combination of engine and compressor. The four engines at Dry Creek are Waukesha 7042 GL reciprocating engines fueled by natural gas and utilize lean burn technology.

The compressors raise the gas pressure from 70 psig to 400 psig. After compression the gas passes through an outlet coalescer vessel, which serves to remove any entrained droplets of lubricating oil carried over from the compressors. The gas then passes to one of three glycol absorber columns where it contacts a tri-ethylene glycol solution. The purpose of this contact is to remove water vapor in the gas. The gas is then routed and metered into the medium pressure pipeline.



## I.B. Source Emission Points

The following table identifies and describes each emissions unit, such as process units and control devices.

**Table 1 - Emission Units  
Dry Creek Compressor Facility**

| <b>Emission Unit Id.</b> | <b>Description</b>  | <b>Control Equipment</b>              |
|--------------------------|---|---------------------------------------|
|                          | Waukesha 7042 GL reciprocating lean burn compressor engine, 1,318 bhp, 10.79 MMBtu/hr, natural gas fired: |                                       |
| C-100                    | Serial No. C-12597/4    Installed: 2/2000   | None                                  |
| C-200                    | Serial No. C-10430/3    Installed: 3/6/08   | None                                  |
| C-300                    | Serial No. C-12658/3    Installed: 11/14/07   | None                                  |
| C-400                    | Serial No. C-10987/3    Installed: 3/20/08  | Oxidation Catalyst<br>(unenforceable) |

The following table identifies and describes the insignificant activities/emission units at the source.

**Table 2- Insignificant Emission Points  
Dry Creek Compressor Facility**

| <b>Description</b>                                       |
|--|
| 1 - Used oil sump tank (95 bbls)                         |
| 4 - Lube oil tanks (500 gallons each)                    |
| 2 - TEG storage tanks (300 gallons each)                 |
| 1 - TEG storage tank (500 gallons)                       |
| 1 - EG tank (500 gallons)                                |
| 2 - Produced water tanks (210 bbls each)                 |
| 2 - 250 MBtu/hr heaters for produced water tanks         |
| 1 - Water and oil sump (95 bbls)                         |
| 2 - TEG dehydration unit still vents                     |
| 1 - TEG dehydration unit 500 MBtu/hr reboiler burner     |
| 1 - TEG dehydration unit 750 MBtu/hr reboiler burner     |
| Dehy #3 TEG dehydration unit still vent                  |
| Dehy #3 TEG dehydration unit 800 MBtu/hr reboiler burner |
| Residual TEG sump (95 bbls)                              |
| Used oil sump (95 bbls)                                  |
| Compressor blow down (max of 850 MMscf/yr)               |
| Process fugitives  |

## II. Facility-Wide Permit Conditions

Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 and Table 2 of Section I.B.

[40 CFR 71.6(a)(1)]

### II.A. General Recordkeeping Requirements [40 CFR 71.6(a)(3)(ii) and 63.10(b)(3)]

The permittee shall comply with the following generally applicable recordkeeping requirements:

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more HAPs is not subject to a relevant standard or other requirement established under 40 CFR part 63, the permittee shall keep a record of the applicability determination on site at the Operations Center for a period of five (5) years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) shall be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis shall be performed in accordance with requirements established in subparts of 40 CFR part 63 for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under Section 112, if any.

[40 CFR 63.10(b)(3)]

2. The permittee is an owner or operator of glycol dehydration units that are exempt from the control requirements under §63.764(e)(1). The permittee shall retain the GRI-GLYCalc determination used to demonstrate that actual average benzene emissions are below 1 tpy for each unit.

[40 CFR 63.772(b) and 63.774(d)(1)]

3. Records shall be kept, as required by the Off Permit Changes condition of this permit which are made in accordance with the approved Alternative Operating Scenario condition of this permit.

## **II.B. Alternative Operating Scenarios** [40 CFR 71.6(a)(9)]

### **Engine Replacement**

1. Replacement of a permitted engine with a new or overhauled engine of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced, and which satisfies all of the provisions for Off Permit Changes, including the provisions specific to engine replacement, shall be considered an allowed alternative operating scenario under this permit.
2. Any emission limits, requirements, control technologies, or provisions that apply to engines that are replaced under this Alternative Operating Scenarios section shall also apply to the replacement engines. A replacement engine shall be considered a new unit and thus subject to any initial compliance testing and all other conditions applicable to the engine.
3. Replacement of an existing permitted engine with an engine subject to 40 CFR part 60, subpart IIII is not an allowed alternative operating scenario.
4. Replacement of an existing permitted engine with an engine subject to 40 CFR part 60, subpart JJJJ is not an allowed alternative operating scenario.
5. Replacement of an existing permitted engine with an engine subject to 40 CFR part 63, subpart ZZZZ is not an allowed alternative operating scenario.

*[Explanatory Note: This section was included to allow for off permit replacement of engines that may have existing federally enforceable limits. For replacement engines which trigger new applicable requirements (i.e., NSPS, NESHAP, etc.), the minor permit modification process shall be utilized to maintain the permitted emission limits of the replaced engine and incorporate the new applicable requirements.]*

## **II.C. Stratospheric Ozone and Climate Protection** [40 CFR part 82]

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.
2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR §82.158.
3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.

**II.D. Permit Shield** [40 CFR 71.6(f)(3)]

Nothing in this permit shall alter or affect the following:

1. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
2. The ability of EPA to obtain information from a source pursuant to section 114 of the CAA; or
3. The provisions of section 303 of the CAA (emergency orders), including the authority of EPA under that section.

### III. Part 71 Administrative Requirements

#### III.A. **Annual Fee Payment** [40 CFR 71.6(a)(7) and 40 CFR 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.  
[40 CFR 71.9(a)]
2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup>.  
[40 CFR 71.9(h)]
3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.  
[40 CFR 71.9(k)(1)]
4. The permittee shall send fee payment and a completed fee filing form to

**For regular U.S. postal service mail**

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

**For non-U.S. Postal Service Express mail**

(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

[40 CFR 71.9(k)(2)]

*[Explanatory note: The fee filing form “FF” may be found on EPA website at:  
<http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section III.E. of this permit.

[40 CFR 71.9(h)(1)]

*[Explanatory note: The fee calculation worksheet form “FEE” may be found on EPA website at:  
<http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

6. Basis for calculating annual fee:

- (a) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

[40 CFR 71.9(c)(1)]

- i. “Actual emissions” means the actual rate of emissions, in tpy, of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR 71.9(c)(6)]

- ii. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

[40 CFR 71.9(h)(3)]

- iii. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR 71.9(e)(2)]

*[Explanatory note: The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.]*

- (b) The permittee shall exclude the following emissions from the calculation of fees:

- i. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tpy;

[40 CFR 71.9(c)(5)(i)]

- ii. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR 71.9(c)(5)(ii)]

- iii. The quantity of actual emissions (for fee calculation) of insignificant activities [defined in §71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee’s application pursuant to §71.5(c)(11)(ii).

[40 CFR 71.9(c)(5)(iii)]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

*[Explanatory note: The fee calculation worksheet form “FEE” already incorporates a section to help permittees meet this responsibility.]*

[40 CFR 71.9(h)(2)]

8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. *[Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with §71.6(a)(3)(ii).]*

[40 CFR 71.9(i)]

9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with §71.9(l).

[40 CFR 71.9(l)]

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.

[40 CFR 71.9(j)(2)]

11. A permittee who thinks an EPA assessed fee is in error, and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR 71.9(j)(3)]

### **III.B. Annual Emissions Inventory** [40 CFR 71.9(h)(1) and (2)]

The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by April 1<sup>st</sup>.

The annual emissions report shall be submitted to EPA at the address listed in Section III.E. of this permit.

*[Explanatory note: An annual emissions report, required at the same time as the fee calculation worksheet by §71.9(h), has been incorporated into the fee calculation worksheet form “FEE” as a convenience to permittees.]*

**III.C. Compliance Requirements** [40 CFR 71.6(a)(6)(i) and (ii), Sections 113(a) and 113(e)(1) of the Act, and 40 CFR 51.212, 52.12, 52.33, 60.11(g), and 61.12]

1. Compliance with the Permit

- (a) The permittee must comply with all conditions of this part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[40 CFR 71.6(a)(6)(i)]

- (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[40 CFR 71.6(a)(6)(ii)]

- (c) For the purpose of submitting compliance certifications in accordance with Section III.C.3. of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Act, 40 CFR 51.212, 52.12, 52.33, 60.11(g), and 61.12]

2. Compliance Schedule

- (a) For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

[40 CFR 71.5(c)(8)(iii)(A)]

- (b) For applicable requirements that will become effective during the permit term, the source will meet such requirements on a timely basis.

[40 CFR 71.5(c)(8)(iii)(B)]

3. Compliance Certifications

- (a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually each year no later than April 1<sup>st</sup>. The compliance certification shall cover the preceding calendar year. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]



(b) The certification shall include the following:

- i. Identification of each permit term or condition that is the basis of the certification;
- ii. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;
- iii. The status of compliance with the terms and conditions of the permit for the period covered by the certification based on the method or means designated in (b) above. The certification shall identify each deviation and take it into account in the compliance certification;
- iv. Such other facts as the EPA may require to determine the compliance status of the source; and
- v. Whether compliance with each permit term was continuous or intermittent.

[40 CFR 71.6(c)(5)(iii)]

*[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a reporting form for annual compliance certifications. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

**III.D. Duty to Provide and Supplement Information** [40 CFR 71.6(a)(6)(v), 71.5(a)(3), and 71.5(b)]

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR 71.6(a)(6)(v) and 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide

additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

**III.E. Submissions** [40 CFR 71.5(d), 71.6(c)(1) and 71.9(h)(2)]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

*[Explanatory note: EPA has developed a reporting form “CTAC” for certifying truth, accuracy, and completeness of part 71 submissions. The form may be found on EPA website at: <http://www.epa.gov/air/oagps/permits/p71forms.html>]*

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Permit Contact  
Air Program, 8P-AR  
U.S. Environmental Protection Agency,  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

**III.F. Severability Clause** [40 CFR 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

**III.G. Permit Actions** [40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **III.H. Administrative Permit Amendments** [40 CFR 71.7(d)]

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:
  - (a) Corrects typographical errors;
  - (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
  - (c) Requires more frequent monitoring or reporting by the permittee;
  - (d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;
  - (e) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §71.7 and §71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in §71.6; or
  - (f) Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e) above.

*[Note to permittee: If subparagraphs (a) through (e) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]*

### **III.I. Minor Permit Modifications** [40 CFR 71.7(e)(1)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:
  - (a) Do not violate any applicable requirement;
  - (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  - (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

- (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
  - i. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
  - ii. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA;
- (e) Are not modifications under any provision of title I of the CAA; and
- (f) Are not required to be processed as a significant modification.

[40 CFR 71.7(e)(1)(i)(A)]

- 2. Notwithstanding the list of changes ineligible for minor permit modification procedures in paragraph 1, above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR 71.7(e)(1)(i)(B)]

- 3. An application requesting the use of minor permit modification procedures shall meet the requirements of §71.5(c) and shall include the following:

- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (b) The source's suggested draft permit;
- (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (d) Completed forms for the permitting authority to use to notify affected states as required under §71.8.

[40 CFR 71.7(e)(1)(ii)]

- 4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and

conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(1)(v)]

5. The permit shield under §71.6(f) may not extend to minor permit modifications.

[40 CFR 71.7(e)(1)(vi)].

### **III.J. Group Processing of Minor Permit Modifications** [40 CFR 71.7(e)(2)]

1. Group processing of modifications by EPA may be used only for those permit modifications:
  - (a) That meet the criteria for minor permit modification procedures under Section III.I.1. of this permit; and
  - (b) That collectively are below the threshold level of 10% of the emissions allowed by the permit for the emissions unit for which the change is requested, 20% of the applicable definition of major source in §71.2, or 5 tpy, whichever is least.

[40 CFR 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:
  - (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - (b) The source's suggested draft permit;
  - (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;
  - (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under Section 1.(b) above; and
  - (e) Completed forms for the permitting authority to use to notify affected states as required under §71.8.

[40 CFR 71.7(e)(2)(ii)]

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by

the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(2)(v)]

4. The permit shield under §71.6(f) may not extend to group processing of minor permit modifications.

[40 CFR 71.7(e)(2)(vi)]

### **III.K. Significant Permit Modifications** [40 CFR 71.7(e)(3)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:
  - (a) Do not qualify as minor permit modifications or as administrative amendments;
  - (b) Are significant changes in existing monitoring permit terms or conditions; or
  - (c) Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR 71.7(e)(3)(i)]

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR 71.7(e)(3)(i)]

3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by §71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

[40 CFR 71.7(e)(3)(ii), 71.8(d), and 71.5(a)(2)]

### **III.L. Reopening for Cause** [40 CFR 71.7(f)]

The permit may be reopened and revised prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No

such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to §71.7 (c)(3);

2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

### **III.M. Property Rights** [40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **III.N. Inspection and Entry** [40 CFR 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

1. Enter upon the permittee's premises where a part 71 source is located, or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

### **III.O. Emergency Provisions** [40 CFR 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - (b) The permitted facility was at the time being properly operated;
  - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - (d) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements for prompt notification of deviations.
2. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.
  3. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

**III.P. Transfer of Ownership or Operation** [40 CFR 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

**III.Q. Off Permit Changes** [40 CFR 71.6(a)(12) and 71.6(a)(3)(ii)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit;
2. Each change shall meet with all applicable requirements and shall not violate any existing permit term or condition;
3. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of title I of the CAA;



4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision; and
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
7. For replacement of an existing permitted compressor engine with an engine of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced, in addition to satisfying all other provisions for Off Permit Changes, the permittee shall satisfy the following provisions:
  - (a) The replacement engine employs air emissions control devices, monitoring, record keeping and reporting that are equivalent to those employed by the engine being replaced;
  - (b) The replacement of the existing engine does not constitute a major modification or major new source as defined in Federal PSD regulations (40 CFR 52.21);
  - (c) No new applicable requirements, as defined in 40 CFR 71.2, are triggered by the replacement; and
  - (d) The following information is provided in a written notice to EPA in addition to the standard information listed above for contemporaneous written notices for off permit changes:
    - i. Make, model number, serial number, horsepower rating and configuration of the existing engine and the replacement engine;
    - ii. Manufacture date, commence construction date (per the definition in 40 CFR 60.2, 60.4230(a) and 63.2), installation date, and start-up date of the replacement engine;
    - iii. If applicable, documentation of the cost to rebuild a replacement engine versus the cost to purchase a new engine in order to support claims that an engine is not “reconstructed,” as defined in 40 CFR 60.15 and 40 CFR 63.2;
    - iv. 40 CFR part 60, subpart IIII (CI Engine NSPS) non-applicability documentation, as appropriate;
    - v. 40 CFR part 60, subpart JJJJ (SI Engine SNPS) non-applicability documentation, as appropriate;
    - vi. 40 CFR part 63, subpart ZZZZ (RICE MACT) non-applicability documentation for major sources, as appropriate;

- vii. 40 CFR part 63, subpart ZZZZ (RICE MACT) non-applicability documentation for area sources, as appropriate;
- viii. Documentation to demonstrate that the replacement does not constitute a major new source or major modification, as defined in Federal PSD rules (40 CFR 52.21), as follows:
  - A. If the replacement will not constitute a "physical change or change in the method of operation" as described in §52.21(b)(2)(i), an explanation of how that conclusion was reached shall be provided.
  - B. If the replacement will constitute a "physical change or change in the method of operation" as described §52.21(b)(2)(i), the following information shall be provided:
    - (1) If the existing source is a "major stationary source" as defined in §52.21(b)(1): For each "regulated NSR pollutant" as defined in §52.21(b)(50), a demonstration (including all calculations) that the replacement will not be a "major modification" as defined in §52.21(b)(2). A modification is major only if it causes a "significant emissions increase" as defined in §52.21(b)(40), and also causes a "significant net emissions increase" as defined in §§52.21(b)(3) and (b)(23). The procedures of §52.21(a)(2)(iv) shall be used to calculate whether or not there will be a significant emissions increase. If there will be a significant emissions increase, then calculations shall be provided to demonstrate there will not be a significant net emissions increase. These latter calculations shall include all sourcewide contemporaneous and creditable emission increases and decreases, as defined in §52.21(b)(3), summed with the PTE of the replacement unit(s).

If netting is used to demonstrate that the replacement will not constitute a "major modification," verification shall be provided that the replacement engine(s) or turbine(s) employ emission controls at least equivalent in control effectiveness to those employed by the engine(s) or turbine(s) being replaced.

PTE of replacement unit(s) shall be determined based on the definition of PTE in §52.21(b)(4). For each "regulated NSR pollutant" for which the PTE is not "significant," calculations used to reach that conclusion shall be provided.

- (2) If the existing source is not a "major stationary source" as defined in §52.21(b)(1): For each "regulated NSR

pollutant," a demonstration (including all calculations) that the replacement engine(s) or turbine(s), by itself, will not constitute a "major stationary source" as defined in §52.21(b)(1)(i).

8. The notice shall be kept at the Operations Center and made available to EPA on request, in accordance with the general recordkeeping provision of this permit.
9. Submittal of the written notice required above shall not constitute a waiver, exemption, or shield from applicability of any applicable standard or PSD permitting requirements under 40 CFR 52.21 that would be triggered by the replacement of any one engine, or by replacement of multiple engines.

**III.R. Permit Expiration and Renewal** [40 CFR 71.5(a)(1)(iii), 71.5(a)(2), 71.5(c)(5), 71.6(a)(11), 71.7(b), 71.7(c)(1), and 71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:
  - (a) Five (5) years elapses from the date of issuance; or
  - (b) The source is issued a part 70 or part 71 permit under an EPA approved or delegated permit program.

[40 CFR 71.6(a)(11)]
2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

[40 CFR 71.5(a)(1)(iii)]
3. If the permittee submits a timely and complete permit application for renewal, consistent with §71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to §71.6(f) shall remain in effect until the renewal permit has been issued or denied.

[40 CFR 71.7(c)(3)]
4. The permittee's failure to have a part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

[40 CFR 71.7(b)]
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR 71.7(c)(1)]

6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR 71.5(a)(2) and 71.5(c)(5)]

## **IV. Appendix to the Part 71 Permit**

### **IV.A. Inspection Information**

1. Directions to the Dry Creek Compressor Facility

From the junction of U.S. Highway 160 east to Bayfield and U.S. Highway 550 south to Farmington, drive east on U.S. Highway 160 for 11.4 miles.

Turn right on a gravel road that splits a yard with a corral on the left and a trailer on the right. Drive approximately 0.4 miles.

Turn left and drive approximately 0.2 miles to a BP America Production Company locked gate (key required). Pass through the gate and continue another 0.2 miles until you reach the Dry Creek Compressor Facility, which is located on the left.

2. Location of the Dry Creek Compressor Facility

Latitude: 37.21026

Longitude: -107.63709

3. Safety Considerations

Hard hat, eye protection, safety shoes, hearing protection, and FRC (fire retardant clothing).