



Navajo Nation Environmental Protection Agency

Navajo Nation Operating Permit Program

Elk Operating Services, LLC

McElmo Creek Unit

Permit No: NN OP 23-015

2023

# THE NAVAJO NATION



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## Navajo Nation Environmental Protection Agency –Air Quality Control/Operating Permit Program

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### TITLE V PERMIT TO OPERATE

<u>PERMIT #:</u> NN OP 23-015	<u>FACILITY NAME:</u> McELMO CREEK UNIT	<u>LOCATION:</u> MONTEZUMA CREEK	<u>COUNTY:</u> SAN JUAN	<u>STATE:</u> UT
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<u>ISSUE DATE:</u> XX/XX/2023	<u>EXPIRATION DATE:</u> XX/XX/2028	<u>PLANT ID:</u> 090000920220829NN0	<u>PERMITTING AUTHORITY:</u> NNEPA
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**ACTION/STATUS:** PART 71 OPERATING PERMIT

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## Abbreviations and Acronyms

Administrator	Administrator of the EPA
acfm	actual cubic feet per minute
bbl	Barrel of crude oil (42 U.S. gallons)
Btu	British Thermal Units
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CFR	Code of Federal Regulations
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
FMP	Flare Management Plan
gal	gallon
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
lb-mole	pound mole
m/s	meter per second
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
MMscf	million standard cubic feet
NESHAP	National Emission Standards for Hazardous Air Pollutants
NNEPA	Navajo Nation Environmental Protection Agency
NNOPR	Navajo Nation Operating Permit Regulations
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
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
psia	pounds per square inch absolute
SO <sub>2</sub>	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

## I. Source Identification

Company Name:	Elk Operating Services, LLC	
Mailing Address:	1700 Lincoln Street, Suite 2550	
	Denver, Colorado 80203	
Plant Name:	McElmo Creek Unit (MCU) Facility	
Plant Location:	Greater Aneth Oil Field, 3.1 miles northwest of Aneth, San Juan County, Utah on the Navajo Reservation at the following locations:  MCU Central Facility - NWSE Section 31, T40S, R25E MCU Water Injection Plant - SENW Section 32, T40S, R25E	
County:	San Juan, Utah	
EPA Region:	Region 9	
Reservation:	Navajo Nation	
Tribe:	Navajo	
Company Contact:	Sherrri Robbins	Phone: (303) 861-6255 ext 1150
	Jeff Roedell	Phone: (970) 564-5200 ext 2325
Responsible Official:	Raymond Ambrose	Phone: (303) 861-6255
EPA Contact:	Lisa Beckham	Phone: (415) 972-3811
Tribal Contact:	Natasha Yazzie	Phone: (928) 729-4248
	Suresh Chaudhary	Phone: (928) 729-4249
SIC Code:	1311	
Facility Identification Number:	090000920220829NN0	
Previous Air Permits Issued to this Facility:	NU 05-01 (PSD Permit) Tribal Minor NSR Permit C-2020-2	
Description of Process:	<p>The McElmo Creek Unit (MCU) Oil Production Facility (OPF) is an existing oil and gas production operation located within the Four Corners Area on the Navajo Nation Reservation near the city of Aneth, in San Juan County, Utah. The MCU OPF is on the MCU oilfield, which includes 1) field operations, 2) a gas compression (and re-injection) plant and 3) a water injection plant.</p> <p>Except as specifically required by existing PSD permit (NU 05-01, issued June 8, 2020), this Part 71 permit covers the MCU Central Facility and the MCU Water Injection Plant but not the MCU field operations. An explanation for this demarcation is explained in the corresponding Statement of Basis document.</p>	

**I.A. Significant Emissions Units**

<b>Unit ID</b>	<b>Unit Name</b>	<b>Unit Description</b>	<b>Maximum Capacity</b>	<b>Commenced Construction Date</b>	<b>Control Device</b>
FL-1	Main Flare	One (1) air-assisted flare that combusts produced field gas in excess of the facility compression capacity	278.0 MMBTU/hr and 618,104 SCF/hr	2006	None
TEG-1	Glycol Dehydration Unit 1	One (1) Glycol Regenerator /Dehydrator with one (1) Triethylene Glycol (TEG) Reboiler (rated at 0.75 MMBtu/hr) which combusts purchased pipeline quality natural gas to provide heat to the Glycol Heater which supplies glycol to Contactor Tower 1	1.0 MMSCF/hr	1988	FL-1
		Glycol Contactor Tower, which provides inter-stage dehydration for the HOS-6 compressor	12 MMSCF/day	1988	None
SCT-1	Produced water suction tank	Large storage vessel for produced water.	1,054,200 gal	1988	None
SKT-1	Produced water skim tank	Large storage vessel for produced water.	844,200 gal	1988	None
FT-1	Gasoline storage tank	Stores gasoline used to fuel vehicles	10,000 gal	1991	None

**I.B. Insignificant Emissions Units with Applicable Requirements**

One (1) emergency generator set, identified as EG-1, constructed before 1990, powered by a diesel reciprocating combustion engine, with an electric generating capacity of 155 kW and an estimated rated power output of 231 hp and no emissions controls.

**I.C. Insignificant Emissions Units without Applicable Requirements**

1. One (1) 16,800-gallon (400-bbl) Skim Oil Tank, installed in approximately 1988, located at the MCU WIP.
2. Two (2) 210,000-gallon (5,000-bbl) Emergency Overflow Tanks, installed in approximately 1988, located at the MCU WIP.
3. One (1) Ariel JGD-6 electrically-driven compressor, driven by a Reliance model 9240 AC induction motor rated at 2,500 hp.
4. One (1) Dresser Rand HOS-4 electrically-driven compressor, driven by a General Electric model EK AC induction motor rated at 2,000 hp.
5. One (1) Dresser Rand HOS-6 electrically-driven compressor, driven by an Allis Chalmers model 6802 AC induction motor rated at 5,000 hp.
6. One (1) Worthington Cub-4 electrically-driven compressor, driven by a Westinghouse model 6808 AC induction motor rated at 400 hp.
7. One (1) Worthington Cub-4 electrically-driven compressor, driven by a Westinghouse model 6808 AC induction motor rated at 400 hp.
8. One (1) approximately 1,000-gal diesel fuel storage tank.
9. Fugitive emissions from equipment leaks.

## **II. PSD Permit Requirements [PSD Permit NU 05-01]**

### **II.A. Definitions**

The following terms are defined for the purpose of clarifying this permit's PSD requirements [40 CFR 49.155(a)(1)(ii)-(iii), 40 CFR 49.155(a)(2)-(3), 40 CFR 52.21]

1. "CO<sub>2</sub> Breakthrough" shall mean an event where a gas or fluid injected in the Facility's oil field for the purpose of promoting the production of oil contacts a producing well and results in an increase in gas volume to compressor station equipment.
2. "Day" shall mean a calendar day, unless expressly stated to be a working day. In computing any period of time under Section II of this permit, where the last day of such period would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business on the next day that is not a Saturday, Sunday, or federal holiday.

3. “Facility” shall mean the Permittee’s McElmo Creek Unit Oil Production Facility and associated oil fields, located near Aneth, Utah, on the Navajo Nation Indian Reservation.
4. “Field Flares” shall mean the following flares at the Facility: (i) Tank Battery Flares at MCU Area 1 Battery, MCU Area 2 Battery, MCU Area 4 Battery, and MCU Area 6 Battery; and (ii) Satellite Flares at MCU Section 2, MCU Section 3, MCU Section 5, MCU Section 6, MCU Section 9, MCU Section 11, MCU Section 17, MCU Section 19, MCU Section 32, and MCU Section 33.
5. “Flaring Incident” shall mean continuous or intermittent flaring at FL-1 that results in the emissions of SO<sub>2</sub> equal to, or greater than, 500 pounds in any 24-hour period; provided, however, that if 500 pounds or more of SO<sub>2</sub> have been emitted in a 24-hour period and the flaring continues into subsequent, contiguous, non-overlapping 24-hour period(s), each period of which results in emissions equal to, or greater than, five hundred (500) pounds of SO<sub>2</sub>, then only one Flaring Incident shall have occurred. Subsequent, contiguous, non-overlapping periods are measured from the initial commencement of flaring within the Flaring Incident.
6. “Main Flare” shall mean the flare installed as part of the Facility’s former gas processing plant, identified as FL-1.
7. “Main Flare Emissions” shall mean the emissions from FL-1 at the Facility as well as all emissions that result from: (1) combustion of fuel gas in FL-1’s pilot, (2) the closed drain and filter backwash operations, (3) CO<sub>2</sub> Breakthroughs, (4) any Scheduled Maintenance, and (5) unscheduled maintenance of the Facility’s compressors.
8. “Malfunction” shall mean, for the purposes of reporting under Condition II.F.3 of this permit only, any sudden and unavoidable breakdown of process or pollution control equipment. CO<sub>2</sub> Breakthroughs and Scheduled Maintenance of the Facility’s compressors are not Malfunctions.
9. “Root Cause” shall mean the primary cause of a Flaring Incident as determined through a process of investigation; provided, however, that if a Flaring Incident encompasses multiple releases of SO<sub>2</sub>, the “Root Cause” may encompass multiple primary causes.
10. “Scheduled Maintenance” shall mean work that is part of the routine work plan for the compressors located at the Facility's former gas processing plant. This work is typically planned and arranged on a set frequency, usually based on periods of time (e.g., daily, weekly or monthly) or on the operating hours of the equipment. Scheduled Maintenance shall not include work necessitated by the failure of a part of a compressor.



## II.B. Emission Limitations and Requirements

[40 CFR § 71.6(b) and CAA §304(f)] [40 CFR 49.155(a)(1)(ii), 40 CFR 49.155(a)(2), 40 CFR 52.21]

1. The permittee shall not discharge or cause the discharge of the Main Flare (FL-1) Emissions from the Main Flare into the atmosphere in excess of the following emission limitations, based on a cumulative 365-day rolling total [PSD permit condition IX.C.1]

SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
60.0 tons	13.4 tons	73.0 tons	95.4 tons

2. The Permittee shall also perform any necessary operations to minimize emissions so that emissions are at or below the emission limits specified in this permit. [PSD permit condition IX.C.2]

## II.C. Operational Requirements

[40 CFR § 71.6(b) and CAA §304(f)] [40 CFR 49.155(a)(1)(ii), 40 CFR 49.155(a)(2), 40 CFR 52.21]

1. Main Flare (FL-1)
  - a. The Permittee shall operate and maintain an automatic air-assisted flare system on FL-1, pursuant to the provisions of 40 CFR § 60.18(c)(5) and (f)(6). [PSD permit condition IX. D.3(a)]
  - b. The Permittee shall operate and maintain FL-1 in compliance with 40 CFR 60.18(c)(1), (c)(2), (c)(3)(ii), (c)(5), (d), (e), (f)(1) through (f)(4), and (f)(6). [PSD permit condition IX. D.3(b)]
  - c. FL-1 shall be operated with a flame present at all times when emissions may be vented to it. [PSD permit condition IX. D.4(a)]

2. Triethylene Glycol Dehydrator (TEG-1)

The Permittee shall route gases from TEG-1 process vents through a closed vent system to FL-1. [PSD permit condition IX.D.1(a)]

3. Closed-Vent System Requirements

- a. The closed-vent system shall route all gases, vapors, and fumes emitted from the material in an emissions unit to FL-1. [PSD permit condition IX.D.2(a)]

- b. The closed-vent system shall be designed and operated with no detectable emissions. [PSD permit condition IX.D.2(b)]
- c. If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the Permittee shall meet the following requirements: [PSD permit condition IX.D.2(c)]
  - (i) For each bypass device, except as specified below, the Permittee shall either:
    - (A) At the inlet to the bypass device that could divert the stream away from FL-1 to the atmosphere, properly install, calibrate, maintain, and operate a flow indicator that is capable of taking periodic readings and sounding an alarm when the bypass device is open such that the stream is being, or could be, diverted away from the control device to the atmosphere; or
    - (B) Secure the bypass device valve installed at the inlet to the bypass device in the non-diverting position using a car-seal or a lock-and-key type configuration.
  - (ii) Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of Condition (4)(c)(i)(A) above.

#### **II.D. Monitoring and Testing Requirements**

[40 CFR § 71.6(a)(3)(i) and 71.6(a)(3)(i)(A), and NNOPR § 302(E)] [40 CFR 49.155(a)(1)(ii), 40 CFR 49.155(a)(2), 40 CFR 52.21]

##### 1. Main Flare (FL-1)

- a. The Permittee shall continuously monitor FL-1 for the presence of a flare pilot flame using a device (including, but not limited to, a thermocouple, ultraviolet beam sensor, or infrared sensor) capable of detecting that the pilot flame is present. [PSD permit condition IX. D.4(b)]
- b. FL-1 shall be equipped with an alarm that informs Facility operators of any period when a pilot flame is not present in the flare and no gas shall be sent to the flare until a pilot flame is restored. [PSD permit condition IX. D.4(c)]

- c. The Permittee shall operate FL-1 with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. [PSD permit condition IX. D.5(a)]
- d. EPA Test Method 22 in Appendix A of 40 CFR Part 60 shall be used to determine the compliance of flares with the visible emission provisions. The observation period is 2 hours and shall be used according to Method 22. [PSD permit condition IX. D.5(b)]
- e. The Permittee shall perform monthly visible emissions tests during a flaring event using Method 22. [PSD permit condition IX. D.5(c)]
- f. The Permittee shall calculate the 365-day rolling emissions totals for SO<sub>2</sub>, NO<sub>x</sub>, CO, and VOC each day for FL-1. [PSD permit condition IX.E.1]
- g. All emissions during all modes of operation (including, but not limited to, emissions during periods of startup, shutdown, or malfunction) shall be used in determining compliance with the applicable emission limitations. [PSD permit condition IX.E.2]
- h. The Permittee shall not use the Field Flares to circumvent the emission limitations. [PSD permit condition IX.E.3]
- i. The Permittee shall use the following requirements to determine compliance with the applicable emission limitations for FL-1: [PSD permit condition IX.E.4]
  - (i) The Permittee shall measure and record the H<sub>2</sub>S concentration in the field gas at the Facility in each calendar month at the inlet to the Facility's former gas processing plant where FL-1 is located.
  - (ii) The Permittee shall measure and record the volume of gas combusted in FL-1 in scfm when the flare is in use.
  - (iii) Each and every calendar day, the Permittee shall calculate and record the daily emissions from FL-1 based on the last recorded measurement of H<sub>2</sub>S concentration in the field gas at the Facility and that day's recorded volume of gas combusted in FL-1.
  - (iv) Each and every calendar day, the Permittee shall calculate the 365-day rolling total of emissions of SO<sub>2</sub>, NO<sub>x</sub>, CO, and VOC for FL-1, using best available data and good engineering practices. Each 365-day rolling total shall be calculated using data from the previous 365

days. The Permittee shall maintain all records of actual operating data and calculations.

- (v) If the Permittee is unable to measure the volume of gas combusted in FL-1 on any day, the volume of gas for that day shall be deemed to be equal to the daily average volume of gas combusted in FL-1 based on the previous 12 months' emissions data. However, the use of this daily average as substitute data neither relieves nor excuses the Permittee from complying with the sampling, data collection, and monitoring requirements.
  
- j. The Permittee shall comply with the following dilution operating limitation requirements for ensuring proper combustion efficiency. [PSD permit condition IX.F.1]
  - (i) Net Heating Value Dilution Parameter
    - (A) The Permittee shall operate the flare to maintain the net heating value dilution parameter ( $NHV_{dil}$ ) at or above 24 BTU/ft<sup>2</sup>, on a daily basis.
    - (B) If  $NHV_{dil}$  is less than 24 BTU/ft<sup>2</sup>, the Permittee shall take actions, as expeditiously as practicable, to raise  $NHV_{dil}$  to comply with the limit.
    - (C) The Permittee shall determine  $NHV_{dil}$  in BTU/ft<sup>2</sup> as follows:

**Equation 1:** 
$$DF = \frac{Q_{vg} \times Diam}{Q_{vg} + Q_{premix\ air} + Q_{perimeter\ air}}$$

**Equation 2:** 
$$NHV_{dil} = NHV_{vg} \times DF$$

Where:

DF = Dilution factor, feet (ft).

$Q_{vg}$  = Volumetric flow rate of the flare vent gas, scfm.

$Q_{premix\ air}$  = Cumulative volumetric flow of premix assist air, scfm (Premix assist air means the portion of assist air that is introduced to the flare vent gas, whether injected or induced, prior to the flare tip)

$Q_{perimeter\ air}$  = Cumulative volumetric flow of perimeter assist air, scfm. (Perimeter assist air means the portion of assist air introduced at the perimeter of the flare tip or above the flare tip. Perimeter assist air includes all assist air except premix assist air.)

Diam = Diameter of the flare vent gas release stack, ft.

NHV<sub>vg</sub> = Net heating value of flare vent gas, BTU/scf.

NHV<sub>dil</sub> = Net heating value air assist dilution parameter, BTU/ft<sup>2</sup>.

- (D) Each and every calendar day, the Permittee shall determine the net heating value air assist dilution parameter (NHV<sub>dil</sub>) based on the applicable flare vent gas flowrates, the applicable air assist flowrates, NHV<sub>vg</sub>, and the applicable equations above.
- k. The Permittee shall use one or more of the following methods to monitor the flare vent gas flowrate as specified by this permit. In addition, the Permittee shall use a monitoring system capable of correcting any such measured flow rates to standard conditions, as specified in this permit. [PSD permit condition IX.F.2]
- (1) Continuously monitor and record the volume of gas combusted in FL-1 in scfm as specified this permit; or
  - (2) Install, operate, and maintain a mass flow monitor and determine volumetric flow rate of flare vent gas using Equation 3 below to convert mass flow rates to volumetric flowrate. For the flare vent gas, molecular weight must be determined using compositional analysis.

**Equation 3:** 
$$Q_{vol} = \frac{Q_{mass} \times 385.3}{MWt}$$

Where:

Q<sub>vol</sub> = Volumetric flow rate, standard cubic feet per second.

Q<sub>mass</sub> = Mass flow rate, pounds per second.

385.3 = Conversion factor, standard cubic feet per pound-mole.

MWt = Molecular weight of the gas at the flow monitoring location, pounds per pound-mole.

1. The Permittee shall use one or more of the following methods to monitor assist air flowrate. In addition, the Permittee shall use a monitoring system capable of correcting any such measured flow rates to standard conditions, as specified in this permit. [PSD permit condition IX.F.2(b)]
  - (1) Monitor the fan speed or power, and use fan curves and appropriate engineering calculations to determine assist air flow rates; or

- (2) Install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric flow rate of assist air used with the flare. If premix assist air and perimeter assist air are both used, install, operate, calibrate, and maintain a monitoring system capable of separately measuring, calculating, and recording the volumetric flow rate of premix assist air and perimeter assist air used with the flare; or
  - (3) Install, operate, calibrate, and maintain a mass flow monitor and determine the volumetric flow rate of assist air using Equation 3 to convert mass flow rates to volumetric flow rate (use a molecular weight of 29 pounds per pound-mole for assist air).
- m. Continuous pressure/temperature monitoring system(s) (i.e., at least once every 15-minutes) and appropriate engineering calculations may be used in lieu of a volumetric flow monitoring systems provided the molecular weight of the gas is known. For assist air, use a molecular weight of 29 pounds per pound-mole. For flare vent gas, molecular weight must be determined using compositional analysis as specified in this permit. [PSD permit condition IX.F.2(c)]
- n. The flow rate monitoring systems must be able to correct for the temperature and pressure of the system and output parameters in standard conditions (i.e., a temperature of 20°C (68°F) and a pressure of 1 atmosphere). [PSD permit condition IX.F.2(d)]
- o. The Permittee shall use one or more of the following methods to monitor the net heating value of the flare vent gas. [PSD permit condition IX.F.3(a)]
- (i) Each month, measure and record the concentration of individual components in the flare vent gas at the Facility in each calendar month at the inlet to the Facility's former gas processing plant where FL-1 is located and use this information to calculate  $NHV_{vg}$  using Equation 4 of this permit; or
  - (ii) Each month, measure and record with a calorimeter the net heating value of the flare vent gas at standard conditions at the Facility in each calendar month at the inlet to the Facility's former gas processing plant where FL-1 is located; or
  - (iii) The owner or operator may elect to use a different monitoring method, determined on a monthly basis, for the vent gas provided the composition or  $NHV_{vg}$  are determined consistent with good engineering practices.

- p. Each month, the Permittee shall determine the net heating value of the flare vent gas ( $NHV_{vg}$ ) based on compositional analysis as specified in this permit using Equation 4 below, by direct measurement of the net heating value of the flare vent gas at standard conditions as specified in this permit, or as allowed by this permit. [PSD permit condition IX.F.3(b)]

**Equation 4:**

$$NHV_{vg} = \sum_{i=1}^n x_i NHV_i$$

Where:

$NHV_{vg}$  = Net heating value of flare vent gas, BTU/scf.

$i$  = Individual component in flare vent gas.

$n$  = Number of components in flare vent gas.

$x_i$  = Concentration of component  $i$  in flare vent gas, volume fraction.

$NHV_i$  = Net heating value of component  $i$  according to Table 1 below, Btu/scf. If the component is not specified in Table 1 below, the heats of combustion may be determined using any published values where the net enthalpy per mole of offgas is based on combustion at 25°C and 1 atmosphere (or constant pressure) with offgas water in the gaseous state, but the standard temperature for determining the volume corresponding to one mole of vent gas is 20°C.

**Table 1— Individual Component Properties**

Component	Molecular Formula	$MW_i$ (pounds per pound-mole)	$NHV_i$ (British thermal units per standard cubic foot)
Acetylene	C <sub>2</sub> H <sub>2</sub>	26.04	1,404
Benzene	C <sub>6</sub> H <sub>6</sub>	78.11	3,591
1,2-Butadiene	C <sub>4</sub> H <sub>6</sub>	54.09	2,794

<b>Component</b>	<b>Molecular Formula</b>	<b>MWi (pounds per pound-mole)</b>	<b>NHVi (British thermal units per standard cubic foot)</b>
1,3-Butadiene	C <sub>4</sub> H <sub>6</sub>	54.09	2,690
iso-Butane	C <sub>4</sub> H <sub>10</sub>	58.12	2,957
n-Butane	C <sub>4</sub> H <sub>10</sub>	58.12	2,968
cis-Butene	C <sub>4</sub> H <sub>8</sub>	56.11	2,830
iso-Butene	C <sub>4</sub> H <sub>8</sub>	56.11	2,928
trans-Butene	C <sub>4</sub> H <sub>8</sub>	56.11	2,826
Carbon Dioxide	CO <sub>2</sub>	44.01	0
Carbon Monoxide	CO	28.01	316
Cyclopropane	C <sub>3</sub> H <sub>6</sub>	42.08	2,185
Ethane	C <sub>2</sub> H <sub>6</sub>	30.07	1,595
Ethylene	C <sub>2</sub> H <sub>4</sub>	28.05	1,477
Hydrogen	H <sub>2</sub>	2.02	274
Hydrogen Sulfide	H <sub>2</sub> S	34.08	587
Methane	CH <sub>4</sub>	16.04	896
Methyl-Acetylene	C <sub>3</sub> H <sub>4</sub>	40.06	2,088
Nitrogen	N <sub>2</sub>	28.01	0
Oxygen	O <sub>2</sub>	32.00	0
Pentane+ (C5+)	C <sub>5</sub> H <sub>12</sub>	72.15	3,655
Propadiene	C <sub>3</sub> H <sub>4</sub>	40.06	2,066
Propane	C <sub>3</sub> H <sub>8</sub>	44.10	2,281
Propylene	C <sub>3</sub> H <sub>6</sub>	42.08	2,150
Water	H <sub>2</sub> O	18.02	0

q. If applicable, the Permittee shall follow the calibration and quality control requirements below for any corresponding continuous parameter measurement systems (CPMS) if used at the Facility to comply with the requirements of this permit. [PSD permit condition IX.F.4]

(i) For flare vent gas volumetric flowrates, the following requirements apply:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>
±20 percent of flow rate at velocities ranging from 0.03 to 0.3 meters per second (0.1 to 1 feet per second) ±5 percent of flow rate at velocities greater than 0.3 meters per second (1 feet per second)	Conduct a flow sensor calibration check at least biennially (every two years); conduct a calibration check following any period of more than 24 hours throughout which the flow rate exceeded the manufacturer's specified maximum rated flow rate or install a new flow sensor.  At least quarterly, inspect all components for leakage, unless the CPMS has a redundant flow sensor.
	Record the results of each calibration check and inspection.



	Locate the flow sensor(s) and other necessary equipment (such as straightening vanes) in a position that provides representative flow; reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.
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(ii) For flowrates and all flows other than the flare vent gas, the following requirements apply:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>
±5 percent over the normal range of flow measured or 1.9 liters per minute (0.5 gallons per minute), whichever is greater, for liquid flow	Conduct a flow sensor calibration check at least biennially (every two years); conduct a calibration check following any period of more than 24 hours throughout which the flow rate exceeded the manufacturer's specified maximum rated flow rate or install a new flow sensor.
±5 percent over the normal range of flow measured or 280 liters per minute (10 cubic feet per minute), whichever is greater, for gas flow	At least quarterly, inspect all components for leakage, unless the CPMS has a redundant flow sensor.
±5 percent over the normal range measured for mass flow	Record the results of each calibration check and inspection.  Locate the flow sensor(s) and other necessary equipment (such as straightening vanes) in a position that provides representative flow; reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(iii) For net heating value determinations by calorimeter, the following requirements apply:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>

±2 percent of span	Specify calibration requirements in your site specific CPMS monitoring plan. Calibration requirements should follow manufacturer's recommendations at a minimum.  Temperature control (heated and/or cooled as necessary) the sampling system to ensure proper year-round operation.
	Where feasible, select a sampling location at least two equivalent diameters downstream from and 0.5 equivalent diameters upstream from the nearest disturbance. Select the sampling location at least two equivalent duct diameters from the nearest control device, point of pollutant generation, air in-leakages, or other point at which a change in the pollutant concentration or emission rate occurs.

- (iv) For net heating value determinations by gas chromatograph, the following requirements apply:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>
As specified in Performance Specification 9 of 40 CFR Part 60, appendix B	Follow the procedure in Performance Specification 9 of 40 CFR Part 60, appendix B, except that a single weekly mid-level calibration check can be used (rather than triplicate analysis), the multi-point calibration can be conducted quarterly (rather than monthly), and the sampling line temperature must be maintained at a minimum temperature of 60 °C (rather than 120 °C).

- (v) The following requirements apply for temperature monitoring systems:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>
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<p>±1 percent over the normal range of temperature measured, expressed in degrees Celsius (C), or 2.8 degrees C, whichever is greater</p>	<p>Conduct calibration checks at least annually; conduct calibration checks following any period of more than 24 hours throughout which the temperature exceeded the manufacturer's specified maximum rated temperature or install a new temperature sensor.</p> <p>At least quarterly, inspect all components for integrity and all electrical connections for continuity, oxidation, and galvanic corrosion, unless the CPMS has a redundant temperature sensor.</p>
	<p>Record the results of each calibration check and inspection.</p>
	<p>Locate the temperature sensor in a position that provides a representative temperature; shield the temperature sensor system from electromagnetic interference and chemical contaminants.</p>

(vi) The following requirements apply for pressure monitoring systems:

<b>Minimum accuracy requirements</b>	<b>Calibration requirements</b>
<p>±5 percent over the normal operating range or 0.12 kilopascals (0.5 inches of water column), whichever is greater</p>	<p>Review pressure sensor readings at least once a week for straightline (unchanging) pressure and perform corrective action to ensure proper pressure sensor operation if blockage is indicated.</p> <p>Using an instrument recommended by the sensor's manufacturer, check gauge calibration and transducer calibration annually; conduct calibration checks following any period of more than 24 hours throughout which the pressure exceeded the manufacturer's specified maximum rated pressure or install a new pressure sensor.</p>
	<p>At least quarterly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage, unless the CPMS has a redundant pressure sensor.</p>
	<p>Record the results of each calibration check and inspection.</p>
	<p>Locate the pressure sensor(s) in a position that provides a representative measurement of the pressure and minimizes or eliminates pulsating pressure, vibration, and internal and external corrosion.</p>

- r. The Permittee shall comply with the provisions of the most recent Operations and Maintenance Plan (O&M Plan) approved by EPA. The Permittee's failure to comply with any requirement of the O&M Plan shall constitute a violation. To that regard, the Permittee shall: [PSD permit condition IX.G]
- (i) At all times and to the extent practicable, including during periods of startup, shutdown, malfunction, CO<sub>2</sub> Breakthrough, Scheduled Maintenance, or unscheduled maintenance of the Facility's compressors, operate and maintain the compressor station equipment and Main Flare in a manner consistent with good air pollution control practices for minimizing emissions.
  - (ii) Follow the procedures for the inspection of the Facility's compressors and associated equipment as set forth in the Life Cycle Maintenance Plan of the O&M Plan, and shall maintain inspection logs at the Facility documenting that these inspections have been conducted.
  - (iii) Maintain daily records at the Facility regarding operation of the Facility's compressors on a Daily Plant Reading Form in the O&M Plan.
  - (iv) Maintain a supply of designated spare parts for the Facility's compressors and associated equipment that includes all of the equipment on the Spare Parts List in the O&M Plan.
  - (v) Replace, after using equipment on its Spare Parts List, such equipment as expeditiously as possible. The Permittee shall place a purchase order for such equipment within 45 days after it is used.
  - (vi) Conduct training of Facility operators in accordance with the Training Program for Plant Operators in Section 5 of the O&M Plan. The Permittee shall maintain records documenting that the training has been conducted
  - (vii) Retain copies of inspection logs and other records as specified by this permit, including the O&M Plan.
  - (viii) Maintain inspection, maintenance and repair log(s) or other similar records and identify any occasion when the Permittee was unable to carry out its established maintenance procedures, with explanation.

- (ix) Periodically update the O&M Plan to account for changes in the operation of FL-1. The plan need be resubmitted to the EPA only if the owner or operator adds new equipment or removes existing equipment listed in this permit. If such revision is needed, EOS shall request a permit amendment. The owner or operator must comply with the updated plan as submitted.
- s. With respect to a Flare Minimization Plan (FMP) for FL-1, the Permittee shall: [PSD permit condition IX.H.1]
- (i) Develop and implement a FMP that contains information about the operation of the flare to minimize Flaring Incidents.
  - (ii) At minimum, the FMP must include a listing of all process units and ancillary equipment connected to the flare, and all of the following information:
    - (A) A general description of the flare, including whether it is a ground flare or elevated (including height);
    - (B) Information regarding design capacity;
    - (C) General description of flare tip (date installed, manufacturer, nominal and effective tip diameter, tip drawing);
    - (D) A description of the assist system and an indication of whether the fan/blower is single speed, multi-fixed speed (e.g., high, medium, and low speeds), or variable speeds; and
    - (E) The flame detection system and pilot ignition system.
    - (F) Detailed description of the manufacturer's specifications, including, but not limited to, make, model, type, range, precision, accuracy, calibration, maintenance and quality assurance procedures.
    - (G) A simple process flow diagram of the flare system illustrating all connections to the flare including all pipelines, process units, compressors and other ancillary equipment that vent to the flare.
    - (H) A description of the locations of all associated monitoring and of the methods for monitoring flow rate to the flare (including a detailed description of the manufacturer's

specifications for each flow monitoring system including but not limited to make, model, type, range, precision, accuracy, calibration, maintenance, and quality assurance procedures for flare gas monitoring devices).

- (I) A description of the data recording, collection and management for the flare monitoring system.
  - (J) An assessment of whether discharges to the flare from these process units and ancillary equipment can be minimized or prevented during periods of upsets, malfunctions, or emergency releases.
  - (K) A description of the method to alert personnel designated to collect samples that a Flare Incident has started.
  - (L) Periodically update the FMP to account for changes in the operation of FL-1, such as new connections to FL-1, at least once every five (5) years since the previous update of the plan. The owner or operator need not resubmit the plan to the EPA unless the owner or operator alters the design capacity of FL-1. The owner or operator must comply with the updated plan as submitted.
- t. The Permittee shall comply with the provisions of the most recent Root Cause Failure Analysis Program approved by EPA. The program shall be updated periodically to account for changes in the operation of FL-1, but the plan need be resubmitted to the EPA only if the owner or operator adds new equipment or removes existing equipment listed in the permit. If such revision is needed, the Permittee shall request a permit amendment. The owner or operator must comply with the updated Root Cause Failure Analysis Program as submitted. [PSD permit condition IX.H.2(b)]
- u. In response to any Flaring Incident, the Permittee shall take, as expeditiously as practicable, such interim and/or long-term corrective actions, if any, as are consistent with good engineering practice to minimize the likelihood of a recurrence of the Root Cause and all contributing causes of that Flaring Incident. [PSD permit condition IX.H.3]

#### **II.E. Recordkeeping Requirements**

[40 CFR § 71.6(a)(3)(ii) and NNOPR § 302(F)] [40 CFR 49.155(a)(1)(iii), 40 CFR 49.155(a)(4), 40 CFR 52.21]

1. The Permittee shall retain the following records at the stationary source for a period of five (5) years from the date of monitoring, sampling, measurement, or reporting. Support information may include all calibration and maintenance records, all original strip-chart recordings or digital records for continuous monitoring instrumentation and copies of all reports required by the permit. All applicable records shall be maintained at the nearest manned facility and shall be readily accessible.[PSD permit condition IX.J.3]
  - a. A file of all records, data, measurements, reports, and documents related to operation of the Facility, and sufficient to assure compliance with the emission limitations and monitoring requirements. All records shall be in a permanent form suitable for inspection. [PSD permit condition IX.J.1]
  - b. Required monitoring information that includes: [PSD permit condition IX.J.2]
    - (1) The location, date and time of sampling or measurements;
    - (2) The date(s) analyses were performed;
    - (3) The company or entity that performed the analyses;
    - (4) The analytical techniques or methods used;
    - (5) The results of such analyses; and
    - (6) The operating conditions existing at the time of sampling or measurement.
  - c. Records of calculations of each 365-day rolling emissions total for SO<sub>2</sub>, NO<sub>x</sub>, CO, and VOC for FL-1 as required by this permit. Emissions calculations shall include the emission factors, operating data, and other supporting documentation that the Permittee used to calculate emissions of each pollutant. [PSD permit condition IX.J.3(a)]
  - d. Records of FL-1 dilution operating requirements as required by this permit, including the following: [PSD permit condition IX.J.3(b)]
    - (1) Daily calculations of NHVdil in BTU/ft<sup>2</sup>;
    - (2) Monitoring of flare vent gas flowrate and air assist flowrate monitoring (Qvg, Qpremix air, and Qperimeter air);
    - (3) Calculations of NHVvg; and

- (4) CPMS requirements, as applicable.
- e. Monthly H<sub>2</sub>S concentration in the field gas at the Facility as required by this permit. [PSD permit condition IX.J.3(c)]
- f. Daily total volume of gas combusted in FL-1 as required by this permit. [PSD permit condition IX.J.3(d)]
- g. Flare design for FL-1 in accordance with 40 CFR 60.18 (including whether the flare is steam-assisted, air-assisted, or non- assisted). [PSD permit condition IX.J.3(d)]
- h. Semiannual reports as required by this permit. [PSD permit condition IX.J.3(f)]
- i. Records of monthly EPA Method 22 visible emissions tests of FL-1 as required by this permit, including the following information: [PSD permit condition IX.J.3(g)]
  - (1) The date and time of the inspection, and the name of the observer;
  - (2) A description of any corrective actions taken and repairs made; and
  - (3) The date(s) of corrective actions and repairs.
- j. Periods when the pilot flame is absent or spark igniter(s) is inoperable as required by this permit. [PSD permit condition IX.J.3(h)]
- k. Root cause analysis and corrective action program as required by this permit, including the following: [PSD permit condition IX.J.3(i)]
  - (1) A copy of the most recent FMP;
  - (2) Root cause analysis for flaring incidents, including the following:
    - (i) Date, time and duration of flaring;
    - (ii) Description of the event, including the flare(s) involved in the event and a discussion of the cause(s) and probable cause(s) of the event; and



- (iii) Confirmation that the flare(s) functioned properly, i.e., a flame was present and any visible emissions that occurred were in compliance with 40 CFR 60.18(f)(1).
  - (3) Corrective actions taken for flaring incidents, including the following: [PSD permit condition IX.J.3(i)]
    - (i) Corrective actions taken during the event; and
    - (ii) A description of any actions taken to prevent or reduce the likelihood of similar future occurrences.
- l. Records of the O&M Plan requirements as required by this permit, including the following: [PSD permit condition IX.J.3(j)]
  - (1) Inspection logs;
  - (2) Daily Plant Reading Form records;
  - (3) Training requirements; and
  - (4) Inspection, maintenance and repair log(s) or other records.
- m. Any other records and reports required by this permit. [PSD permit condition IX.J.3(k)]

**II.F. Reporting Requirements**

[40 CFR § 71.6(a)(3)(ii) and NNOPR § 302(F)] [40 CFR § 49.155(a)(1)(iii), 40 CFR § 49.155(a)(5), 40 CFR § 52.21]

- 1. Root Cause Analysis: For a Flaring Incident caused by Scheduled Maintenance or a CO<sub>2</sub> Breakthrough, the Permittee shall submit a report to the EPA, at the address specified in this permit, no later than sixty (60) days following the end of such a Flaring Incident that sets forth the following information listed below. Except for those Flaring Incidents caused by Scheduled Maintenance or a CO<sub>2</sub> Breakthrough, the Permittee shall conduct a Root Cause Analysis in accordance with the Root Cause Failure Analysis Program to evaluate the cause of each Flaring Incident and shall submit a report to the EPA, at the address specified in this permit, no later than sixty (60) days following the end of a Flaring Incident, that sets forth all of the following: [PSD permit condition IX.H.2(a)]
  - a. The date and time that the Flaring Incident started and ended. To the extent that the Flaring Incident involved multiple releases either within a 24-hour period or within subsequent, contiguous, non-overlapping 24-hour periods,

the Permittee shall set forth the starting and ending dates and times of each release;

- b. An estimate of the quantity of SO<sub>2</sub> that was emitted and the calculations that were used to determine that quantity;
- c. The steps, if any, that the Permittee took to limit the duration and/or quantity of SO<sub>2</sub> emissions associated with the Flaring Incident;
- d. Except for those Flaring Incidents caused by Scheduled Maintenance or a CO<sub>2</sub> Breakthrough, a detailed analysis that sets forth the Root Cause and all contributing causes of that Flaring Incident, to the extent determinable; however, if a Flaring Incident is caused by Scheduled Maintenance or CO<sub>2</sub> Breakthrough, then the Permittee need only identify the Root Cause as Scheduled Maintenance or CO<sub>2</sub> Breakthrough (whichever is applicable), and either (i) describe the nature of the work done for Scheduled Maintenance or (ii) identify the specific wells that most likely experienced the CO<sub>2</sub> Breakthrough;
- e. An analysis of the measures, including possible design, operational, and maintenance changes, that are available to reduce the likelihood of a recurrence of a Flaring Incident resulting from the same Root Cause or contributing causes in the future. If the Permittee concludes that corrective action(s) is (are) required under the Corrective Action section of this permit, the report shall include a description of the action(s) and, if not already completed, a schedule for its (their) implementation, including proposed commencement and completion dates. If the Permittee concludes that corrective action is not required under the Corrective Action section of this permit, the report shall explain the basis for that conclusion;
- f. To the extent that investigations of the causes and/or possible corrective actions still are under way on the due date of the report, a statement of the anticipated date by which a follow-up report fully conforming to the requirements of this permit will be submitted. Nothing in this permit condition shall be deemed to excuse the Permittee from its investigation, notification, reporting, and corrective action obligations in this permit for any Flaring Incident that occurs after the Flaring Incident for which the Permittee has requested an extension of time under this permit condition.
- g. To the extent that completion of the implementation of corrective action(s), if any, is not finalized at the time of the submission of the report required under this permit condition, then, by no later than thirty (30) days after completion of the implementation of corrective action(s), the Permittee

shall submit a report identifying the corrective action(s) taken and the dates of commencement and completion of implementation.

2. No later than 72 hours after an event first qualifies as a Flaring Incident, the Permittee shall notify by electronic mail, at AEO\_R9@epa.gov, the Manager of the Air Enforcement Office, Enforcement and Compliance Assurance Division, EPA Region 9, of such Flaring Incident. Telephone notification shall be followed by a detailed written notification to the EPA, at the address specified in this permit, within seven (7) working days after the event first qualifies as a Flaring Incident. [PSD permit condition IX.H.2(b)]
  
3. Compliance Reporting: Within thirty (30) days following the end of each calendar semiannual period (i.e., January 1 to June 30, and July 1 to December 31), the Permittee shall submit to the EPA a PSD semiannual report. Each PSD semiannual report shall include the following information as it applies to the semiannual period: [PSD permit condition IX.I.3.]
  - (i) A list of the rolling 365-day cumulative FL-1 emissions for each day.
  - (ii) A list of the NHVdil in BTU/ft<sup>2</sup> determined for each day.
  - (iii) A list of each day in the semiannual period when the rolling 365-day cumulative emissions limits that apply to FL-1 were exceeded and, for each such day, the limit(s) exceeded and the amount(s) of excess emissions.
  - (iv) A list of all emissions that the Permittee claims are attributable to Malfunctions.
  - (v) A list of all emissions that may be attributable to CO<sub>2</sub> Breakthroughs, Scheduled Maintenance, or unscheduled maintenance of the Facility's compressors.
  - (vi) The date(s) and time(s) when the thermocouple or flow meter associated with FL-1 was inoperative.
  - (vii) The date(s) and time(s) when the Permittee failed to measure or record the H<sub>2</sub>S concentration in the field gas at the Facility or failed to continuously measure or record the volume of gas combusted in the FL-1.
  - (viii) A certification that the Permittee operated and maintained the compressor station equipment and FL-1 in a manner consistent with good air pollution control practices for minimizing emissions, and

performed all of the obligations (including, but not limited to, inspection and training obligations) contained in the O&M Plan.

- (ix) A certification that the Field Flares have not been used to circumvent the emission limits that apply to FL-1.
- (x) A list of total emissions from the Field Flares and the reason for Flaring.
- (xi) Any and all reports generated from the FMP, and root cause analysis and corrective action program.

### **III. Requirements for Specific Units**

#### **III.A. Operational Requirements**

[40 CFR § 71.6(b) and CAA §304(f)] [40 CFR 49.155(a)(1)(ii), 40 CFR 49.155(a)(2), 40 CFR 52.21]

1. Main Flare (FL-1):
  - a. The Permittee shall use FL-1 to reduce VOC and HAP emissions from the MCU Central Facility.
  - b. The Permittee shall operate FL-1 at all times when emissions may be vented to it.
2. Emergency Generator (EG-1) Operation:
  - a. The Permittee shall not operate EG-1 for more than 500 hours in any consecutive 365-day period.
  - b. The Permittee, except as specified elsewhere in this permit, shall operate EG-1 only during the emergencies resulting from electrical power outages due to: a failure of the electrical grid; on-site disaster; local equipment failure; or public service emergencies such as flood, fire, natural disaster, or severe weather conditions (e.g. hurricane, tornado, blizzard, etc.)
  - c. The Permittee shall operate and maintain EG-1 in a manner consistent with safety and good air pollution control practices for minimizing emissions.
3. Triethylene Glycol Dehydrator (TEG-1):
  - a. The Permittee shall control VOC and HAP emissions from TEG-1 using FL-1.

- b. The Permittee shall operate FL-1 at all times when TEG-1 is in operation.
  - c. The Permittee shall operate and maintain TEG-1 in a manner consistent with safety and good air pollution control practices for minimizing emissions.
4. Water Injection Plant Suction Tank (SCT-1) and Skim tank (SKT-1)
- a. The Permittee shall operate and maintain SCT-1 and SKT-1 in a manner consistent with safety and good air pollution control practices for minimizing emissions.
5. Gasoline Storage Tank (FT-1)
- a. The Permittee shall operate and maintain FT-1 in a manner consistent with safety and good air pollution control practices for minimizing emissions.

### **III.B. Monitoring and Testing Requirements**

[40 CFR § 71.6(a)(3)(i) and 71.6(a)(3)(i)(A), and NNOPR § 302(E)] [40 CFR 49.155(a)(1)(ii), 40 CFR 49.155(a)(2), 40 CFR 52.21]

1. Emergency Generator (EG-1)
- a. The Permittee shall monitor the date, time, duration, and reason for the emergency generator start-up.
  - b. The Permittee shall monitor the total hours of operation each month with the use of a properly functioning, non-resettable hour metering device.

### **III.C. NSPS General Provisions**

[40 CFR Part 60, Subpart A]

The following control device and work practice requirements of 40 CFR § 60.18 apply to FL-1:

1. All requests, reports, applications, submittals, and other communications to the NNEPA pursuant to 40 CFR Part 60 shall be submitted in duplicate to the EPA Region 9 office at the following address [40 CFR § 60.4(a)]:

Manager, Air & Tri-Section ENF-2-1  
US EPA Region 9

Enforcement and Compliance Assurance Division  
75 Hawthorne Street  
San Francisco, CA 94105-3901

2. The Permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative [40 CFR § 60.7(b)].
3. The availability to the public of information provided to, or otherwise obtained by, the Administrator under this permit shall be governed by 40 CFR § 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 CFR §§ 60.5 and 60.6 is governed by 40 CFR §§ 2.201 through § 2.213 and not by 40 CFR § 2.301.) [40 CFR § 60.9].
4. The opacity standards set forth in 40 CFR Part 60 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided [40 CFR § 60.11(c)].
5. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate the affected facilities, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source [40 CFR § 60.11(d)].
6. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing in 40 CFR Part 60 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 [40 CFR § 60.11(g)].
7. The Permittee shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere [40 CFR § 60.12].

8. With respect to compliance with all New Source Performance Standards (NSPS) of 40 CFR Part 60, the Permittee shall comply with the “General notification and reporting requirements” found in 40 CFR § 60.19 [40 CFR § 60.19].
9. The Permittee shall provide written notification to NNEPA and EPA or, if acceptable to NNEPA, EPA and the Permittee, electronic notification to NNEPA and EPA of any reconstruction of an affected facility, or any physical or operational change to an affected facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under this permit or in 40 CFR § 60.14(e) [40 CFR § 60.7(a)].

### **III.D. NESHAP General Provisions**

[40 CFR Part 63, Subpart A]

1. Prohibited Activities and Circumvention [40 CFR § 63.4]
  - a. The Permittee shall not operate any affected source in violation of the requirements of 40 CFR Part 63. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of 40 CFR Part 63. An extension of compliance can be granted by the Administrator under this part.
  - b. The Permittee shall not fail to keep records, notify, report, or revise reports as required by 40 CFR Part 63.
  - c. The Permittee shall not build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to:
    - (i) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere; or
    - (ii) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions.
2. The Permittee shall follow the preconstruction review and notification requirements specified in 40 CFR § 63.5. [40 CFR § 63.5]

3. Monitoring shall be conducted as set forth in 40 CFR § 63.8 and the relevant standard, with the exception of requirements set forth in 40 CFR § 63.8(e), (f)(4), and (f)(6). [40 CFR § 63.8]
4. The Permittee shall maintain files of all information (including all reports and notifications) required by 40 CFR Part 63 in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, on microfiche, or on other forms of electronic storage. [40 CFR § 63.10(b)(1)]

### **III.E. NESHAAP for Oil and Natural Gas Production Facilities, 40 CFR Part 63, Subpart HH Requirements**

1. The Permittee shall maintain records of the annual facility natural gas or hydrocarbon liquid throughput each year and upon request submit such records to the Administrator. [40 CFR § 63.760(a)(1)(ii)]
2. The Permittee shall operate the triethylene glycol dehydrator (TEG-1) such that the actual glycol circulation rate does not exceed the optimum glycol circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i) or an alternate circulation rate calculated using GRI-GLYCalc™, Version 3.0 or higher [40 CFR § 63.764(d)(2)(ii)]
3. If operating conditions change and a modification to the optimum glycol circulation rate is required, the permittee shall prepare a new determination in accordance with 40 CFR § 63.764(d)(2)(i) or (ii) and submit the information specified below: [40 CFR §§ 63.764(d)(2)(iii), and 63.775(c)(7)(ii) through (v)]
  - a. Calculation of the optimum glycol circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i).
  - b. If applicable, documentation of the alternate glycol circulation rate calculated using GRI-GLYCalc™, Version 3.0 or higher and documentation stating why the dehydrator unit must operate using the alternate glycol circulation rate.
  - c. The name of the manufacturer and the model number of the glycol circulation pump(s) in operation.
  - d. Statement by a responsible official, with that official's name, title, and signature, certifying that the facility will always operate the glycol



dehydration unit using the optimum circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i) or 40 CFR § 63.764(d)(2)(ii), as applicable.

4. At all times the permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR § 63.764(j)]
5. The permittee shall maintain files of all information (including all reports and notifications) required by this subpart. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or period. [40 CFR § 63.774(b)(1)]
  - a. All applicable records shall be maintained in such a manner that they can be readily accessed.
  - b. The most recent 12 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request.
  - c. The remaining 4 years of records may be retained offsite.
  - d. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.
6. The permittee shall maintain the records specified in 40 CFR § 63.10(b)(2). [40 CFR § 63.774(b)(2)]
7. The permittee must keep a record of the calculation used to determine the optimum glycol circulation rate in accordance with 40 CFR § 63.764(d)(2)(i) or 40 CFR § 63.764(d)(2)(ii), as applicable. [40 CFR § 63.774(f)]
8. The permittee shall maintain records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control equipment and monitoring equipment. The permittee shall maintain records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR § 63.764(j), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. [40 CFR § 63.774(g)]

**III.F. NESHAP for Gasoline Dispensing Facilities, 40 CFR Part 63, Subpart CCCCCC Requirements**

The Permittee shall comply with the following 40 CFR Part 63, Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities) requirements for FT-1:

6. The Permittee must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following [40 CFR § 63.11116(a)]:
  - a. Minimize gasoline spills;
  - b. Clean up spills as expeditiously as practicable;
  - c. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;
  - d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
4. The Permittee must have records available within 24 hours of a request by the Administrator to document your gasoline throughput. [40 CFR § 63.11116(b)]
5. The source must comply with the requirements of this subpart by the applicable dates specified in 40 CFR § 63.11113. [40 CFR § 63.11116(c)]
6. Portable gasoline containers that meet the requirements of 40 CFR Part 59, Subpart F, are considered acceptable for compliance with 40 CFR § 63.11116(a)(3). [40 CFR § 63.11116(d)]

**III.G. NESHAP for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ Requirements**

The Permittee shall comply with the following 40 CFR Part 63, Subpart ZZZZ (National Emission Standards for Stationary Reciprocating Internal Combustion Engines) requirements for EG-1:

1. There is no time limit on the use of EG-1 in emergency situations. [40 CFR § 63.6640(f)(1)]

2. The Permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR § 63.6625(e)]
3. The Permittee shall install a non-resettable hour meter on EG-1 if one is not already installed. [40 CFR § 63.6625(f)]
4. The Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [40 CFR § 63.6625(h)]
5. EG-1 must be in compliance with the applicable operating limitations of 40 CFR Part 63 Subpart ZZZZ at all times. [40 CFR § 63.6605(a)]
6. EG-1, including associated air pollution control equipment and monitoring equipment, must be operated and maintained in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this permit and 40 CFR 63, Subpart ZZZZ have been achieved. Determination of whether acceptable operating procedures are being used will be based on information available to the NNEPA and the EPA Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR § 63.6605(b)]
7. EG-1 may be operated for:
  - a. Up to one hundred (100) hours per calendar year for the purpose of maintenance checks and readiness testing provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. [40 CFR § 63.6640(f)(2)]
  - b. Up to fifty (50) hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year allowance. Except as specified below, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR § 63.6640(f)(4)]

- (1) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
  - (i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
  - (ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
  - (iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
  - (iv) The power is provided only to the facility itself or to support the local transmission and distribution system.
  - (v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
  
8. The following maintenance activities shall be performed on the schedules specified for EG-1: [40 CFR §§ 63.6603(a) and .6640(a)]
  - a. Change oil and filter every 500 hours of operation or annually, whichever comes first, except that the Permittee has the option to utilize an oil analysis program as described in 40 CFR 63.6625(i) in order to extend this specified oil change requirement. If such an oil analysis program is to be used, the plan shall be submitted to the NNEPA for review at the time of its establishment;
  - b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
  - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

- d. The Permittee has the option of utilizing an oil analysis program in order to extend the oil change requirement above. The oil analysis must be performed at the same frequency specified for changing the oil above. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.
9. The following information shall be recorded, initialed (except records generated automatically by an electronic system), and maintained in a log at the Facility for a period not less than five (5) years from the date the information is obtained: [40 CFR §§ 63.6660 and .6655]
  - a. The date, time, duration, and reason for each start-up of the emergency generator, including and explanation of what classified the operation as emergency.
  - b. The total hours of operation for each month and the cumulative 12-month rolling period shall be calculated and recorded within 15 days of the end of each calendar month for the previous month and the 12-month period ending at the end of that month.
  - c. The total hours of operation for maintenance checks and readiness testing each month, and totaled for each calendar year by January 15 of each year for the previous calendar year.
  - d. Records of the maintenance performed on the generator.
10. Following issuance of this Part 71 permit, the Permittee must report all deviations as defined in 40 CFR Part 63, Subpart ZZZZ in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If a

Compliance report pursuant to Table 7 of Subpart ZZZZ along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority. [40 CFR § 63.6650(f)]

### **III.H. Permit Shield**

[40 CFR § 71.6(f)(1)(i) and NNOPR § 302(J)]

A permit shield is granted for the following federal standards:

1. Process vessels SCT-1 and SKT-1 are not subject to 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).
2. Process vessels SCT-1 and SKT-1 are not subject to 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 July 23, 1984).
3. Process vessels SCT-1 and SKT-1 are not subject to 40 CFR Part 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels)).
4. The source is not subject to 40 CFR Part 60, Subpart KKK (Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011).
5. Emergency generator (EG-1) is not subject to 40 CFR Part 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines).
6. The source is not subject to 40 CFR Part 60, Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015).

7. The source is not subject to 40 CFR Part 60, Subpart OOOOa (Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015).

### **III.I. Operational Flexibility**

[40 CFR § 71.6(a)(13)(i)][NNOPR § 404(A)][The NNOPR provision is enforceable by NNEPA only.]

1. The Permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within the Permittee that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
  - a. Changes that would violate any applicable requirement; or
  - b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. [40 CFR § 71.2][NNOPR § 102(54)]
2. The Permittee is required to send written notice to NNEPA and EPA Region IX at least 7 days in advance of any change made under this provision. The notice must describe the change, when the change will occur, any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The Permittee shall attach each notice to its copy of this permit.
3. Any permit shield provided in this permit does not apply to changes made under this subsection.

## **IV. Facility-Wide or Generic Permit Requirements**

Conditions in this section of the permit apply to all emissions units located at the facility. [40 CFR § 71.6(a)(1)]

### **IV.A. Testing Requirements [40 CFR § 71.6(a)(3)]**

In addition to the unit-specific testing requirements derived from the applicable requirements for each individual unit contained in Sections II or III of this permit, the Permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to NNEPA and EPA Region IX a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:
  - 1.0 Purpose of the Test
  - 2.0 Source Description and Mode of Operation during Test
  - 3.0 Scope of Work Planned for Test
  - 4.0 Schedule/Dates
  - 5.0 Process Data to be Collected During Test
  - 6.0 Sampling and Analysis Procedures
    - 6.1 Sampling Locations
    - 6.2 Test Methods
    - 6.3 Analysis Procedures and Laboratory Identification
  - 7.0 Quality Assurance Plan
    - 7.1 Calibration Procedures and Frequency
    - 7.2 Sample Recovery and Field Documentation
    - 7.3 Chain of Custody Procedures
    - 7.4 QA/QC Project Flow Chart
  - 8.0 Data Processing and Reporting
    - 8.1 Description of Data Handling and QC Procedures
    - 8.2 Report Content
2. Unless otherwise specified by an applicable requirement or permit condition in Sections II or III of this permit, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity.
3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. The Permittee must keep a record of adjustments made to any operating parameters within two (2) hours of the start of a test, along with the reason for these adjustments, and this record must be submitted to NNEPA and EPA Region IX along with the test results. NNEPA and EPA Region IX reserve the right to determine whether any operating adjustments made during a source test that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants should render the source test invalid.
4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the Permittee shall record the following information:



- a. Fuel characteristics and/or amount of product processed (if applicable).
  - b. Visible emissions.
  - c. All parametric data which is required to be monitored in Sections II or III of this permit for the emission unit being tested.
  - d. Other source-specific data identified in Sections II or III of this permit, such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O<sub>2</sub>, etc.
5. Each source test shall consist of at least three (3) valid test runs and the emissions results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.
  6. Source test reports shall be submitted to NNEPA and EPA Region IX within 60 days of completing any required source test.

#### **IV.B. Recordkeeping Requirements**

[40 CFR §§ 40 CFR 60.7(f), 71.6(a)(3)(ii)][40 CFR § 60.7(f)][NNOPR § 302(F)][The NNOPR provision is enforceable by NNEPA only.]

In addition to the unit-specific recordkeeping requirements derived from applicable requirements for each individual unit and contained in Sections II and III of this permit, the Permittee shall comply with the following generally applicable recordkeeping requirements:

1. The Permittee shall keep records of required monitoring information that include the following:
  - a. The date, place, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions as existing at the time of sampling or measurement.

2. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.
3. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Part 60 and Part 63 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records.

#### **IV.C. Reporting Requirements**

[40 CFR § 71.6(a)(3)(iii)][NNOPR § 302(G)][The NNOPR provision is enforceable by NNEPA only.]

The Permittee shall comply with the following generally applicable reporting requirements:

1. The Permittee shall submit to NNEPA and EPA Region IX reports of any monitoring required under 40 CFR § 71.6(a)(3)(i)(A), (B), or (C) each six-month reporting period from January 1 to June 30 and from July 1 to December 31. All reports shall be submitted to NNEPA and EPA Region IX and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Section V.E.
  - a. A monitoring report under this section must include the following:
    - (i) The company name and address.
    - (ii) The beginning and ending dates of the reporting period.
    - (iii) The emissions unit or activity being monitored.
    - (iv) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.
    - (v) All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including excursions or exceedances as defined under 40 CFR Part 64, and the date on which each deviation occurred.

- (vi) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.
  - (vii) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and, at the Permittee's discretion, either the total duration of deviations indicated by such monitoring or the actual records of deviations.
  - (xi) All other monitoring results, data, or analyses required to be reported by the applicable requirement.
  - (xii) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
  - (xiii) A copy of the PSD semiannual report required by Condition II.F.3. that covers the same reporting period.
- b. Any report required by an applicable requirement in Sections II or III of this permit that provides the same information described in Condition IV.C.1.a. above shall satisfy the requirement under Condition IV.C.1.a.
- c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 CFR § 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
- (i) A situation when emissions exceed an emission limitation or standard.
  - (ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met.

- (iii) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
  - (iv) A situation in which an exceedance or an excursion, as defined in the compliance assurance plan at 40 CFR Part 64, occurs.
- 2. The Permittee shall promptly report to NNEPA and EPA Region IX deviations from permit requirements or start-up, shut-down, or malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of “prompt” or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations shall be submitted based on the following schedule:
  - a. For emissions of a HAP or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
  - b. For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
  - c. For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report as required by this permit.
- 3. If any of the conditions in Conditions IV.C.2.a or IV.C.2.b of this permit are met, the source must notify NNEPA and EPA Region IX by telephone, facsimile or electronic mail sent to [airquality@navajo-nsn.gov](mailto:airquality@navajo-nsn.gov) and [AEO\\_R9@epa.gov](mailto:AEO_R9@epa.gov), based on the timetable listed. A written notice, certified consistent with Condition IV.C.4, must be submitted within 10 working days of the occurrence. All deviations reported under this paragraph must also be identified in the 6-month report required under Condition IV.C.1.
- 4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All 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.

#### **IV.D. Stratospheric Ozone and Climate Protection**

1. The Permittee shall comply with the standards for the labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - a. All containers in which a Class I or Class II substance is stored or transported, all products containing a Class I substance, and all products directly manufactured with a Class I substance must bear the required warning statement if they are being introduced into interstate commerce pursuant to 40 CFR § 82.106.
  - b. The placement of the required warning statement must comply with 40 CFR § 82.108.
  - c. The form of the label bearing the required warning statement must comply with 40 CFR § 82.110.
  - d. No person may modify, remove, or interfere with the required warning statement except as described in 40 CFR § 82.112.
  
2. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs), MCAV-like appliances and/or small appliances:
  - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with required practices under 40 CFR § 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with standards for recycling and recovery equipment under 40 CFR § 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified through an approved technician certification program pursuant to 40 CFR § 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR § 82.152) must comply with recordkeeping requirements pursuant to 40 CFR § 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements under 40 CFR § 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR § 82.166(k).

3. If the Permittee manufactures, transforms, destroys, imports, or exports a Class I or Class II controlled substance, the Permittee is subject to all requirements in 40 CFR Part 82, Subpart A.
4. If the Permittee performs a service on a motor (fleet) vehicle that involves ozone-depleting refrigerant (or a regulated substitute substance) in the MVAC, the Permittee is subject to all requirements in 40 CFR Part 82, Subpart B.

The term “motor vehicle,” as used in Subpart B, does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC,” as used in Subpart B, does not include the air-tight sealed refrigeration systems used for refrigerated cargo or the systems used on passenger buses using HCFC-22 refrigerant.

5. The Permittee shall be allowed to switch from any ozone-depleting substance to any acceptable substitute that is listed pursuant to 40 CFR Part 82, Subpart G.

#### **IV.E. Asbestos from Demolition and Renovation**

[40 CFR Part 61, Subpart M]

The Permittee shall comply with the requirements of 40 CFR § 61.140 through 61.157 for all demolition and renovation projects.

### **V. Title V Administrative Requirements**

#### **V.A. Fee Payment**

[NNOPR Subpart VI][The NNOPR provision is enforceable by NNEPA only]

1. The Permittee shall pay an annual permit fee in accordance with the procedures outlined below. [NNOPR §§ 603(A) and (B)]
  - a. The Permittee shall pay the annual permit fee by April 1 of each year.
  - b. The fee payment shall be in United States currency and shall be paid by certified check, or corporate check payable to the order of the Navajo Nation Environmental Protection Agency- Air Quality Control Program.
  - c. The Permittee shall send the fee payment and a completed fee filing form to:  

Navajo Nation Air Quality Control Program  
Operating Permit Program  
P.O. Box 529  
Fort Defiance, AZ 86504
2. The Permittee shall submit a fee calculation worksheet form with the annual permit fee by April 1 of each year. Calculations of actual or estimated emissions and

calculation of the fees owed shall be computed on the fee calculation worksheets provided by the EPA. Fee payment of the full amount must accompany each fee calculation worksheet. [NNOPR § 603(A)].

3. The fee calculation worksheet shall be certified as to truth, accuracy, and completeness by a responsible official consistent with 40 CFR § 71.5(d).
4. Basis for calculating the annual fee:

The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all fee pollutants emitted from the source by the applicable emissions fee (in dollars/ton) in effect at the time of calculation. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions. [NNOPR § 602(A) and (B)(1)]

- a. "Actual emissions" means the amount of emissions calculated using the actual rate of emissions in TPY of any fee pollutant emitted from a Part 71 source over the preceding calendar year and 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. Actual emissions shall not include emissions of any one fee pollutant in excess of 4,000 TPY, or any emissions that come from insignificant activities. [NNOPR § 602(B)(1), 102(5)]
- b. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.
- c. If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures.
- d. The term "fee pollutant" is defined in NNOPR § 102(24).
- e. The term "regulated air pollutant" is defined in NNOPR § 102(50), except that for purposes of this permit the term does not include any pollutant that is regulated solely pursuant to 4 N.N.C. § 1121 nor does it include any hazardous air pollutant designated by the Director of NNEPA pursuant to 4 N.N.C. § 1126(B).
- f. The Permittee should note that the applicable fee is revised each year to account for inflation and is available from NNEPA starting on March 1 of each year.

- g. The total annual fee due shall be the greater of the applicable minimum fee and the sum of subtotal annual fees for all fee pollutants emitted from the source. [NNOPR § 602(B)(2)]
5. The Permittee shall retain, in accordance with the provisions of 40 CFR § 71.6(a)(3)(ii), all fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include emissions-related forms provided by NNEPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, records of emissions monitoring data, and related support information.
6. Failure of the Permittee to pay fees in a timely manner shall subject the Permittee to the assessment of penalties and interest in accordance with NNOPR § 603(C).
7. When notified by NNEPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification.
8. A Permittee who thinks an NNEPA assessed fee is in error and wishes to challenge such fee shall provide a written explanation of the alleged error to NNEPA along with full payment of the NNEPA assessed fee. NNEPA shall, within 90 days of receipt of the correspondence, review the data to determine whether the assessed fee was in error. If an error was made, the overpayment shall be credited to the account of the Permittee.

#### **V.B. Blanket Compliance Statement**

[CAA §§ 113(a) and (e)(1), 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g), 71.6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to Part 71 constitutes a violation of the federal CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. 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)]
2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit are not limited to the applicable 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 in such determinations. [CAA §§ 113(a) and (e)(1), 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g)]



### **V.C. Compliance Certifications**

[40 CFR § 71.6(c)(5)][NNOPR § 302(I)][The NNOPR provision is enforceable by NNEPA only.]

1. The Permittee shall submit to NNEPA and EPA Region IX a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 and covering the previous calendar year. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section IV.E. of this permit and 40 CFR § 71.5(d) [40 CFR § 71.6(c)(5)]
2. The Permittee shall submit to NNEPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by July 30 of each year and covering the previous six months. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section V.E. of this permit. This condition is enforceable by NNEPA only. [NNOPR § 302(I)].
3. The certification shall include the following:
  - a. Identification of each permit term or condition that is the basis of the certification.
  - b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period.
  - c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
  - d. A statement whether compliance with each permit term was continuous or intermittent.
  - e. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with CAA § 113(c)(2), which prohibits knowingly making a false certification or omitting material information.

### **V.D. Duty to Provide and Supplement Information**

[40 CFR §§ 71.6(a)(6)(v), 71.5(b)][NNOPR § 301(E)][The NNOPR provision is enforceable by NNEPA only.]

The Permittee shall furnish to NNEPA, within a reasonable time, any information that NNEPA 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 NNEPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. (Confidential information may be provided to EPA IX only, pursuant to 40 CFR § 71.6(a)(6)(v), at the Permittee's discretion.) Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit to NNEPA such supplementary facts or corrected information. The Permittee shall also provide additional information to NNEPA as necessary to address any requirements that become applicable to the facility after this permit is issued.

#### **V.E. Submissions**

[40 CFR §§ 71.5(d), 71.6][NNOPR § 103][The NNOPR provision is enforceable by NNEPA only.]

Any document required to be submitted with 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. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, applications for renewals, and permit modifications, shall be submitted to NNEPA and EPA Region IX, as applicable, at the respective addresses below:

Navajo Nation Air Quality Control Program  
Operating Permit Program  
P.O. Box 529  
Fort Defiance, AZ 86504

For US EPA:

Central Data Exchange/Compliance and Emission Data Reporting Interface (CDX/CEDRI) or in hardcopy through postal service at the address listed below. Items sent by postal service shall be postmarked by the applicable due date identified in this permit.

CDX/CEDRI

<https://cdx.epa.gov>

(First-time users will need to register with CDX. If no specific reporting option is available in CEDRI for Part 71, select "Other Reports." If the system is unavailable contact EPA Region 9 at these email addresses: [AEO\\_R9@epa.gov](mailto:AEO_R9@epa.gov) and [R9AirPermits@epa.gov](mailto:R9AirPermits@epa.gov))

For Permit Renewal and Modification Applications:

Permits Office Chief, Air-3-1  
US EPA Region 9

Air and Radiation Division  
75 Hawthorne Street  
San Francisco, CA 94105-3901

For All Other Submissions:

Manager, Air & Tri-Section ENF-2-1  
US EPA Region 9  
Enforcement and Compliance Assurance Division  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**V.F. Severability Clause**

[40 CFR § 71.6(a)(5)][NNOPR § 302(A)(5)][The NNOPR provision is enforceable by NNEPA only.]

The provisions of this permit are severable. 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.

**V.G. Permit Actions**

[40 CFR § 71.6(a)(6)(iii)][NNOPR § 406][The NNOPR provision is enforceable by NNEPA only.]

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.

**V.H. Administrative Permit Amendments**

[40 CFR § 71.7(d)][NNOPR § 405(C)][The NNOPR provision is enforceable by NNEPA only.]

The Permittee may request the use of administrative permit amendment procedures for a permit revision that:

1. Corrects typographical errors.
2. 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.
3. Requires more frequent monitoring or reporting by the Permittee.
4. Allows for a change in ownership or operational control of a source where NNEPA 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 NNEPA.
5. Incorporates into the permit the requirements from preconstruction review permits authorized under a EPA-approved program, provided that such a program meets

procedural requirements substantially equivalent to the requirements of 40 CFR §§ 71.7, 71.8 and 71.10 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 40 CFR § 71.6.

6. Incorporates any other type of change which NNEPA has determined to be similar to those listed in Conditions V.H.1 through V.H.5.

### **V.I. Minor Permit Modifications**

[40 CFR § 71.7(e)(1)][NNOPR § 405(D)][The NNOPR provision is enforceable by NNEPA only.]

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 emissions 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 CAA Title I; and
    - ii. An alternative emissions limit approved pursuant to regulations promulgated under CAA § 112(i)(5).
  - e. Are not modifications under any provision of CAA Title I.
  - f. Are not required to be processed as a significant modification.
2. Notwithstanding the list of changes eligible for minor permit modification procedures in Condition V.I.1, 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.
3. An application requesting the use of minor permit modification procedures shall

meet the requirements of 40 CFR § 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 40 CFR § 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 NNEPA to use to notify affected States and the Administrator as required under 40 CFR §§ 71.8 and 71.10(d).
4. The Permittee may make the change proposed in its minor permit modification application immediately after it files such application. After the Permittee makes the change allowed by the preceding sentence, and until NNEPA takes any of the actions authorized by 40 CFR §§ 71.7(e)(1)(iv)(A) through (C), the Permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the Permittee need not comply with the existing permit terms and conditions it seeks to modify. If the Permittee fails to comply with its proposed permit terms and conditions during this time period, however, the existing permit terms and conditions it seeks to modify may be enforced against it.
  5. The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications.

#### **V.J. Significant Permit Modifications**

[40 CFR §§ 71.5(a)(2), 71.7(e)(3)][NNOPR §§ 301(C), 405(E)][The NNOPR provisions are enforceable by NNEPA only.]

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.
  - c. Are relaxations of reporting or recordkeeping permit terms or conditions.
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.

3. The Permittee must meet all requirements of Part 71 for applications for significant permit modifications. Specifically, for the application to be determined complete, the Permittee must supply all information that is required by 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

#### **V.K. Reopening for Cause**

[40 CFR § 71.7(f)][NNOPR § 406][The NNOPR provision is enforceable by NNEPA only.]

1. NNEPA or EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:
  - a. Additional requirements under the CAA become applicable to a major Part 71 source with a remaining permit term of 3 or more years.
  - b. NNEPA or 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.
  - c. NNEPA or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
2. Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists, and shall be made as expeditiously as practicable.
3. Reopening for cause by NNEPA or EPA shall not be initiated before notice of such intent is provided to the Permittee by NNEPA or EPA at least 30 days in advance of the date that the permit is to be reopened, except that NNEPA or EPA may provide a shorter time period in the case of an emergency.
4. Reopening for cause by EPA shall follow the procedures set forth in 40 CFR § 71.7(g).

#### **V.L. Property Rights**

[40 CFR § 71.6(a)(6)(iv)][NNOPR § 302(B)(5)][The NNOPR provision is enforceable by NNEPA only.]

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

#### **V.M. Inspection and Entry**

[40 CFR § 71.6(c)(2)][NNOPR § 302(I)(2)][The NNOPR provision is enforceable by NNEPA only.]

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives from NNEPA and EPA 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 federal CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

#### **V.N. Emergency Provisions**

[40 CFR § 71.6(g)][NNOPR § 305][The NNOPR provision is enforceable by NNEPA only.]

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 NNEPA and EPA within 2 working days of the time when emissions 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 of Condition III.C.2 of this permit.

In any enforcement proceeding, the Permittee has the burden of proof to establish the occurrence of an emergency.

2. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the Permittee, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the source to exceed a technology-based emissions limitation under this 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.

#### **V.O. Transfer of Ownership or Operation**

[40 CFR § 71.7(d)(1)(iv)][NNOPR § 405(C)][The NNOPR provision is enforceable by NNEPA only.]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if NNEPA 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 NNEPA.

#### **V.P. Off-Permit Changes**

[40 CFR § 71.6(a)(12)][NNOPR § 404(B)][The NNOPR provision is enforceable by NNEPA only.]

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 must comply with all applicable requirements and must not violate any existing permit term or condition;
3. Changes under this provision may not include changes or activities subject to any requirement under CAA Title IV or that are modifications under any provision of CAA Title I;
4. The Permittee must provide contemporaneous written notice to NNEPA and EPA Region IX of each change, except for changes that qualify as insignificant activities under 40 CFR § 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; and
5. 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.



## **V.Q. Permit Expiration and Renewal**

[40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii)][NNOPR §§ 301(B)(2) and 401(F)][The NNOPR provision is enforceable by NNEPA only.]

1. This permit shall expire upon the earlier occurrence of the following events:
  - a. Up to 12 years elapse from the date of issuance to a solid waste incineration unit combusting municipal waste subject to standards under CAA § 129; or
  - b. For sources other than those identified in Condition V.Q.1.a, five years elapse from the date of issuance; or
  - c. The source is issued a Part 70 permit by a EPA-approved permitting authority.
2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date at least six months, but not more than 18 months, prior to the date of expiration of this permit.
3. If the Permittee submits a timely and complete permit application for renewal consistent with 40 CFR § 71.5(a)(2), but NNEPA has failed to issue or deny the renewal permit, the permit shall not expire until the renewal permit has been issued or denied.
4. The Permittee's failure to have a current Part 71 permit is not a violation of Part 71 until NNEPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to a completeness determination under 40 CFR § 71.7(a)(4), the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by NNEPA.
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 review, and tribal review.
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.

# THE NAVAJO NATION



JONATHAN NEZ | **PRESIDENT**

MYRON LIZER | **VICE PRESIDENT**

Navajo Nation Environmental Protection Agency – Air Quality Control/Operating Permit Program

Post Office Box 529, Fort Defiance, AZ 86504 • Bldg. #2837 Route 112

Telephone (928) 729-4096, Fax (928) 729-4313, Email [airquality@navajo-nsn.gov](mailto:airquality@navajo-nsn.gov)

[www.navajoeopa.org](http://www.navajoeopa.org)

## **Detailed Information**

**Permitting Authority: Navajo Nation Environmental Protection Agency**

**County:** San Juan

**State:** Utah

**Plant ID:** 090000920220829NN0

**Source:** Elk Operating Services, LLC – McElmo Creek Unit

**Document Type:** STATEMENT OF BASIS

### PART 71 FEDERAL OPERATING PERMIT STATEMENT OF BASIS

Elk Operating Services, LLC – McElmo Creek Unit  
Permit No. NN OP 23-015

#### **1. Source Information**

##### **a. Permittee**

Elk Operating Services, LLC – McElmo Creek Unit  
1700 Lincoln St., Suite 2550  
Denver, CO 80203

##### **b. Source Location**

Section 31, Township 40S, Range 25E  
3.1 miles northwest of Aneth, UT in San Juan County

##### **c. Contact Information**

Source Contacts:

Sherri Robbins  
Title: EHSR Manager  
Email: [srobbins@elkpetroleum.com](mailto:srobbins@elkpetroleum.com)  
Phone: (303) 861-6255 ext.1150

Jeff Roedell  
Title: Vice President, Operations  
Email: [jroedell@elkpetroleum.com](mailto:jroedell@elkpetroleum.com)  
Phone: (970) 564-5200 ext.2325

Responsible Official (RO):

Raymond J. Ambrose  
Title: President/Chief Executive Officer  
Email: [rambrose@elkpetroleum.com](mailto:rambrose@elkpetroleum.com)  
Phone: (303) 861-6255 ext. 1240

Alternative RO: Jeff Roedell  
Title: Vice President, Operations  
Email: jroedell@elkga.com  
Phone: (970) 564-5200 ext.2325

**d. Description of Operations, Products:**

The McElmo Creek Unit (MCU) Oil Production Facility (OPF) is an existing oil and gas production operation located within the Four Corners Area on the Navajo Nation Reservation near the city of Aneth, in San Juan County, Utah. The MCU OPF is on the MCU oilfield, which incorporates 1) field operations, 2) a gas compression (and re-injection) plant and 3) a water injection plant.

The field operations consist of approximately 90 producing wells where petroleum crude oil is recovered from producing strata, and brought to the surface to be stored at either a satellite tank battery (i.e., in general, a sub-tank battery that is located between wells and the main tank battery) or a main tank battery. There are eleven satellite tank batteries that function as testing facilities for producing wells and four main tank batteries.

The gas compression (and re-injection) plant – the “MCU Central Facility” – serves tertiary enhanced oil recovery (EOR) operations conducted at the oilfield. More specifically, the MCU Central Facility receives produced gas through a gathering system, pressurizes the gas up to a suitable working pressure, and lastly re-injects the gas to maintain reservoir pressure in the oilfield. (Before re-injection, the produced gas is compressed, dried, and blended with fresh CO<sub>2</sub> that is delivered to the facility via pipeline.) The gas is injected with produced water – from the “MCU Water Injection Plant”, co-located with the MCU Central Facility – in a dual injection system.<sup>1</sup>

Except as specifically required by existing PSD permit (NU 05-01, issued June 8, 2020), this Statement of Basis and the corresponding Part 71 permit cover the MCU Central Facility and the MCU Water Injection Plant but not the MCU field operations. An explanation for this demarcation is explained in the Stationary Source Definition section of this document.

**e. Stationary Source Definition**

A Part 71 permit must cover all emissions units located at a stationary source. In this case, the stationary source has been determined to include the emissions units at MCU Central Facility and the MCU Water Injection Plant. This determination is based on the Environmental Protection Agency’s *Source Determination for Certain Emission Units in the Oil and Natural Gas Sector*, 81 FR 35622 (August 2, 2016). That final rule indicates that a single “stationary source” for the air permitting purposes of oil and gas facilities shall be all adjacent equipment, where adjacent means all emitting equipment within 0.25 mile of each other that “include shared emitting equipment”.

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<sup>1</sup> The MCU Central Facility and MCU WIP are located within 0.25 miles of each other.

The MCU Central Facility and MCU Water Injection Plant do not share emitting equipment with the surrounding production facilities. Additionally, most of the surrounding facilities are more than 0.25 mile away from the MCU Central Facility and MCU Water Injection Plant.

This Statement of Basis and the corresponding Part 71 permit differentiate between the “stationary source” and the “Facility” because PSD permit NU 05-01 includes ancillary requirements for equipment that operates in relation to, but not located at, the stationary source. For example: The Permittee is prohibited from using a collection of field flares (not located at the source) to circumvent the emissions limits of the Main Flare (located at the source).

**f. Construction and Permitting History**

The MCU began operations in the 1950s under the ownership of Superior Oil. Mobil purchased the Facility – as gas processing plant at that time – from Superior Oil in 1984. In 1997, following a fire, most of the processing equipment was removed. The Main Flare was kept for emergency flaring, flaring closed drain system fumes, and control of dehydrator emissions. The former gas processing plant is now referred to as MCU Central Facility.

EPA initially issued a PSD permit to the Facility on February 2, 1987, which was amended on October 27, 1987, March 21, 1989, and April 19, 1991. In 1997 and 1999, EPA issued Notice of Violations for, among other things, permitting violations relating to the Main Flare. The source has been subject to a federal Consent Decree for the Main Flare since 2005. In December 2005, MCU applied for a PSD permit. In April 2006, Resolute, in partnership with Navajo Nation Oil and Gas Company, acquired ownership of the MCU OPF, and assumed operation on June 1, 2006.

The Consent Decree imposed interim emission limitations, monitoring, operation and maintenance, and reporting requirements that applied to the Main Flare until these requirements were incorporated into the revised PSD permit NU 05-01 that was issued by Region 9 on September 30, 2016.

Resolute sold its share of the MCU OPF to Elk Petroleum, LLC on November 6, 2017, and Elk Petroleum began operating the facility as of January 1, 2018.

On June 8, 2020, EPA authorized the construction of four new electrically driven reciprocating CO<sub>2</sub> compressors and a new glycol dehydration unit. That approval was performed with a combined permitting action that includes the issuance of a Minor New Source Review Permit in Indian County (Tribal Minor NSR)<sup>2</sup> and a revision to PSD permit NU 05-01.

**g. Existing Permits and Approvals**

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<sup>2</sup> Pursuant to 40 CFR 49.151-161

The source, covered by the Part 71 permit, is currently operating under Revised PSD permit NU 05-01 and Tribal Minor NSR Permit C-2020-2, both issued June 8, 2020.

**h. Previously Unpermitted Emissions Units**

The following previously unpermitted emissions units were identified during the development of the Part 71 permit:

One (1) emergency generator set, identified as EG-1, constructed before 1990, powered by a diesel reciprocating combustion engine, with an electric generating capacity of 155 kW and an estimated rated power output of 231 hp and no emissions controls. (This unit is an insignificant unit since its potential to emit is less than 2.0 ton/yr for each criteria pollutant.)

Applicable requirements for EG-1 have been included in this Part 71 permit.

**i. Emission Units and Control Equipment**

Table 1 lists the non-insignificant emissions units at the stationary source.

**Table 1. List of Emission Units**

Unit ID	Unit Name	Unit Description	Maximum Capacity	Commenced Construction Date	Control Device
FL-1	Main Flare	One (1) air-assisted flare that combusts produced field gas in excess of the facility compression capacity	278.0 MMBTU/hr and 618,104 SCF/hr	2006	None
TEG-1	Glycol Dehydration Unit 1	One (1) Glycol Regenerator/Dehydrator with one (1) Triethylene Glycol (TEG) Reboiler (rated at 0.75 MMBtu/hr) which combusts purchased pipeline quality natural gas to provide heat to the Glycol Heater which supplies glycol to Contactor Tower 1	1.0 MMSCF/hr	1988	FL-1
		Glycol Contactor Tower, which provides inter-stage dehydration for the HOS-6 compressor	12 MMSCF/day	1988	None
SCT-1	Produced water suction tank	Large storage vessel for produced water.	1,054,200 gal	1988	None
SKT-1	Produced water skim tank	Large storage vessel for produced water.	844,200 gal	1988	None
FT-1	Gasoline storage tank	Stores gasoline used to fuel vehicles	10,000 gal	1991	None

MMBTU = Million British Thermal Units

SCF = Standard Cubic Feet

MMSCF = Million Standard Cubic Feet  
gal = gallons  
hr = hour  
kWe = kilowatts electrical

**j. Insignificant Emissions Units**

This stationary source also emits air pollutants from insignificant activities and at insignificant emissions levels; defined in 40 CFR § 71.5(c)(11)(ii) as emissions from an emissions unit with the potential to emit non-hazardous regulated air pollutants in an amount less than 2 tons per year or a single HAP in an amount less than 1,000 pounds per year or the de minimis level established under Clean Air Act (CAA) § 112(g), whichever is less. These following insignificant emissions units or insignificant activities are located at the source:

- (1) One (1) 16,800-gallon (400-bbl) Skim Oil Tank, installed in approximately 1988, located at the MCU WIP.
- (2) Two (2) 210,000-gallon (5,000-bbl) Emergency Overflow Tanks, installed in approximately 1988, located at the MCU WIP.
- (3) One (1) Ariel JGD-6 electrically-driven compressor, driven by a Reliance model 9240 AC induction motor rated at 2,500 hp.
- (4) One (1) Dresser Rand HOS-4 electrically-driven compressor, driven by a General Electric model EK AC induction motor rated at 2,000 hp.
- (5) One (1) Dresser Rand HOS-6 electrically-driven compressor, driven by an Allis Chalmers model 6802 AC induction motor rated at 5,000 hp.
- (6) One (1) Worthington Cub-4 electrically-driven compressor, driven by a Westinghouse model 6808 AC induction motor rated at 400 hp.
- (7) One (1) Worthington Cub-4 electrically-driven compressor, driven by a Westinghouse model 6808 AC induction motor rated at 400 hp.
- (8) One (1) emergency generator set, identified as EG-1, constructed before 1990, powered by a diesel reciprocating combustion engine, with an electric generating capacity of 155 kW and an estimated rated power output of 231 hp and no emissions controls.
- (9) One (1) approximately 1,000-gal diesel fuel storage tank.
- (10) FUG-1: Fugitive emissions from equipment leaks.

Note: Revised PSD permit NU 05-01, issued June 8, 2020, authorized the source to construct a second glycol dehydration unit and several compressors. Those units are not

listed in this document or the corresponding Part 71 permit because they have not yet been constructed.

**k. Proposed Modifications**

The permittee has not requested any changes to their existing permits with the issuance of the Part 71 permit.

**l. Enforcement Issue**

There are no enforcement actions pending.

**m. Emissions Calculations**

Detailed emissions calculations are provided in Attachment A.

**n. Potential to Emit**

Potential to emit (PTE) means the maximum capacity of any stationary source to emit any CAA-regulated air pollutant under the source’s physical and operational design. Any physical or operational limitation on the maximum capacity of the source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of fuel combusted, stored, or processed, must be treated as part of its design if the limitation is enforceable by US EPA or NNEPA. Table 2 provides the PTE of the facility.

**Table 2. Potential to Emit**

	<b>PM <sup>a</sup></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>VOC</b>	<b>Total HAPs</b>
<b>Emission Units</b>	<b>(ton/yr)</b>	<b>(ton/yr)</b>	<b>(ton/yr)</b>	<b>(ton/yr)</b>	<b>(ton/yr)</b>	<b>(ton/yr)</b>
FL-1 (Unrestricted)	-	73.5	400.1	49.8	461.8	16.3
FL-1 (Allowable) *	-	13.4	73.0	60.0	95.4	2.3
SCT-1	-	-	-	-	5.0	0.13
SKT-1	-	-	-	-	4.7	0.12
FT-1	-	-	-	-	2.5	Negl.
TEG-1	0.02	0.50	1.25	0.5	6.0	1.6
EG-1	0.13	1.79	0.39	0.1	0.1	Negl.
<b>Total Source PTE</b>	<b>0.15</b>	<b>15.7</b>	<b>74.6</b>	<b>60.6</b>	<b>113.7</b>	<b>4.1</b>
Title V Major Source Threshold	100	100	100	100	100	10 and 25**

\* Emission Limits from Revised PSD Permit NU 05-01, issued June 8, 2020

\*\* 10 ton/yr of any single HAP or 25 ton/yr of a combination of HAPs

<sup>a</sup> PM10 and PM2.5 assumed equal to total PM as a conservative estimate

Negl. - Negligible; Less than 0.001 ton/yr

- (a) This source is not in one of the 28 source categories listed in 40 CFR § 52.21(b)(1)(i)(a) and is not subject to any NSPS or NESHAP that was in effect on August 7, 1980. Therefore, fugitive emissions from this source are not counted toward the Title V or PSD major source determinations.<sup>3</sup>
- (b) The VOC PTE of the stationary source is equal to or greater than 100 tons per year. Therefore, the source is considered a major source under 40 CFR §71.2.
- (c) The source is located in an area designated as attainment (or unclassifiable) for all criteria pollutants. As established in Revised PSD permit NU 05-01, issued June 8, 2020, the source is classified as an existing major source under the Prevention of Significant Deterioration (PSD) Program.

## **2. Tribe Information**

### **a. General**

The Navajo Nation has the largest land base of any tribe in the country, covering more than 27,000 square miles in three states: Arizona, Utah, and New Mexico. The Navajo Nation currently is home to more than 400,000 people. Industries on the Navajo Nation include oil and natural gas production, coal mining, electric generation and distribution, and tourism.

### **b. Local Air Quality and Attainment Status**

All areas of the Navajo Nation are currently designated as attainment or unclassifiable for all pollutants for which a National Ambient Air Quality Standard (NAAQS) has been established.

## **3. Inapplicable Requirements**

### **New Source Performance Standard (NSPS) Subpart K**

40 CFR Part 60, Subpart K – titled “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” – is codified in 40 CFR § 60.110 through 40 CFR § 60.113. This regulation applies to storage vessels of petroleum liquids with storage capacities greater than 40,000 gallons constructed, reconstructed, or modified during the specified timeframe. Pursuant to 40 CFR § 60.111:

- A storage vessel is defined as “any tank, reservoir, or container used for the storage of petroleum liquids ...” and includes several exemptions.

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<sup>3</sup> Except HAP fugitive emissions, which are counted towards Title V (Part 70 and Part 71) major source determinations.



- Petroleum liquids are defined as “petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery ...”.

There are no units at the source that satisfy the applicability criteria. Therefore, the source is not subject to the requirements of 40 CFR Part 60, Subpart K.

### **NSPS Subpart Ka**

40 CFR Part 60, Subpart Ka – titled “Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and Prior to July 23, 1984” – is codified in 40 CFR § 60.110a through 40 CFR § 60.115a. This regulation applies to storage vessels of petroleum liquids with storage capacities greater than 40,000 gallons constructed, reconstructed, or modified during the specified timeframe. Pursuant to 40 CFR § 60.111a:

- A storage vessel is defined as “any tank, reservoir, or container used for the storage of petroleum liquids ...” and includes several exemptions.
- Petroleum liquids are defined as “petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery ...”.

There are no units at the source that satisfy the applicability criteria. Therefore, the source is not subject to the requirements of 40 CFR Part 60, Subpart K.

### **NSPS Subpart Kb**

40 CFR Part 60, Subpart Kb – titled “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 – is codified in 40 CFR § 60.110b through 40 CFR § 60.117b. Except as specified in 40 CFR § 60.110b(b) and (d), this regulation applies to storage vessels of volatile organic liquids (VOL):

- With storage capacities equal to or greater than 75 cubic meters; and
- For which construction, reconstruction, or modification is commenced after July 23, 1984.

Pursuant to 40 CFR § 60.110b, the definition of a storage vessel does not include equipment that meets the definition of a process tank. A process tank is defined as “a tank that is used within a process (including a solvent or raw material recovery process) to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process, to a product or by-product storage vessel, or to a vessel used to store recovered solvent or raw material. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers, however, may not involve unit operations.”

As tanks used to collect produced water (discharged from the tank batteries) and blended water prior reinjection, SCT-1 and SKT-1 each meet the definition of a process tank and not a storage vessel.

Therefore, there are no units at the source that satisfy the applicability criteria and the source is not subject to the requirements of 40 CFR Part 60, Subpart Kb.

### **NSPS Subpart KKK**

40 CFR Part 60, Subpart KKK – titled “Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011” – is codified in 40 CFR § 60.630 through 40 CFR § 60.636. This regulation applies to affected facilities, pursuant to 40 CFR § 60.630, located at an onshore natural gas processing plant.

Pursuant to 40 CFR § 60.631, an “natural gas processing plant” is defined as any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.

The source does not engage in the listed activities, and therefore is not subject to the requirements of 40 CFR Part 60, Subpart KKK.

### **NSPS Subpart IIII**

40 CFR Part 60, Subpart IIII – titled “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines” – is codified in 40 CFR § 60.4200 through 40 CFR § 60.4219. This regulation applies stationary compression ignition reciprocating internal combustion engines (CI RICE) ordered after July 11, 2005, and manufactured after April 1, 2006, with certain exceptions<sup>4,5</sup>.

One CI RICE is located at the source - insignificant unit EG-1 - but it was ordered and manufactured before 1990. Therefore, the source is not subject to the requirements of 40 CFR Part 60, Subpart IIII.

### **NSPS Subpart OOOO**

40 CFR Part 60, Subpart OOOO – titled “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015” – is codified in 40 CFR § 60.5360 through 40 CFR § 60.5430. This regulation applies to affected facilities, pursuant to 40 CFR § 60.5365, that commence construction, modification or reconstruction after August 23, 2011, and on or before September 18, 2015.

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<sup>4</sup> NSPS Subpart IIII applicability differs for CI ICE that are fire pump engines.

<sup>5</sup> NSPS Subpart IIII also applies to CI ICE modified or reconstructed after July 11, 2005.

None of the equipment at the source was constructed, modified, or reconstructed during the specified timeframe. Therefore, the source is not subject to the requirements of 40 CFR Part 60, Subpart OOOO.

### **NSPS Subpart OOOOa**

40 CFR Part 60, Subpart OOOO – titled “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015” – is codified in 40 CFR § 60.5360a through 40 CFR § 60.5432a. This regulation applies to affected facilities, pursuant to 40 CFR § 60.5365a, that commence construction, modification or reconstruction after September 18, 2015.

None of the equipment at the source was constructed, modified, or reconstructed after September 18, 2015. Therefore, the source is not subject to the requirements of 40 CFR Part 60, Subpart OOOOa.

### **Acid Rain Program (40 CFR Parts 72 through 78)**

EPA's Acid Rain Program is codified in 40 CFR § 72 through 78 and regulates NO<sub>x</sub> and SO<sub>2</sub> emissions from certain types of electric-generating units. Pursuant to 40 CFR § 72.6 and § 72.7, stationary fossil-fuel fired electric generators with a nameplate capacity of more than 25 megawatts electrical (MWe) that produce electricity for sale are subject to the rule.

There are no stationary fossil-fuel fired electric generators located at the source. As a result, the source is not subject to the requirements of EPA's Acid Rain Program.

### **Compliance Assurance Monitoring (40 CFR Part 64)**

40 CFR Part 64 – titled “Compliance Assurance Monitoring” is codified in 40 CFR § 64.1 through 40 CFR § 64.10. This regulation applies to each pollutant-specific-emissions-unit (PSEU) at a source that requires a Part 70 or Part 71 permit that meets all three of the following criteria for a given pollutant:

- a) The unit is subject to a non-exempt applicable emission limitation or standard for the applicable regulated air pollutant;
- b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
- c) The unit has the potential to emit (before controls), of the applicable regulated air pollutant, equal or greater than 100 percent of the amount required for a source to be classified as a major source.

None of the units located at the source satisfy all three criteria. TEG-1 satisfies criteria (b) and (c), but is subject to the requirements of 40 CFR Part 63 Subpart HH; a regulation

promulgated after November 15, 1990. Therefore, pursuant to 40 CFR § 64.2(b)(1)(i), TEG-1 and the source is not subject to the requirements of 40 CFR Part 64.

**4. Applicable Requirements**

This section describes the requirements that apply to the stationary source, and Table 3 identifies the underlying applicable federal regulations.

**Table 3. Summary of Applicable Federal Regulations**

<b>Federal Requirement</b>	<b>Emission Unit</b>
Prevention of Significant Deterioration (40 CFR § 52.21)	Main Flare (FL-1)
NSPS Subpart A (General Provision)	Main Flare (FL-1)
NESHAP Subpart A (General Provision)	Facility Wide
NESHAP for Oil and Natural Gas Production Facilities (40 CFR Part 63, Subpart HH)	Glycol Dehydration Unit 1 (TEG-1)
NESHAP for Source Category: Gasoline Dispensing Facilities (40 CFR Part 63, Subpart CCCCCC)	Gasoline Storage Tank (FT-1)
NESHAP for Stationary Reciprocating Internal Combustion Engines (40 CFR Part 63, Subpart ZZZZ)	Emergency Generator (EG-1)

**Prevention of Significant Deterioration (PSD)**

The McElmo Creek Unit is an existing source and is not in one of the 28 source categories defined in 40 CFR § 52.21(b)(1)(i)(a). There are no facility modifications being permitted as part of this Part 71 permit.

Revised PSD permit NU 05-01, issued June 8, 2020, establishes a variety of emission limitations, monitoring, record keeping, and reporting requirements for the Main Flare to consolidated and satisfy previous PSD permitting actions. Except as specified below, the requirements from PSD permit NU 05-01 have been carried through to the Part 71 permit – see permit section II – and unchanged:

The requisite O&M Plan and Root Cause Failure Analysis Program are not included as appendices to this Part 71 permit. As documents that must be periodically updated to account for operational changes, a version of these included with the permit would be outdated following the next revision to the respective document. A copy of the current O&M Plan and Root Cause Failure Analysis Program can be obtained following a request to NNEPA.

**National Emissions Standards for Hazardous Air Pollutants (NESHAP) Subpart HH**

40 CFR Part 63, Subpart HH – titled “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities” – is codified in 40 CFR § 63.760 through 40 CFR § 63.777. This regulation applies to affected sources as specified in 40 CFR § 63.760(a) and (b). This includes, pursuant to 40 CFR § 63.760(b)(2), triethylene glycol dehydration unit at a HAP area source.

Pursuant to 40 CFR § 63.761, for facilities that are production field facilities<sup>6</sup>, only HAP emissions from glycol dehydration units and storage vessels shall be aggregated for a major source determination. The sum of the HAP PTE from the triethylene glycol dehydrator (TEG-1), tank SCT-1 and tank SKT-1 are counted towards the HAP major source determination for this NESHAP. As indicated by the calculations that accompany this document, the total HAP PTE of these units is less than 10 ton/yr of a single HAP and less than 25 ton/yr of total HAPs.

The source is a HAP area source and operates a triethylene glycol dehydration unit (TEG-1). Therefore, the source is subject to the requirements of NESHAP Subpart HH.

Certain requirements of Subpart HH depend on the location of a source. Specifically, whether a source is located in a “UA plus offset and UC” boundary, which pursuant to 40 CFR § 63.761, is defined as “the area occupied by each urbanized area, each urban cluster that contains at least 10,000 people, and the area located two miles or less from each urbanized area boundary”. The McElmo Creek facility is not located in a “UA plus offset and UC” boundary.

The NESHAP Subpart HH requirements for TEG-1 are included in Condition III.E of the permit as follows:

1. The Permittee shall maintain records of the annual facility natural gas or hydrocarbon liquid throughput each year and upon request submit such records to the Administrator. [40 CFR § 63.760(a)(1)(ii)]
2. The Permittee shall operate the triethylene glycol dehydrator (TEG-1) such that the actual glycol circulation rate does not exceed the optimum glycol circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i) or an alternate circulation rate calculated using GRI-GLYCalcTM, Version 3.0 or higher [40 CFR § 63.764(d)(2)(ii)]
3. If operating conditions change and a modification to the optimum glycol circulation rate is required, the permittee shall prepare a new determination in accordance with

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<sup>6</sup> Pursuant to 40 CFR 63.761: “Production field facilities” are defined as facilities located prior to the point of custody transfer. “Custody transfer” is defined as the transfer of hydrocarbon liquids or natural gas: after processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer

40 CFR § 63.764(d)(2)(i) or (ii) and submit the information specified below: [40 CFR §§ 63.764(d)(2)(iii), and 63.775(c)(7)(ii) through (v)]

- a. Calculation of the optimum glycol circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i).
  - b. If applicable, documentation of the alternate glycol circulation rate calculated using GRI-GLYCalc™, Version 3.0 or higher and documentation stating why the dehydrator unit must operate using the alternate glycol circulation rate.
  - c. The name of the manufacturer and the model number of the glycol circulation pump(s) in operation.
  - d. Statement by a responsible official, with that official's name, title, and signature, certifying that the facility will always operate the glycol dehydration unit using the optimum circulation rate determined in accordance with 40 CFR § 63.764(d)(2)(i) or 40 CFR § 63.764(d)(2)(ii), as applicable.
4. At all times the permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR § 63.764(j)]
5. The permittee shall maintain files of all information (including all reports and notifications) required by this subpart. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or period. [40 CFR § 63.774(b)(1)]
- a. All applicable records shall be maintained in such a manner that they can be readily accessed.
  - b. The most recent 12 months of records shall be retained on site or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request.
  - c. The remaining 4 years of records may be retained offsite.
  - d. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

6. The permittee shall maintain the records specified in 40 CFR § 63.10(b)(2). [40 CFR § 63.774(b)(2)]
7. The permittee must keep a record of the calculation used to determine the optimum glycol circulation rate in accordance with 40 CFR § 63.764(d)(2)(i) or 40 CFR § 63.764(d)(2)(ii), as applicable. [40 CFR § 63.774(f)]
8. The permittee shall maintain records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control equipment and monitoring equipment. The permittee shall maintain records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR § 63.764(j), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. [40 CFR § 63.774(g)]

### **NESHAP Subpart CCCCCC**

40 CFR Part 63, Subpart CCCCCC – titled “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities” – is codified in 40 CFR § 63.11110 through 40 CFR § 63.11132. This regulation applies to each Gasoline Dispensing Facility (GDF) and its corresponding storage tank, located at a HAP area source. The equipment associated with fuel tank (FT-1) dispenses gasoline to motor vehicles and thus meets the definition of a GDF pursuant to 40 CFR § 63.11132. The monthly throughput of the GDF located at the source is less than 10,000 gallons of gasoline.

The NESHAP Subpart CCCCCC requirements are included in Condition III.F of the permit as follows:

1. The source must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:
  - a. Minimize gasoline spills;
  - b. Clean up spills as expeditiously as practicable;
  - c. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;
  - d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
2. The source is not required to submit notifications or reports as specified in 40 CFR § 63.11125, § 63.11126, or 40 CFR Part 63 Subpart A, but must have records available within 24 hours of a request by the Administrator to document your gasoline throughput.

3. The source must comply with the requirements of this subpart by the applicable dates specified in 40 CFR § 63.11113.
4. Portable gasoline containers that meet the requirements of 40 CFR Part 59, Subpart F, are considered acceptable for compliance with 40 CFR § 63.11116(a)(3).

### **NESHAP Subpart ZZZZ**

40 CFR Part 63, Subpart ZZZZ – titled “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines” – is codified in 40 CFR § 63.6580 through 40 CFR § 63.6675. This regulation applies to stationary reciprocating internal combustion engines (RICE) at sources of HAP emissions. RICE constructed or reconstructed before June 12, 2006 are designated as “existing” RICE. An emergency stationary RICE is defined, pursuant to 63.6440(f), as an engine that:

- Is operated to provide electrical power or mechanical work during an emergency situation (e.g., power outage, fire, flood).
- Is operated for less than a total of 100 hr/yr for maintenance and testing, emergency demand response as defined in the North American Reliability Corporation (NERC) Reliability Standard, or if there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- Is used for less than 50 hr/yr for local reliability or non-emergency demand response as part of a financial arrangement with another entity, or for peak shaving, if specific criteria are met.

EG-1 is therefore classified as an existing emergency stationary RICE and the NESHAP Subpart ZZZZ requirements are included in Condition III.G of the permit as follows:

1. The Permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR § 63.6625(e)]
2. The Permittee shall install a non-resettable hour meter on EG-1 if one is not already installed. [40 CFR § 63.6625(f)]
3. The Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [40 CFR § 63.6625(h)]
4. EG-1 must be in compliance with the applicable operating limitations of 40 CFR Part 63 Subpart ZZZZ at all times. [40 CFR § 63.6605(a)]



5. EG-1, including associated air pollution control equipment and monitoring equipment, must be operated and maintained in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this permit and 40 CFR 63, Subpart ZZZZ have been achieved. Determination of whether acceptable operating procedures are being used will be based on information available to the NNEPA and the EPA Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR § 63.6605(b)]
6. EG-1 may be operated for the purpose of maintenance checks and readiness testing for a period not to exceed one hundred (100) hours per calendar year provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. Any such operation shall be considered as part of the 500 hours allowance specified in this permit. [40 CFR § 63.6640(f)(2)]
7. The following maintenance activities shall be performed on the schedules specified for EG-1: [40 CFR §§ 63.6603(a) and .6640(a)]
  - a. Change oil and filter every 500 hours of operation or annually, whichever comes first, except that the Permittee has the option to utilize an oil analysis program as described in 40 CFR 63.6625(i) in order to extend this specified oil change requirement. If such an oil analysis program is to be used, the plan shall be submitted to the NNEPA for review at the time of its establishment;
  - b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
  - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
8. The following information shall be recorded, initialed (except records generated automatically by an electronic system), and maintained in a log at the Facility for a period not less than five (5) years from the date the information is obtained: [40 CFR §§ 63.6660 and .6655]
  - a. The date, time, duration, and reason for each start-up of the emergency generator, including and explanation of what classified the operation as emergency.

- b. The total hours of operation for each month and the cumulative 12-month rolling period shall be calculated and recorded within 15 days of the end of each calendar month for the previous month and the 12-month period ending at the end of that month.
- c. The total hours of operation for maintenance checks and readiness testing each month, and totaled for each calendar year by January 15 of each year for the previous calendar year.
- d. Records of the maintenance performed on the generator.

**Asbestos NESHAP**

40 CFR Part 61, Subpart M – titled “National Emission Standard for Asbestos” – is codified in 40 CFR § 61.140 through 40 CFR § 61.157. This regulation applies to certain activities – e.g., renovation and demolition of asbestos-containing products – that result in the release of asbestos.

**Stratospheric Ozone Protection (40 CFR Part 82)**

40 CFR Part 82 – titled “Protection of Stratospheric Ozone” – is codified in 40 CFR § 82.1 through 40 CFR § 82.306. This regulation applies to a variety of activities (e.g., servicing air conditioners) that utilize ozone-depleting substances. The source is subject to 40 CFR 61.145 for any relevant demolition or renovation activities.

Table 4 identifies the applicable requirements in the Part 71 permit, including relevant citations and a brief description of each requirement.

**Table 4. Incorporation of Applicable Requirements into the Part 71 Permit**

<b>Requirement</b>	<b>Condition/ Section</b>	<b>Condition in Part 71 Permit</b>	<b>Description/Notes</b>
PSD permit NU 05-01 Special Provisions	1.	II.A	Definitions
	2.	II.B.1	Main Flare Emission Limitation
	3.	II.C.1	Control Requirements for Flare (FL-1)
	3.	II.C.2	Control Requirements for TEG-1
	4.	II.C.3	Closed Vent System Requirements
	5.	II.D	Monitoring and Testing requirement for FL-1
	6.	II.E	Recordkeeping Requirements
	7.	II.F	Reporting Requirements

NSPS - 40 CFR Part 60, Subpart A	60.1	n/a	Applicability (no requirements)
	60.2	n/a	Definitions (no requirements)
	60.3	n/a	Units and abbreviations (no requirements)
	60.4(a)	III.C.1	Submit reports to EPA Region IX and NNEPA
	60.4(b)	n/a	Submit reports to delegated agencies (Tribe is not the delegated authority for NSPS)
	60.5	n/a	Applicability determinations (places requirements on US EPA, not the facility)
	60.6	n/a	Review of plans (places requirements on US EPA, not the facility)
	60.7(a)	III.C.9	Notification of construction or reconstruction (one-time only)
	60.7(b)	III.C.2	Records of startup, shutdown, and malfunction
	60.7(c)	n/a	CEMS reporting
	60.7(d)	n/a	Report format for CEMS reporting
	60.7(e)	n/a	Reporting frequency
	60.7(f)	n/a	Maintain monitoring records for 5 years (PSD permit requires 2 years)
	60.7(g)	n/a	Notification required by state/local agency (no such notification required)
	60.7(h)	n/a	Disclaimer that subpart may clarify or make inapplicable any general provisions
	60.8	n/a	Initial performance tests (one time only)
	60.9	III.C.3	Availability of information
	60.10	n/a	State authority (no requirements)
	60.11(a)	n/a	Compliance with non-opacity standards
	60.11(b)	n/a	Compliance with opacity standards (facility is not subject to opacity standard)
	60.11(c)	III.C.4	Times when opacity standards apply (facility is not subject to opacity standard)
	60.11(d)	III.C.5	Good practice to minimize emissions
	60.11(e)	n/a	Demonstrating compliance with opacity standards (facility is not subject to opacity standard)
	60.11(f)	n/a	Special provisions in subpart supersede general provisions (no requirements)
	60.11(g)	III.C.6	Credible evidence
	60.12	III.C.7	Circumvention
	60.13	n/a	CEMS requirements
	60.14	n/a	Modifications

	60.15	n/a	Reconstruction
	60.16	n/a	Priority list (no requirements)
	60.17	n/a	Incorporation of test methods by reference
	60.18	n/a	Requirements for flares (facility does not use flares to comply with NSPS)
	60.19	III.C.8	General notification and reporting
NSPS - 40 CFR Part 60, Subpart HH	63.760	n/a	Applicability (no requirements)
	63.760(a)(1)(ii)	III.E.1	Applicability
	63.761	n/a	Definitions (no requirement)
	63.762	n/a	Affirmative defense for violations of emission during malfunction
	63.764(d)(2)(ii)	III.E.2	General standards
	63.764(d)(2)(i)	III.E.3.a	General standards
	63.764(j)	III.E.4	
	63.765	n/a	Glycol dehydration vent standards
	63.766	n/a	Storage Vessel Standards
	63.769	n/a	Equipment Leak Standards
	63.771	n/a	Control Equipment Requirements
	63.772	n/a	Test methods, compliance procedure and compliance demonstrations
	63.773	n/a	Inspection and monitoring requirements
	63.774(b)(1)	III.E.5	Recordkeeping requirements
	63.774(b)(2)	III.E.6	Recordkeeping requirements
	63.774(f)	III.E.7	Recordkeeping requirements
	63.774(g)	III.E.8	Recordkeeping requirement
	63.775(c)(7)(ii) through (v)	III.E.3 (b) through (d)	Reporting Requirements
	63.776	n/a	Implementation and Enforcement
	63.777	n/a	Alternative means of emission limitation
NESHAP - 40 CFR Part 63, Subpart A	63.1	n/a	Applicability (no requirements)
	63.2	n/a	Definitions (no requirements)
	63.3	n/a	Units and abbreviations (no requirements)

	63.4	III.D.1	Prohibited activities and circumvention
	63.5	III.D.2	Preconstruction notification
	63.6	n/a	Compliance with standards (no requirements)
	63.7	n/a	Performance testing (no requirements)
	63.8	III.D.3	Monitoring
	63.9	n/a	Notification
	63.10	III.D.4	Recordkeeping and reporting
	63.11- 63.16	n/a	No requirements
NESHAP - 40 CFR Part 63, Subpart ZZZZ	63.6580 through 63.6590	n/a	Applicability (no requirements)
	63.6595	n/a	Compliance date
	63.6600 through 63.6602	n/a	Emission limitations for stationary RICE located at major sources of HAP emissions (facility is an area source of HAP emissions)
	63.6603(a) and 63.6640(a)	III.G.8	Emission and operating limitations for existing stationary RICE located at an area source of HAP emissions (EG-01 is an auxiliary generator subjected to requirements of Table 2d.4 as stated in 40 CFR § 63.6603)
	63.6604	n/a	Diesel fuel requirements for CI RICE
	63.6605(a)	III.G.5	General compliance requirements
	63.6605(b)	III.G.6	General compliance requirements
	63.6610 through 63.6620	n/a	Performance testing
	63.6625 (e), (f), and (h)	III.G.2, III.G.3, and III.G.4	Maintenance and operation of emergency generator EG-01
	63.6630 through 63.6635	n/a	Initial compliance with emission and operating limitations and demonstration of continuous compliance
	63.6640(f)( 1)	III.G.1	Demonstration of compliance & reporting
	63.6640(f)( 2,4)	III.G.7	Demonstration of compliance & reporting
	63.6645	n/a	Notifications (facility is not required to submit notification required in this section)
	63.6650	III.G.10	Reports

	63.6655 and 63.6660	III.G.9	Recordkeeping
	63.6665	n/a	General provisions
	63.6670	n/a	Implementation and enforcement
	63.6675	n/a	Definitions (no requirements)
NESHAP - 40 CFR Part 63, Subpart CCCCC	63.11111	n/a	Applicability (no requirements)
	63.11112	n/a	Affected part of the source
	63.11112	n/a	Compliance date
	63.11115	n/a	General duties to minimize emissions
	63.11116 (a)	III.F.1	Requirements for Gasoline Tank FT-1 (monthly throughput less than 10,000 gallons)
	63.11116 (b)	III.F.2	Recordkeeping requirements
	63.11116 (c)	III.F.3	Compliance dates
	63.11116 (d)	III.F.4	General requirements
	63.11120	n/a	Testing and monitoring requirements
	63.11124	n/a	Notification requirements
	63.11125	n/a	Recordkeeping requirements
	63.11126	n/a	Reporting requirements
	63.11130	n/a	General provisions
	63.11131	n/a	Implementation and enforcement
	63.11132	n/a	Definitions (no requirement)
Asbestos NESHAP - 40 CFR Part 61, Subpart M	61.140 through 61.157	IV.E	Requirements for demolition and renovation at facilities containing asbestos
Stratospheric Ozone Protection – 40 CFR Part 82	82.1 through 82.306	IV.D	Requirements for treatment of class I and class II substances

Table 5 identifies the monitoring and testing requirements in the Part 71 permit.

**Table 5. Monitoring and testing in the Part 71 Permit**

Requirement	Requirement Condition #	Monitoring in Part 71 Permit	Monitoring/Testing Condition #
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Emission Limits (FL-1)	II.B.2. II.E.1(c)	Emissions, on a cumulative 365-day rolling total basis	II.D.1.f, II.D.1.i.(iv)
Record dilution (FL-1)	II.E.(d)	Daily calculation of NHV dil in BTU/ft <sup>2</sup> , NHV vg calculation, vent gas and assist air flowrate	II.D.1.j, II.D.1.p
Record H <sub>2</sub> S concentration	II.E.(e)	Monthly H <sub>2</sub> S concentration in the field gas	II.D.1.i.(i)
Record gas volume (FL-1)	II.E.(f)	Daily total gas combusted in the flare	II.D.1.i.(ii)
Record operating hours (EG-1)	III.B.1.b	Install and maintain a non-resettable hour meter	III.B.1.b

## 5. Endangered Species Act

Under section 7(a)(2) of the ESA, federal agencies are required to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed, threatened, or endangered species, or destroy or adversely modify the designated critical habitat of such species. 16 U.S.C. § 1536(a)(2). The U.S. Fish and Wildlife Service and National Marine Fisheries Service have promulgated ESA implementing regulations at 50 CFR Part 402.

The CAA title V permit program requires the NNEPA to issue a permit specifically describing the permittee's existing pollution control obligations under the CAA. A title V permit does not generally create any new substantive requirements, but rather simply incorporates all existing CAA requirements, called "applicable requirements," into a single unified operating permit applicable to a particular facility. The title V permit EPA is issuing to EPNG Leupp does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any physical modifications to the facility or its operations. The NNEPA and US EPA have concluded that the permit appropriately incorporates all existing CAA requirements applicable to the facility. The NNEPA and US EPA lack discretion in this title V permitting decision to take action that could inure to the benefit of any listed species or their critical habitat. The NNEPA and US EPA have concluded that issuance of this permit will have no effect on any listed species or their critical habitat. Accordingly, this permit action is consistent with the requirements of ESA section 7.

## 6. Use of All Credible Evidence

Determinations of deviations from, continuous or intermittent compliance with, 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, NNEPA, and US EPA in such determinations.

## **7. NNEPA Authority**

Authority to administer the Part 71 Permit Program was delegated to the Navajo Nation EPA by US EPA Region IX in part on October 13, 2004 and in whole on March 21, 2006. In delegating to NNEPA the authority to administer the Part 71 operating permit program, US EPA determined that NNEPA had adequate independent authority to administer the program, as required by 40 CFR § 71.10(a). Specifically, US EPA found NNEPA had adequate permit processing requirements and adequate permit enforcement-related investigatory authorities (Delegation Agreement between US EPA Region IX and NNEPA, §§ IV, V, VI.1, IX.2). Moreover, before waiving its collection of fees under 40 CFR § 71.9(c)(2)(ii), US EPA determined that NNEPA could collect sufficient revenue under its own authorities to fund a delegated Part 71 Program (Delegation Agreement at 1 and § II.2).

The Title V Permit therefore refers to both federal and tribal provisions. When federal and tribal provisions are cited in parallel, the tribal provisions are identical to the federal provisions and compliance with the federal provision will constitute compliance with the tribal counterpart. Parallel tribal citations do not create any new requirements or impact the federal enforceability of the cited Part 71 requirements. All federal terms and conditions of the permit will be enforceable both by NNEPA and US EPA, as well as by citizens, under the federal Clean Air Act.

The provisions of Navajo law referenced in the permit will only be enforceable by NNEPA and will be enforced by NNEPA under the Navajo Nation Operating Permit Regulations (NNOPR) and the Navajo Nation Air Pollution Prevention and Control Act, 4 N.N.C. §§ 1101-1162.

Proposed Section IV.A (Fee Payment) refers only to the NNOPR as its source of authority because US EPA waived its collection of fees, as discussed above. This provision will be tribally enforceable only.

## **8. Public Participation**

### **Public Notice**

As described in 40 C.F.R. § 71.11(a)(5) and NNOPR § 403(A), all draft operating permits shall be publicly noticed and made available for public comment. The public notice requirements for permit actions and the public comment period are described in 40 C.F.R. § 71.11(d) and NNOPR § 403.

Public notice of this proposed permit action was provided to Elk Operating Services, US EPA Region IX, and the affected state, local and tribal governments. A copy of the notice was also provided to all persons who submitted a written request to be included on the mailing list. Public notice was also published in newspapers of general circulation in the area affected by this source.



## **Response to Comments**

NNEPA will response to all significant comments received on the draft Part 71 permit.

**[If applicable]** See Appendix B for NNEPA response to all significant comments received on the draft Part 71 permit.