Air Pollution Control
Federal Title V Permit to Operate
Statement of Basis for Draft Permit No. V-UO-000012-2018.00

Andeavor Field Services, LLC
Chapita Compressor Station
Uintah & Ouray Reservation
Uintah County, Utah

I. Facility Information

A. Location

Andeavor Field Services, LLC's (Andeavor) Chapita Compressor Station (Chapita) is located on Indian country lands within the Uintah & Ouray Indian Reservation (U&O Reservation), in the northeastern part of the state of Utah, in Uintah County. Chapita is located at NE/SW Section 15, Township 9S, Range 22E, Latitude 40.036310N, Longitude -109.426042W. The facility mailing address is:

Andeavor Field Services, LLC
1801 California Street, Suite 1200
Denver, Colorado 80202

B. Contact

Facility Contact:
Thomas Gibbons, Environmental Coordinator
Andeavor Field Services, LLC
1801 California Street, Suite 1200
Denver, Colorado 80202
(303) 454-6685

Responsible Official:
Michael Gebhardt, Vice President, Mid-Continent Gathering and Processing
Andeavor Field Services, LLC
1801 California Street, Suite 1200
Denver, Colorado 80202
(303) 454-6625

Tribal Contact:
Minnie Grant, Air Coordinator, Energy, Minerals, and Air
Ute Indian Tribe
P.O. Box 70
Fort Duchesne, Utah 84026
(435) 725-4950

C. Description of Operations

Chapita gathers natural gas and natural gas condensate from surrounding well sites via a gathering pipeline system. The natural gas and condensate undergo a natural separation process in the inlet

separator that separates the natural gas from the entrained liquids (condensate). The condensate is routed to onsite storage tanks. The separated natural gas is then compressed from field pressure to approximately 1,000 pounds per square inch gauge (psig) using three onsite reciprocating internal combustion engines (RICE). The compressed natural gas is routed to a sales gas pipeline. The condensate is transported offsite by tanker trucks. Vapors from the condensate tanks are routed through a closed vent system to an enclosed combustor for destruction.

D. Emissions Points

Table 1 lists emissions units and emissions generating activities, including any air pollution control devices, that are operating at Chapita, according to the information provided in Andeavor's Part 71 permit renewal application. The Title V Operating Permit Program at 40 CFR part 71 (Part 71) allows the Permittee to separately list in the permit application units or activities that qualify as "insignificant" based on potential emissions below 2 tons per year (tpy) for all regulated pollutants that are not listed as hazardous air pollutants (HAP) under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAP. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement. Units and activities that qualify as "insignificant" for the purposes of the Part 71 application are in no way exempt from applicable requirements or any requirements of the Part 71 permit.

Table 1 – Emissions Units and Emissions Generating Activities

Unit I.D.	Description		Control Equipment
	Caterpillar G3606TALE, 1,775 hp* 4-Stroke Lean-Burn (4SLB) RICE, Natural Gas-Fired		
C100	Serial No. 4ZS00326	Installed: 5/2004 Mfg*: 10/11/2003	Oxidation Catalyst
C200	Serial No. 4ZS00327	Installed: 5/2004 Mfg: 8/12/2003	
C300	Serial No. 4ZS00895	Installed: 11/2008 Mfg: 11/13/2007	
	Kubota DG972, 23.4 hp 4-Stroke Rich-Burn (4SRB) RICE, Natural Gas-Fired Emergency Back-up Air Compressor		None
BAC1	Serial No. AJ64609	Installed: 4/2011 Mfg: 10/2010	
LH-1	0.75 MMBtu/hr* Line Heater		None (insignificant emissions unit)
T-1 T-2	400 bbl* Condensate Tanks 7,500 bbls per year Annual Condensate Throughput, Combined		Enclosed Combustor (C-1)
	Miscellaneous Chemical Storage Tanks		
T-3	100 bbl New Ethylene Glycol		None (insignificant emissions unit)
T-4	100 bbl New Lube Oil		
T-5	100 bbl Used Lube Oil		
T-6	100 bbl Used Ethylene Glycol		
T-7	100 bbl distillate		
T-8	300 bbl Water		

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Unit I.D.	Description	Control Equipment
LO	Truck Loadout	None (insignificant emissions unit)
EL	Equipment Leaks	None (insignificant emissions unit)
ES	Engine Start-ups	None (insignificant emissions unit)
CB	Compressor Blowdowns	None (insignificant emissions unit)
ESD	Emergency Shutdowns	None (insignificant emissions unit)
C-1	Enclosed Combustor	None

* Mfg = Manufactured; hp = horsepower; bbl(s) = barrel(s); MMscfd = million standard cubic feet per day; MMBtu/hr = million British thermal units per hour.

E. Potential to Emit

Pursuant to 40 CFR 52.21, potential to emit (PTE) is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter and compliance is being met. See the 1995 guidance memo signed by John Seitz, Director of the Office of Air Quality Planning and Standards titled, "Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act."

Andeavor reported the controlled emissions unit-specific PTE in their Part 71 permit renewal application. The PTE in Table 2 are based on the applicable legally and practically enforceable requirements outlined in the draft permit, including a federal Consent Decree (See Section II.O. below). Table 2 also contains the total PTE for all insignificant emissions units.

Table 3 – Potential-to-Emit with Legally and Practically Enforceable Controls

Unit I.D.	NO_X*	CO*	VOC*	PM*	SO_2*	CH_2O*	Total HAP*	CO_2e*
C100	17.14[a]	17.14[a]	16.20[b]	1.12	0.03	0.51	1.04	6,678
C200	17.14[a]	17.14[a]	16.20[b]	1.12	0.03	0.51	1.04	6,678
C300	17.14[a]	17.14[a]	8.10	1.12	0.03	0.51	1.04	6,678
BAC1	0.06	1.40	0.14	1.00	0.002	0.06	0.09	74
LH-1	0.33	0.28	0.02	1.50	0.002	0.0002	0.01	384
T-1 and T-2	-	-	5.69[c]	-	-	-	0.21	504
T-3–T-8	-	-	0.38	-	-	-	0.04	-
EL	-	-	2.94	-	-	-	0.22	157
C-1	0.49	0.12	-	-	-	-	-	9

Unit I.D.	NO_X*	CO*	VOC*	PM*	SO_2*	CH_2O*	Total HAP*	CO_2e*
LO	-	-	0.78	-	-	-	-	-
ES	-	-	0.16	-	-	-	0.004	16
CB	-	-	4.50	-	-	-	0.13	457
ESD	-	-	0.11	-	-	-	0.003	12
TOTAL	**52.30**	**53.21**	**55.22**	**1.79**	**0.35**	**1.60**	**3.72**	**22,872**

a. Based on the enforceable requirements of a federal Consent Decree Case No. 2:08-CV-00167-TS-PMV (See Section II.O. below).
b. C100 and C200 are not subject to NSPS JJJJ, therefore the VOC emissions from the units are uncontrolled.
c. Based on the enforceable requirement of a 95 percent reduction of emissions of HAP that are also VOC, from paragraph 19 of the Consent Decree Case, which continues to apply past the Consent Decree's termination (see Section II.O. below).
*NO_X = nitrogen oxide; CO = carbon monoxide; VOC = volatile organic compound; PM = particulate matter; SO_2 = sulfur dioxide; CH_2O = formaldehyde; HAP = hazardous air pollutant; CO_2e = equivalent CO_2.

II. Applicable Requirement Review

The following sections discuss the information provided by Andeavor in their Part 71 permit renewal application, certified to be true and accurate by the Responsible Official of this facility.

A. 40 CFR 52.21 - Prevention of Significant Deterioration

The Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR part 52 (Part 52) is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a "major" stationary source or "major" modification of an existing stationary source. Source size is defined in terms of PTE, which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing legally and practically enforceable conditions applicable to the source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the PTE for any pollutant regulated under the Part 52 requirements in amounts equal to or exceeding specified major source thresholds. The major source thresholds are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. The PSD Permit Program also applies to modifications at existing major sources that cause a "significant net emissions increase" at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21.

According to information provided by Andeavor in the Part 71 permit renewal application, at the time of its construction, Chapita was a minor source of emissions with respect to the PSD Permit Program, as the PTE did not exceed the major source thresholds of any criteria pollutants regulated under the PSD Permit Program. As such, the source was not subject to preconstruction permitting requirements of the PSD Permit Program.

B. 40 CFR 49.166 – Federal Major New Source Review Program for Nonattainment Areas in Indian Country

The Federal Major New Source Review (NSR) Program for Nonattainment (NA) Areas in Indian Country (NA NSR Permit Program) at 40 CFR 49.166 (Part 49) is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a "major" stationary source or "major modification" of an existing stationary source in an area that EPA has designated nonattainment for a National Ambient Air Quality Standard (NAAQS). Similar to the PSD Permit Program, source size is defined in terms of PTE, but a new stationary source or a modification to an existing stationary source is major if the proposed project has the PTE for any

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pollutant regulated under the Part 49 requirements in amounts equal to or exceeding specified major source thresholds defined in 40 CFR part 51, appendix S.

On April 30, 2018, the EPA designated portions of the Indian country lands within the U&O Reservation as marginal nonattainment for the 2015 ozone NAAQS, effective on August 3, 2018. Chapita is located within that marginal ozone nonattainment area. Appendix S lists the marginal ozone nonattainment major source threshold for VOC or NO_X emissions as 100 tpy. As such, although at the time of construction, Chapita was considered a minor source with respect to the PSD Permit Program, it is now considered an existing major source for ozone with respect to the NA NSR Permit Program. The preconstruction review requirements of the NA NSR Permit Program would apply to any future proposed modification at Chapita that exceeds 100 tpy of VOC or NO_X emissions. Chapita remains a minor source with respect to PSD for all other criteria pollutants.

C. Source Determination

At 40 CFR 71.2, a major source is generally defined as any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)), belonging to a single major industrial grouping and that are a major source as described in the definition. On June 3, 2016, the EPA published a final rule clarifying when oil and natural gas sector equipment and activities must be deemed a single source when determining whether major source permitting programs (PSD and New Source Review preconstruction permit programs, and the Part 71 Permit Program) apply (81 FR 35622). By clarifying the term "adjacent," the rule specifies that equipment and activities in the oil and natural gas sector that are under common control will be considered part of the same source if they are located on the same surface site or on individual surface sites that share equipment and are within ¼ mile of each other. According to information provided by Andeavor in their Part 71 permit renewal application, there are no surface sites with shared emissions equipment within ¼ mile of Chapita.

D. 40 CFR Part 60, Subpart A: General Provisions.

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

As explained below, the engines C300 and BAC1 operating at Chapita are subject to subpart JJJJ of Part 60; therefore, the General Provisions of Part 60 apply.

E. 40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984

This subpart establishes requirements for controlling VOC emissions from storage vessels with a capacity greater than or equal to 75 cubic meters that are used to store volatile organic liquids for which construction, reconstruction, or modification commenced after July 23, 1984.

According to the information provided by Andeavor in their Part 71 permit renewal application, the condensate tanks, T-1 and T-2, at this facility are exempt from these requirements, pursuant to §60.110b(d)(4), because they store condensate prior to custody transfer and each have a capacity of less

than 10,000 bbls.

F. 40 CFR Part 60, Subpart KKK: Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

This subpart establishes requirements for controlling fugitive VOC emissions from onshore natural gas processing plants. It applies to natural gas processing plants that commenced construction, reconstruction, or modification after January 20, 1984.

According to the information provided by Andeavor in their Part 71 permit renewal application, Chapita is not a natural gas processing plant, therefore the facility is not subject to this subpart.

G. 40 CFR Part 60, Subpart LLL: Standards of Performance for SO_2 Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011

This subpart applies to sweetening units and sulfur recovery units at onshore natural gas processing facilities. As defined in this subpart, sweetening units are process devices that separate hydrogen sulfide (H_2S) and carbon dioxide (CO_2) from a sour natural gas stream. Sulfur recovery units are defined as process devices that recover sulfur from the acid gas (consisting of H_2S and CO_2) removed by a sweetening unit.

According to the information provided by Andeavor in their Part 71 permit renewal application, neither sweetening nor sulfur recovery are performed at Chapita. Therefore, this facility is not subject to this subpart.

H. 40 CFR Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

This subpart establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition internal combustion engines that commenced construction, modification, or reconstruction after June 12, 2006, and are manufactured on or after specified manufacture trigger dates. The manufacture trigger dates are based on the engine type, fuel used, and maximum engine horsepower.

According to the information provided by Andeavor in their Part 71 permit renewal application, engines C300 and BAC1 are subject to the requirements of this subpart based on their manufacture date.

I. 40 CFR Part 60, Subpart OOOO: Standards of Performance for Crude Oil and Natural Gas production, Transmission, and Distribution

This subpart establishes emission standards for the control of VOC and SO_2 emissions from affected facilities that commence construction, modification, or reconstruction after August 23, 2011. Affected facilities include, but are not limited to well completions, centrifugal compressors, reciprocating compressor, pneumatic controllers, storage vessels and sweetening units.

According to the information provided by Andeavor in their Part 71 permit renewal application, the current equipment operating at Chapita predates the applicability date for this subpart. Therefore, Chapita is not subject to this subpart.

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J. 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.

This subpart establishes emission standards for the control of VOC and SO_2 emissions from affected facilities that commence construction, modification, or reconstruction on or after September 18, 2015. Affected facilities include, but are not limited to well completions, centrifugal compressors, reciprocating compressors, pneumatic controllers, storage vessels and sweetening units.

According to the information provided by Andeavor in their Part 71 permit renewal application, the current equipment operating at Chapita predates the applicability date for this subpart. Therefore, Chapita is not subject to this subpart.

K. 40 CFR Part 63, Subpart A: National Emission Standards for Hazardous Air Pollutants for Source Categories, General Provisions.

The requirements of subpart A of part 63 apply to sources that are subject to the specific subparts of part 63.

As explained below, the RICE operating at Chapita are subject to subpart ZZZZ; therefore, the General Provisions of Part 63 apply.

L. 40 CFR Part 63, Subpart HH: National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities

This subpart establishes emission standards for the control of HAP emissions from affected units located at natural gas production facilities that process, upgrade, or store natural gas prior to the point of custody transfer, or that process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. The affected units are glycol dehydration units, storage vessels with the potential for flash emissions and natural gas throughput greater than 79,500 liters per day (660 bbls/day), and the group of ancillary equipment and compressors intended to operate in volatile HAP service which is located at natural gas processing plants.

According to the information provided by Andeavor in their Part 71 permit renewal application, Chapita is not subject to the requirements of this subpart as each storage tank has a natural gas throughput of less than 660 bbls/day and there are no glycol dehydration units operating at Chapita.

M. 40 CFR Part 63, Subpart ZZZZ (MACT ZZZZ): National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

This subpart establishes emission standards and operating limitations for the control of HAP emissions from reciprocating and compression ignition engines.

According to the information provided by Andeavor in their Part 71 permit renewal application, the stationary Kubota 23.4 hp 4SRB RICE (BAC1) and three (3) stationary Caterpillar 1,775 hp 4SLB RICE

(C100, C200, C300) are subject to this subpart.

N. 40 CFR Part 64: Compliance Assurance Monitoring

Pursuant to requirements concerning enhanced monitoring and compliance certification under the CAA, the EPA promulgated regulations to implement compliance assurance monitoring (CAM) for major stationary sources of air pollution, for purposes of Title V permitting that are required to obtain operating permits under Part 71. The rule requires owners or operators of such sources to conduct monitoring that provide a reasonable assurance of compliance with applicable requirements under the CAA. The effective date of this rule is November 21, 1997.

1. CAM Applicability

According to 40 CFR 64.2(a), CAM applies to each pollutant specific emission unit (PSEU) located at a major source which is required to obtain a Part 71 permit if the unit satisfies all of the following criteria:

(a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under 40 CFR 64.2(b)(1);

(b) The unit uses a control device to achieve compliance with any such limit or standard; and

(c) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major Title V source.

2. CAM Plan Submittal Deadlines

(a) Large PSEUs. A CAM plan submittal for all PSEUs with the PTE (taking into account control devices) of any one regulated air pollutant in an amount equal to or greater than 100% of the amount, in tpy, required for a source to be classified as a major source, is due at the following times:

(i) On or after April 20, 1998, if by that date, a Part 71 application has either:

(A) Not been filed; or
(B) Not yet been determined to be complete.

(ii) On or after April 20, 1998, if a Part 71 permit application for a significant modification is submitted with respect to those PSEUs for which the requested permit revision is applicable; or

(iii) Upon application for a renewed Part 71 permit and a CAM plan has not yet been submitted with an initial or a significant modification application, as specified above.

(b) Other PSEUs. A CAM Plan must be submitted for all PSEUs that are not large PSEUs, but are subject to this rule, upon application for a Part 71 renewal permit.

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According to the information provided by Andeavor in their Part 71 permit renewal application, no equipment at the facility has potential pre-control device emissions that are greater than 100 tpy. Thus, Chapita does not operate any PSEUs and is not subject to this rule.

O. Consent Decree Case No. 2:08-CV-00167-TS-PMV

Chapita is subject to the requirements of Consent Decree Case No. 2:08-CV-00167-TS-PMV (Consent Decree), filed on July 3, 2012, and terminated on June 4, 2014. The termination of the Consent Decree did not include certain requirements which were intended to continue to apply after the Consent Decree's termination, for the operational life of the subject emissions units. Those specific requirements, paragraphs 17, 19, 20 and 23 of the terminated Consent Decree, are included in the draft permit at Section V Requirements of Consent Decree Case No. 2:08-CV-00167-TS-PMV. The originally lodged Consent Decree (now terminated) has been included in its entirety in Appendix A of the draft permit.

III. EPA Authority

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

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

IV. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the Permittee and the EPA in such determinations.

V. Public Participation

A. Public Notice

As described in 40 CFR 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 CFR 71(d).

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There will be at least a 30-day public comment period for actions pertaining to a draft permit. Notification will be given for this draft permit by providing a copy of the notice to the permit applicant, the affected tribe, the affected state, the tribal and local air pollution control agencies, the city and county executives, and the state and federal land managers which have jurisdiction over the area where the source is located. A notification will also be provided to all persons who have submitted a request to be included on the notification list.

If you would like to be added to our notification list to be informed of future actions on these or other CAA permits issued in Indian country, please send an email using the link for the Region 8 CAA public comment opportunities provided at https://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8, or send your name and address to the contact listed below:

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

Public notice will be provided at https://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8 giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

B. Opportunity to Comment

Members of the public are given an opportunity to review a copy of the draft permit prepared by the EPA, the application, this Statement of Basis for the draft permit and all supporting materials for the draft permit. Copies of these documents are available at:

Uintah County Clerk's Office
147 East Main St #6
Vernal, Utah 84078
Contact: Michael Wilkins, at (435) 781-5361

and

Ute Indian Tribe Energy and Minerals Department Office
988 South 7500 East, Annex Building
Fort Duchesne, Utah 84026
Contact: Minnie Grant, Air Coordinator, at (435) 725-4900 or minnieg@utetribe.com

and

U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202-1129
Contact: Colin Schwartz, Environmental Scientist, at (303) 312-6043 or schwartz.colin@epa.gov

All documents are available for review at the Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays). Electronic copies of the draft permit, Statement of Basis and supporting permit record may also be viewed at:

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https://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8.

Any interested person may submit written comments on the draft Part 71 operating permit during the public comment period to the Part 71 Operating Permits Lead at the address listed in Section A above, or by email using the instructions on the public comment opportunities web site at the address listed above. All comments will be considered and responded to by the EPA in making the final decision on the permit. The EPA keeps a record of the commenters and of the issues raised during the public participation process.

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

The final permit will be a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who comment on the draft permit. The final permit, response to comments document and the full administrative record for the permit will also be accessible online at: https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8. Anyone may request a paper copy of the final permit at any time by contacting the Tribal Air Permit Program at (800) 227–8917 or by sending an email to r8airpermitting@epa.gov.

C. Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the Part 71 Permitting Lead, U.S. EPA Region 8, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, the EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. The EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

D. Appeal of Permits

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

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

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

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

E. Petition to Reopen a Permit for Cause

Any interested person may petition the EPA to reopen a permit for cause, and the EPA may commence a permit reopening on its own initiative.

The EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If the EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the EAB by a letter briefly setting forth the relevant facts.

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