

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



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

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

**Devon Energy Production Company, L.P.  
Riverton Dome Facility**

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

This source is authorized to operate at the following location:

**NW 1/4, NE 1/4, Section 36, T1S, R4E  
Fremont County, Wyoming**

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

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

Carl Daly, Director  
Air Program  
US EPA Region 8

7/3/2012

Date

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**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE  
Devon Energy Production Company, L.P.  
Riverton Dome Facility**

Permit Number: V-WR-000002-2005.01  
Replaces Permit No.: V-WR-0002-05.00

Issue Date: July 3, 2012  
Effective Date: July 3, 2012  
Expiration Date: October 2, 2014

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

**Permit Revision History**

<b>Date of Revision</b>	<b>Type of Revision</b>	<b>Section Number and Title</b>	<b>Description of Action</b>
July 2001	Initial Permit Issued		<b>Permit # V-WR-0002-00.00 with 3 subsequent revisions:</b> # V-WR-0002-00.01 – Administrative Amendment # V-WR-0002-00.02 – Administrative Amendment # V-WR-0002-00.03 – Administrative Amendment
September 2009	1 <sup>st</sup> Renewal Permit Issued		<b>Permit # V-WR-0002-05.00</b>
July 2012	Minor Modification	Section I.A. – Update description Section I.B. – Update Emission Units Tables 1 and 2 Section II.E. – Update reporting requirements	<b>Permit #V-WR-000002-2005.01</b>

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## Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
bbls	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
DAHS	Data Acquisition and Handling System
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
FGD	Flue gas desulfurization
gal	Gallon
gpm	Gallons per minute
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	Megagram
MMBtu	Million British thermal units
MMscfd	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-Methane Hydrocarbons
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scfm	Standard cubic feet per minute
SNAP	Significant New Alternatives Program
SO <sub>2</sub>	Sulfur Dioxide
tpy	Tons per year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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## I. Source Information and Emission Unit Identification

### I.A. Source Information

**Parent Company Name:** Devon Energy Production Company, L.P.

**Plant Name:** Riverton Dome Facility

**Plant Location:** NW 1/4, NE 1/4, Section 36, T1S, R4E  
Lat. 42.938738 N, Long -108.346901 W

**Region:** 8

**State:** Wyoming

**County:** Fremont

**Land Status:** Indian country land held in trust by the United States for the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation

**Tribe:** Eastern Shoshone and Northern Arapaho Indian Tribes

**Responsible Official:** Operations Engineering Manager, Mid-Continent Division

**SIC Code:** 1311 – Natural Gas Production

**AFS Plant Identification Number:** 5601300011

**Other Clean Air Act Permits:** July 5, 1994, EPA-issued PSD Permit.

#### **Description of Operations:**

Riverton Dome serves as a mid-stream operation that delivers a sweet stream, produced from the Riverton Dome field, to the Beaver Creek Gas Plant for processing. The Beaver Creek Gas Plant is located approximately 6 miles to the south. In 2011, total sweet gas production was estimated at 8 MMscf, and total oil produced was 5 bbls/day.

#### *Sweet Fluid Stream Processing*

The sweet fluid stream collected from the field is sent to inlet separation. There are two inlet streams:

**Conventional Sweet Inlet:** Full sweet conventional fluids are sent to the inlet separator. The gas off the top of the separator is compressed and sent to Beaver Creek Gas Plant for processing. The liquid off the bottom of the inlet separator is sent on to the process heater-treater (HT). The total flow stream is separated into produced water, liquid hydrocarbon, and natural gas phases. The water phase from this vessel is sent to the produced water disposal system. The sweet liquid hydrocarbon is sent to the Sales Tank 1, 2, or 3. The liquid hydrocarbons are then trucked off site. Any natural gas off of the HT is sent to the site flare for destruction.



Coal Bed Sweet Inlet: Full coal bed sweet fluids are sent to the inlet separator. The gas off the top of the separator is sent to compression. The gas then continues on to the triethylene glycol (TEG) dehydration system. The liquid off the bottom of the inlet separator is sent on to the process (HT) and handled as described above for the conventional sweet inlet.

#### *Power Water Tank (PW)*

The power water system is no longer in service. The tank is used as a spare produced water tank. The water phase from this vessel is sent to the produced water disposal system. The tank retained its name of Power Water Tank (PW).

#### *Tri-ethylene (TEG) Dehydration System*

The TEG dehydration system is comprised of an absorber vessel, a TEG regenerator reboiler, and associated equipment. The saturated sweet gas is delivered to the TEG dehydration system via a coalescing filter that extracts suspended oil and water from the gas stream before it contacts the “lean” TEG in the absorber vessel. The liquids gathered from the coalescing filter are entrained water and some associated VOC and HAP constituents. The dehydrated or dry gas exits the top of the vessel and is routed directly to sales. The “rich” TEG is sent to the reboiler and is heated. The water and other impurities are boiled off and vented to the Plant Flare<sup>1</sup>. The regenerated TEG is then circulated through the system again.

#### *Electrical Power*

Electrical power is generated using three engine driven generators (G-1, G-2, G-3). These engines consume natural sweet gas for fuel. The exhaust streams of each of these three generators are controlled using non-selective catalyst reduction (NSCR) and air-fuel ratio (AFR) controllers. Historically, the electrical power generated from these units supplied the power for all pumps, etc. at the facility. However, purchased electrical power can be made available, as needed, should the plant generators go off-line for any reason.

#### *Steam Production*

There are two industrial boilers (H-4, H-5) that are fueled using sweet natural fuel gas. These units generate steam used for the facility heat trace system and the various plant buildings.

#### *Pigging and Pipeline Cleaning Operations*

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1. There are currently two flares located at Riverton Dome. The first flare is the original Emergency Flare Pit that was installed at the time the facility was constructed in 1963. The purpose of the Emergency Flare Pit is to mitigate sour ( $H_2S$ ) gas and sweet gas during periods of maintenance, upset, or emergency conditions involving C-1 or the downstream facilities receiving the gas. The second flare is the Plant Flare. Riverton Dome was originally designed to process (sweeten) the produced sour gas, and a Sulfur Recovery Unit (SRU) was used in this process until 1973. When the SRU was removed the Plant Flare was installed to control the  $H_2S$  emissions. According to the Part 71 Renewal Application the Plant Flare was later moved to the same location as the Emergency Flare Pit in May of 2002, and is now used to control emissions from the glycol dehydration still vent (GDU Vent).  $H_2S$  gas previously sent to the Plant Flare is now routed to the compression of C-1 and sent off-site.

The sweet gas pipeline from Riverton Dome to the Beaver Creek Gas Plant is pigged in the direction toward the Beaver Creek Gas Plant. This operation is conducted at a frequency of less than once per year. Pig receiving equipment is located in the Beaver Creek Field at a distance of several miles to the south. Pig launching equipment is located at the Riverton Dome's site.

## I.B. Source Emission Points

**Table 1 - Emission Units  
Devon Energy Production Company, L.P.  
Riverton Dome Facility**

Unit I.D.	Description	Control Equipment
#1	397 hp Waukesha L-3711 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 48867 Installed: 1966	None
#2	611 hp Waukesha L5790GU Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 126010 Installed: 1967	None
#4	520 hp Superior 6-G-825 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 292219 Installed: 1982	NSCR w/ AFR <sup>a</sup>
#5	534 hp Ajax DPC600 Compressor Engine. Natural gas fired, 2-stroke lean burn: Serial Number: 79820 Installed: 1986	None
C-1	330 hp Climax V-125 Compressor Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 47569 Installed: 1963	None
G-1 G-2	385 hp Caterpillar G-398 Generator Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 73B1486 Installed: 1989 Serial Number: 73B1487 Installed: 1989	NSCR with AFR <sup>a</sup>
G-3	577 hp Waukesha L-5100 Generator Engine. Natural gas fired, 4-stroke rich burn: Serial Number: 96994 Installed: 1989	NSCR with AFR <sup>a</sup>
GDU Vent	TEG Regenerator Still Column Vent. 4 MMscf/d gas throughput; 3.77 GPM glycol recirculation rate: Serial Number: NA Installed: 1963	Plant Flare <sup>b</sup>
PW Tank	750 bbl Power Water Tank – Storage Tank: Serial Number: NA Installed: 1980	None
Tank 1 Tank 2	400 bbl Petroleum Storage Tank: Serial Number: NA Installed: 1999 Serial Number: NA Installed: 1999	None
Tank 3	500 bbl Petroleum Storage Tank (currently used as waste/slop oil storage): Serial Number: NA Installed: 1980	None at this time
Emergency Flare Pit	Sweet gas mitigation during periods of maintenance, upset, or emergency conditions or the Beaver Creek Gas Plant receiving the gas. 8.76 MMscf/yr fuel usage; 1 MMBtu/hr heater duty: Serial Number: NA Installed: 1963	None

a. Non-Selective Catalytic Reduction with Air to Fuel Ratio Controller installed 8/4/94 for NOx, CO, and VOC control.

b. Installed on May 30, 2002 and located in the Emergency Flare Pit; 95% VOC control efficiency.

**Table 2 - Insignificant Emission Units  
Devon Energy Production Company, L.P.  
Riverton Dome Facility**

<b>Unit I.D.</b>	<b>Description</b>
H-2	TEG Regenerator – Reboiler; 0.38 MMBtu/hr
NPT	12' x 30' CE Natco Vertical Heater-Treater – Process Burner; 2.5 MMBtu/hr
OPT	10' x 20' BS&B Vertical Heater –Treater – Process Burner; 1.95 MMBtu/hr
TT	6' x 20' CE Natco Vertical Heater-Treater – Process Burner; 1.55 MMBtu/hr
H-4	Continental Boiler – Industrial Boiler; producing steam for facility heat trace and building heat; 2.34 MMBtu/hr
H-5	Cleaver Brooks Boiler – Industrial Boiler; producing steam for facility heat trace and building heat; 2.34 MMBtu/hr

## II. Prevention of Significant Deterioration Requirements for Engines

### II.A. Emission Limits [40 CFR 52.21 PSD Permit-July 5, 1994 and 40 CFR 71.6(a)(1), 71.6(a)(1)(i) and 71.6(a)(1)(iii)]

Emissions from the compressor engine #4 and generator engines G-1, G-2, and G-3 shall not exceed the following emission limits:

<b>Emission Unit Id and Description</b>	<b>Emission Limitations</b>	<b>Regulatory Reference</b>
#4 - Superior G-5825 Compressor Engine	NO <sub>x</sub> : 2.3 lbs/hr (2.0 g/hp-hr) CO : 1.7 lbs/hr (1.5 g/hp-hr) VOC: 0.5 lbs/hr (0.43 g/hp-hr)	PSD Permit issued 7/5/94
G-1 - Caterpillar G398 Generator Engine	NO <sub>x</sub> : 1.7 lbs/hr (2.0 g/hp-hr) CO : 1.3 lbs/hr (1.5 g/hp-hr) VOC: 0.4 lbs/hr (0.43 g/hp-hr)	PSD Permit issued 7/5/94
G-2 - Caterpillar G398 Generator Engine	NO <sub>x</sub> : 1.7 lbs/hr (2.0 g/hp-hr) CO : 1.3 lbs/hr (1.5 g/hp-hr) VOC: 0.4 lbs/hr (0.43 g/hp-hr)	PSD Permit issued 7/5/94
G-3 - Waukesha L-5100G Generator Engine	NO <sub>x</sub> : 2.5 lbs/hr (2.0 g/hp-hr) CO : 1.9 lbs/hr (1.5 g/hp-hr) VOC: 0.6 lbs/hr (0.43 g/hp-hr)	PSD Permit issued 7/5/94

### II.B. Work Practice and Operational Requirements [40 CFR 52.21 PSD Permit issued July 5, 1994, 40 CFR 71.6(a)(1), 71.6(a)(1)(i), and 71.6(a)(1)(iii)]

1. Compressor engine #4 and generator engines G-1, G-2, and G-3 shall be equipped with AFR and NSCR controls.
2. Compressor engine #4, generator engines G-1, G-2, and G-3, and all AFR controls and catalysts shall be operated and maintained in accordance with the manufacturer's specifications to meet all emission limitations. The permittee shall maintain the appropriate records to document the maintenance done.
3. At all times, including periods of startup, shutdown, and equipment malfunction, the facility, to the extent practical, shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA, which may include, but not be limited to monitoring results, review of operating and maintenance procedures, manufacturer's specifications, industry practices, or inspection of the facility.

**II.C. Testing and Monitoring Requirements [40 CFR 71.6(a)(3)(i)(A) through (C)]**

1. The permittee shall measure NO<sub>x</sub> and CO emissions from emission units #4, G-1, G-2, and G-3 at least once every quarter, to show compliance with the emission limits. To meet this requirement, the permittee shall measure the NO<sub>x</sub> and CO emissions from each unit using a portable analyzer and the monitoring protocols approved by EPA. The permittee shall submit the analyzer specifications and monitoring protocol to EPA for approval within sixty (60) calendar days of the effective date of this permit. Such monitoring shall begin in the first calendar quarter following EPA notification to the applicant of the approval of the monitoring protocol.
2. The permittee shall conduct performance tests for emission units #4, G-1, G-2, and G-3 for VOC emissions once every permit term (once every five (5) years) to show compliance with the VOC emission limits. The testing shall be conducted and the test report submitted to EPA within six (6) months of the effective date of this permit.
3. All tests for VOC emissions must meet the following requirements:
  - (a) All tests shall be performed at a maximum operating rate ( $\pm$  10% of engine capacity at site elevation);
  - (b) Each performance test shall consist of at least three 1-hour or longer valid test runs. Emission results shall be reported as the arithmetic average of all valid test runs and shall be in terms of the emission limits (pounds per hour and grams per horsepower-hour);
  - (c) During each test run, data shall be collected on all parameters necessary to document how VOC emissions were measured or calculated (such as test run length, minimum sample volume, volumetric flow rate, moisture and oxygen corrections, etc.);
  - (d) A source test plan shall be submitted to EPA at least forty-five (45) calendar days prior to the scheduled performance test; and
  - (e) The source test plan shall include and address the following elements:
    - (i) Purpose of the test;
    - (ii) Engines and catalysts to be tested;
    - (iii) Expected engine operating rate(s) during test;
    - (iv) Schedule/dates for test;
    - (v) Sampling and analysis procedures (sampling locations, test methods, laboratory identification);
    - (vi) Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and
    - (vii) Data processing and reporting (description of data handling and quality control procedures, report content).
4. Emission tests shall be performed in accordance with the test methods specified in 40 CFR Part 60, Appendix A.

5. Compliance with emissions limits of this permit may be determined by emission tests, when required by EPA. Testing Protocols, not approved by EPA, must be submitted to EPA for approval prior to performing emissions tests.

**II.D. Recordkeeping Requirements [40 CFR 71.6(a)(3)(ii)]**

1. Records shall be kept documenting that compressor engine #4, generator engines G-1, G-2, and G-3, and AFR controls and catalysts have been operated and maintained in accordance with the manufacturer's specifications to meet all emission limitations. Documentation shall include, but not be limited to, manufacturer's specifications, test results, monitoring results, review of operating and maintenance procedures, and inspections of the facility.
2. The permittee shall keep records of all required testing and monitoring in this permit. The records shall 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 or measurements; and
  - (f) The operating conditions as existing at the time of sampling or measurement.
3. The permittee shall retain records of all required monitoring, testing data, and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. These records shall be made available upon request by EPA. Support information includes all calibration and maintenance records, all manufacturer specifications, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

**II.E. Reporting Requirements [40 CFR 71.6(a)(3)(iii)]**

The permittee shall submit to EPA a written report of the results of any performance or monitoring tests required in this permit semi-annually by April 1<sup>st</sup> and October 1<sup>st</sup> of each year. The report on April 1<sup>st</sup> shall cover the six-month period from July 1<sup>st</sup> through December 31<sup>st</sup>. The report due on October 1<sup>st</sup> shall cover the six-month period from January 1<sup>st</sup> through June 30<sup>th</sup>. 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 the Submissions section of this permit.

### **III. Requirements of 40 CFR Part 63, Subpart HH – National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities**

#### **III.A. 40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants, General Provisions [40 CFR 63.1 - 63.16]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart A as outlined in Table 2 of 40 CFR Part 63, Subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63. Requirements in this permit originate from the Code of Federal Regulations published on July 1, 2008.

[40 CFR 63.764]

#### **III.B. 40 CFR Part 63, Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities [40 CFR 63.760 - 63.774]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart HH. Requirements in this permit originate from the Code of Federal Regulations published on July 1, 2008.

#### **III.C. Affected Sources [40 CFR 63.760(a) through (e)]**

The following units are affected sources for purposes of 40 CFR Part 63, Subpart HH:

1. Each glycol dehydration unit;
2. Each storage vessel with a potential for flash emissions;
3. The group of all ancillary equipment, located at natural gas processing plants, intended to operate in volatile hazardous air pollutant (VHAP) service as determined per the requirements of §63.772(a); and

*[Explanatory note: Pursuant to the definitions at §63.761, “ancillary equipment” means pumps, pressure relief devices, sampling connection systems, open-ended valves, or lines, valves, flanges, or other connectors.]*

4. Compressors, located at natural gas processing plants, intended to operate in VHAP service as determined per the requirements of §63.772(a).

#### **III.D. General Standards [40 CFR 63.764]**

1. Table 2 of 40 CFR Part 63, Subpart HH specifies the General Provisions of 40 CFR Part 63, Subpart A that apply.
2. All reports required under 40 CFR Part 63, Subpart A shall be sent to the Administrator at the following address as listed in §63.13:



Director, Air and Toxics Technical Enforcement Program  
Office of Enforcement, Compliance and Environmental Justice  
1595 Wynkoop Street, Denver, CO 80202-1129  
Mail Code 8ENF-AT

Reports may be submitted on electronic media.

3. The permittee shall comply with 40 CFR Part 63, Subpart HH as follows:
  - (a) For each glycol dehydration unit process vent subject to this subpart, the permittee shall comply with the following:
    - (i) The control requirements for glycol dehydration unit process vents specified in §63.765;
    - (ii) The monitoring requirements specified in §63.773; and
    - (iii) The recordkeeping and reporting requirements specified in §§63.774 and 63.775.
  - (b) For each storage vessel with the potential for flash emissions subject to this subpart, the permittee shall comply with the following:
    - (i) The control requirements for storage vessels specified in §63.766;
    - (ii) The monitoring requirements specified in §63.773; and
    - (iii) The recordkeeping and reporting requirements specified in §§63.774 and 63.775.
  - (c) For ancillary equipment and compressors subject to this subpart, the permittee shall comply with the requirements for equipment leaks specified in §63.769.
4. Exemption for ancillary equipment and compressors in VHAP service:
  - (a) The permittee is exempt from the requirements for ancillary equipment and compressors subject to this subpart if one of the following criteria is met:
    - (i) Any ancillary equipment and compressors that contain or contact a fluid (liquid or gas) must have a total VHAP concentration less than 10 percent by weight, as determined by the procedures specified in §63.772(a); or
    - (ii) Ancillary equipment and compressors must operate in VHAP service less than 300 hours per calendar year.
  - (b) Records of the determination that the exemption from requirements for ancillary equipment and compressors applies must be maintained as required in §63.774(d)(2).
5. In all cases where the permittee is required to repair leaks by a specified time after the leak is detected:
  - (a) It is a violation of 40 CFR Part 63, Subpart HH to fail to take action to repair the leak(s) within the specified time;
  - (b) If action is taken to repair the leak(s) within the specified time, failure of that action to successfully repair the leak(s) is not a violation of 40 CFR Part 63, Subpart HH.

- (c) However, if the repairs are unsuccessful and a leak is detected, the permittee shall take further action as required by the applicable provisions of this subpart.

### **III.E. Startups, Shutdowns, and Malfunctions [40 CFR 63.762]**

1. During periods of startup, shutdown, malfunction, or period of non-operation of one portion of an affected source, all emission points which can comply with the specific provisions to which they are subject must do so during the startup, shutdown, malfunction, or period of non-operation.
2. The permittee shall not shut down items of equipment that are required or utilized for compliance during times when emissions are being routed to such items of equipment, if the shutdown would contravene requirements applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning, or if the permittee must shut down the equipment to avoid damage due to a contemporaneous startup, shutdown, or malfunction of the affected source or a portion thereof.
3. During startup, shutdown, and malfunction the permittee shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the maximum extent practical. For purposes of this paragraph, the term “excess emissions” means emissions in excess of those that would have occurred if there were no startup, shutdown, or malfunction, and the permittee complied with the relevant provisions. The measures to be taken shall be identified in the applicable startup, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.
4. The permittee shall prepare a startup, shutdown, and malfunction plan as required in §63.6(e)(3) and shall keep the plan on record as required by §63.6(e)(3)(v). The failure of the plan to adequately minimize emissions during startup, shutdown, or malfunctions does not shield the permittee from enforcement actions.

### **III.F. Control Equipment Requirements [40 CFR 63.771]**

The permittee shall comply with the control equipment requirements as follows:

1. For each cover, the permittee shall comply with the cover requirements specified in §63.771(b);
2. For each closed vent system, the permittee shall comply with the closed vent system requirements specified in §63.771(c);
3. For each control device, the permittee shall comply with the control device requirements specified in §63.771(d); and
4. For each process modification made to comply with glycol dehydration unit process vent standards at §63.765(c)(2), the permittee shall comply with the process modification standards specified in §63.771(e).

*[Explanatory note: Pursuant to the definition of “control device” at §63.761, if the gas or vapor recovered from regulated equipment is used, reused, returned back to the process, or sold then the recovery system used, including piping, connections, and flow inducing devices is not considered a control device or a closed-vent system.]*

### **III.G. Test Methods, Compliance Procedures and Compliance Determinations**

[40 CFR 63.772]

1. Determination of material VHAP or HAP concentration to determine the applicability of the equipment leak standards under §63.769 shall be made in accordance with the requirements specified at §63.772(a). Each piece of ancillary equipment and compressors are presumed to be in VHAP service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VHAP service or in wet gas service.
2. Determination of glycol dehydration unit flow rate or benzene emissions to determine the applicability of the exemption from glycol dehydration unit process vent control requirements under §63.765, shall be made in accordance with the requirements specified in §63.772(b).
3. The no detectable emissions test procedure shall be conducted in accordance with the requirements specified in §63.772(c).
4. The control device performance test procedure shall be conducted in accordance with the requirements specified in §63.772(e).
5. The compliance demonstration for control device performance requirements shall be conducted in accordance with the requirements specified in §63.772(f).
6. The compliance demonstration with percent reduction performance requirements for condensers shall be conducted in accordance with the requirements specified in §63.772(g).

### **III.H. Inspection and Monitoring Requirements** [40 CFR 63.773]

1. For each closed-vent system or cover required by the permittee to comply with 40 CFR Part 63, Subpart HH, the permittee shall comply with the requirements specified in §63.773(c).
2. For each control device required by the permittee to comply with 40 CFR Part 63, Subpart HH, the permittee shall comply with the requirements specified in §63.773(d).

### **III.I. Record Keeping Requirements** [40 CFR 63.774]

1. The recordkeeping provisions of 40 CFR Part 63, Subpart A, that apply are listed in Table 2 of 40 CFR Part 63, Subpart HH.
2. The permittee shall maintain the records specified in §63.774(b).
3. Should the permittee elect to comply with the benzene emission limit specified in §63.765(b)(1)(ii), the permittee shall document, to the Administrator's satisfaction, the following items:

- (a) The method used for achieving compliance and the basis for using this compliance method; and
  - (b) The method used for demonstrating compliance with 0.90 megagrams per year (1 tpy) of benzene.
  - (c) Any information necessary to demonstrate compliance as required in the methods specified in paragraphs 3(a) and 3(b) of Section III.I.
4. For glycol dehydration units operating at the facility that meet the exemption criteria in §63.764(e)(1)(i) or §63.764(e)(1)(ii), the permittee shall maintain the following records:
- (a) The actual annual average natural gas throughput (in terms of natural gas flow rate to the glycol dehydration unit per day) as determined in accordance with §63.772(b)(1); or
  - (b) The actual average benzene emissions (in terms of benzene mass emissions per year) as determined in accordance with §63.772(b)(2).
5. For ancillary equipment and compressor engines exempt from the control requirements under §63.764(e)(2) of this subpart, the permittee shall maintain the following records:
- (a) Information and data used to demonstrate that a piece of ancillary equipment or a compressor is not in VHAP service or not in wet gas service shall be recorded in a log that is kept in a readily accessible location; and
  - (b) Identification and location of ancillary equipment or compressors, located at a natural gas processing plant subject to this subpart, that is in VHAP service less than 300 hours per year.
6. The permittee shall record the following when using a flare to comply with §63.771(d):
- (a) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);
  - (b) All visible emission readings, heat content determinations, flowrate measurements, and exit velocity determinations made during the compliance determination required by §63.772(e)(2); and
  - (c) All hourly records and other recorded periods when the pilot flame is absent.

**III.J. Reporting Requirements** [40 CFR 63.775]

- 1. The reporting provisions of Subpart A that apply are listed in Table 2 of 40 CFR Part 63, Subpart HH.
- 2. The permittee shall submit the information specified in §63.775(b).
- 3. *Notification of Compliance Status Report.* The permittee shall submit a Notification of Compliance Status Report as required under §63.9(h) within 180 days after the compliance date specified in §63.760(f). In addition to the information required under §63.9(h), the Notification

of Compliance Status Report shall include the information specified in paragraphs (d)(1) through (12) of §63.775. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three. If all of the information required under this paragraph has been submitted at any time prior to 180 days after the applicable compliance dates specified in §63.760(f), a separate Notification of Compliance Status Report is not required.

4. *Periodic Reports.* The permittee shall prepare Periodic Reports in accordance with §§63.775(e)(1) and (2) and submit them to the Administrator.
5. *Notification of process change.* Whenever a process change is made, or a change in any of the information submitted in the Notification of Compliance Status Report, the permittee shall submit a report within 180 days after the process change is made or as a part of the next Periodic Report. The report shall include the requirements of §63.775(f).

## IV. Facility-Wide Requirements

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

[40 CFR 71.6(a)(1)]

### IV.A. General Recordkeeping Requirements [40 CFR 71.6(a)(3)(ii)]

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

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR Part 63, the permittee shall keep a record of the applicability determination on site at the source for a period of five (5) years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

[40 CFR 63.10(b)(3)]

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

### IV.B. General Reporting Requirements

1. The permittee shall submit to EPA reports of any monitoring and recordkeeping required under this permit semi-annually by April 1<sup>st</sup> and October 1<sup>st</sup> of each year. The report due on April 1<sup>st</sup> shall cover the six-month period from July 1<sup>st</sup> through December 31<sup>st</sup>. The report due on October 1<sup>st</sup> shall cover the six-month period from January 1<sup>st</sup> through June 30<sup>th</sup>. 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. of this permit.
2. The permittee shall promptly report to the EPA Regional Office deviations from permit 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. “Prompt” is defined as follows:
  - (a) Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
  - (b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
    - (i) For emissions of a hazardous air pollutant 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.
    - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continues for more than two (2) hours in excess of permit requirements, the report must be made within 48 hours.

- (iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report.
3. If any of the conditions in IV.B.2.(b)(i) or (ii), are met, the source must notify EPA by telephone (1-800-227-8917) or facsimile (303-312-6064) based on the timetables listed above. *[Notification by telephone or fax must specify that this notification is a deviation report for a Part 71 permit.]* A written notice, certified consistent with Section V.E. of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under permit Section IV.B.1.

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

4. "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 recordkeeping established in accordance with §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
- (a) A situation where emissions exceed an emission limitation or standard;
  - (b) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
  - (c) 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; or
  - (d) A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

**IV.C. Permit Shield** [40 CFR 71.6(f)(3)]

Nothing in this permit shall alter or affect the following:

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

**IV.D. Alternative Operating Scenarios** [40 CFR 71.6(a)(9) and 40 CFR 71.6(a)(3)(ii)]

1. Engine Replacement/Overhaul

- (a) Replacement or overhaul of an existing permitted compressor engine with an engine of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced or overhauled, and which satisfies all of the provisions for Off Permit Changes in this permit, including the provisions specific to engine replacement, shall be considered an allowed alternative operating scenario under this permit.
- (b) Any emission limits, requirements, control technologies, testing, or provisions that apply to engines that are replaced or overhauled under this Alternative Operating Scenarios section shall also apply to the replaced or overhauled engines.
- (c) Replacement or the overhaul of a permitted compressor engine with an engine subject to 40 CFR Part 60, Subpart JJJJ is not allowed under this alternative operating scenario.
- (d) Replacement or the overhaul of a permitted compressor engine with an engine subject to 40 CFR Part 60, Subpart IIII is not allowed under this alternative operating scenario.
- (e) Replacement or the overhaul of a permitted compressor engine with an engine subject to 40 CFR Part 63, Subpart ZZZZ is not allowed under this alternative operating scenario.

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



## V. Part 71 Administrative Requirements

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

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

**For regular U.S. Postal Service mail**

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

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

(FedEx, Airborne, DHL, and UPS)

U.S. Bank  
Government Lockbox 979078  
U.S. EPA FOIA & Misc. Payments  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

[40 CFR 71.9(k)(2)]

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

[40 CFR 71.9(h)(1)]

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

6. Basis for calculating annual fee:
  - (a) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.  
[40 CFR 71.9(c)(1)]
  - (i) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a Part 71 source over the preceding

calendar year. Actual emissions shall be calculated using each emissions units actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR 71.9(c)(6)]

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

[40 CFR 71.9(h)(3)]

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

[40 CFR 71.9(e)(2)]

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

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

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

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

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

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

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

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

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

[40 CFR 71.9(h)(2)]

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

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

[40 CFR 71.9(i)]

9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with §71.9(l).  
[40 CFR 71.9(l)]
10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.  
[40 CFR 71.9(j)(2)]
11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.  
[40 CFR 71.9(j)(3)]

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

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

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

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

**V.C. Compliance Requirements**

1. Compliance with the Permit
  - (a) The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.  
[40 CFR 71.6(a)(6)(i)]
  - (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
[40 CFR 71.6(a)(6)(ii)]

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

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

## 2. Compliance Schedule

- (a) For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [40 CFR 71.5(c)(8)(iii)(A)]
- (b) For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis. [40 CFR 71.5(c)(8)(iii)(B)]

## 3. Compliance Certifications

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually each year no later than April 1<sup>st</sup>. The compliance certification shall cover the same 12-month period as the two consecutive semi-annual monitoring reports.

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

The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]

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

- in the compliance certification;
- (iv) Such other facts as the EPA may require to determine the compliance status of the source; and
- (v) Whether compliance with each permit term was continuous or intermittent.

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

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

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

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

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

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

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

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

*[Explanatory note: EPA has developed a reporting form "CTAC" for certifying truth, accuracy and completeness of Part 71 submissions. The form may be found on EPA website at:*

*<http://www.epa.gov/air/oaqps/permits/p71forms.html>*

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

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

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

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

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

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

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

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 the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;
5. Incorporates into the Part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in §71.6; or
6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs 1 through 5 above.

*[Explanatory Note: If subparagraphs 1 through 5 above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]*

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

1. The permittee may request the use of minor permit modification procedures only for those modifications that:
  - (a) Do not violate any applicable requirement;

- (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
  - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and
  - (ii) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA;
- (e) Are not modifications under any provision of Title I of the CAA; and
- (f) Are not required to be processed as a significant modification.

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

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

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

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

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

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

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

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

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

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

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

1. Group processing of modifications by EPA may be used only for those permit modifications:

- (a) That meet the criteria for minor permit modification procedures under Section V.I.1. of this permit; and

That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in §71.2, or 5 tpy, whichever is least.

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

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:

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

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

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by



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

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

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

[40 CFR 71.7(e)(1)(vi) and 71.7(e)(2)(vi)]

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

1. The permittee must request the use of significant permit modification procedures for those modifications that:

- (a) Do not qualify as minor permit modifications or as administrative amendments;
- (b) Are significant changes in existing monitoring permit terms or conditions; or
- (c) Are relaxations of reporting or recordkeeping permit terms or conditions.

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

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

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

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

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

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

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

- (a) Additional applicable requirements under the Act become applicable to a major Part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to §71.7 (c)(3);

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

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

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

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

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

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

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

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - (b) The permitted facility was at the time being properly operated;
  - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

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

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

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

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

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met, and that all records required by this section are kept on site at the source for a period of 5 years:

1. Each change is not addressed or prohibited by this permit;
2. Each change shall meet all applicable requirements and shall not violate any existing permit term or condition;
3. Changes under this provision may not include changes subject to any requirement of 40 CFR Parts 72 through 78 or modifications under any provision of Title I of the CAA;
4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision;
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes; and

7. For replacement of an existing permitted engine with an engine of the same make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced, in addition to satisfying all other provisions for off permit changes, the permittee satisfies the following provisions:
- (a) The replacement engine employs air emissions control devices, monitoring, record keeping and reporting that are equivalent to those employed by the engine being replaced;
  - (b) The replacement of the existing engine does not constitute a major modification or major new source as defined in Federal PSD regulations (40 CFR 52.21);
  - (c) No new applicable requirements, as defined in 40 CFR 71.2, are triggered by the replacement; and
  - (d) The following information is provided in a written notice to EPA, prior to installation of the replacement engine, in addition to the standard information listed above for contemporaneous written notices for off permit changes:
    - (i) Make, model number, serial number, horsepower rating and configuration of the existing engine and the replacement engine;
    - (ii) Manufacture date, commence construction date (per the definitions in 40 CFR 60.4230(a) and 63.2), installation date, and startup date of the replacement engine at the facility;
    - (iii) If applicable, documentation of the cost to rebuild a replacement engine versus the cost to purchase a new engine in order to support claims that an engine is not “reconstructed,” as defined in 40 CFR 60.15 and 40 CFR 63.2;
    - (iv) 40 CFR Part 60, Subpart IIII (CI Engine NSPS) non-applicability documentation as appropriate;
    - (v) 40 CFR Part 60, Subpart JJJJ (SI Engine NSPS) non-applicability documentation as appropriate;
    - (vi) 40 CFR Part 63, Subpart ZZZZ (RICE MACT) non-applicability documentation for major sources, as appropriate;
    - (vii) 40 CFR Part 63, Subpart ZZZZ (RICE MACT) non-applicability documentation for area sources, as appropriate;
    - (viii) Documentation to demonstrate that the replacement does not constitute a major new source or major modification, as defined in Federal PSD rules (40 CFR 52.21), as follows:
      - (A) If the replacement will not constitute a “physical change or change in the method of operation” as described in §52.21(b)(2)(i), an explanation of how that conclusion was reached shall be provided.
      - (B) If the replacement will constitute a “physical change or change in the method of operation” as described §52.21(b)(2)(i), the following information shall be provided:
        - (1) If the existing source is a “major stationary source” as defined in

§52.21(b)(1): For each “regulated NSR pollutant” as defined in §52.21(b)(50), a demonstration (including all calculations) that the replacement will not be a “major modification” as defined in §52.21(b)(2). A modification is major only if it causes a “significant emissions increase” as defined in §52.21(b)(40), and also causes a “significant net emissions increase” as defined in §§52.21(b)(3) and (b)(23).

The procedures of §52.21(a)(2)(iv) shall be used to calculate whether or not there will be a significant emissions increase. If there will be a significant emissions increase, then calculations shall be provided to demonstrate there will not be a significant net emissions increase. These latter calculations shall include all sourcewide contemporaneous and creditable emission increases and decreases, as defined in §52.21(b)(3), summed with the PTE of the replacement unit(s).

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

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

(2) If the existing source is not a “major stationary source” as defined in §52.21(b)(1): For each “regulated NSR pollutant,” a demonstration (including all calculations) that the replacement engine(s) or turbine(s), by itself, will not constitute a “major stationary source” as defined in §52.21(b)(1)(i).

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

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

1. This permit shall expire upon the earlier occurrence of the following events:
  - (a) Five years elapse from the date of issuance; or

(b) The source is issued a Part 70 or Part 71 permit under an EPA approved or delegated permit program.

[40 CFR 71.6(a)(11)]

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

[40 CFR 71.5(a)(1)(iii)]

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

[40 CFR 71.7(c)(3)]

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

[40 CFR 71.7(b)]

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR 71.7(c)(1)]

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

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

## **VI. Appendix**

### **VI.A. Inspection Information**

1. Driving directions from Riverton, WY:

Take Highway 789 south out of the town of Riverton to the Big Wind River Bridge. Turn left 0.5 miles south of the bridge at the junction of Highways 135 and 136. Go approximately 1.5 miles and veer right onto Highway 135. Follow the highway south to mile marker 3.8. Turn right onto Devon lease road. Go approximately 1.5 miles west to the facility.

2. Latitude and Longitude coordinates:

Lat. 42.938738 N Long -108.346901 W

3. Safety Considerations:

Persons entering the site are required to wear a hard hat, safety glasses, safety toe footwear, hearing protection, and fire retardant clothing.