



**AIR QUALITY PROGRAM**  
**Environmental Programs Division**  
**Southern Ute Indian Tribe**  
**PO Box 737 MS#84**  
**Ignacio, CO 81137**  
**Phone 970-563-4705**

<http://www.southernute-nsn.gov/environmental-programs/air-quality>

April 29, 2019

Mr. Travis Ray  
Air Permitting and Compliance Specialist  
Kinder Morgan, Inc  
2 North Nevada Avenue  
Colorado Springs, CO 80903

Re: Final Part 70 Operating Permit  
Title V Permit #V-SUIT-0028-2019.00  
El Paso Natural Gas Company, LLC  
Bondad Compressor Station

Dear Mr. Ray:

The Southern Ute Indian Tribe Air Quality Program (Tribe) has completed its review of El Paso Natural Gas Company, LLC's (El Paso) request to renew a Title V Permit to Operate pursuant to the Title V Operating Permit Program at 40 CFR Part 70, for the Bondad Compressor Station.

Based on the information submitted in the company's application, and the comments received during the public comment period, the Tribe hereby issues the enclosed Title V Permit to Operate. The final permit will become effective on April 29, 2019.

A 30-day public comment period was held from February 8, 2019 to March 10, 2019. The Tribe received no comments from El Paso during this time and no comments were received from the public, affected states, or tribes.

A 45-day Administrative Review period at EPA Region 8 was held from March 12, 2019 to April 26, 2019. No comments were received from EPA Region 8 during this review period.

Pursuant to RAC § 2-109(8), within 60 days after the final permit has been issued, the applicant, any person who participated in the public comment process and is aggrieved by the action, and any other person who could obtain judicial review of that action under applicable law, may appeal to the Environmental Commission in accordance with the Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code (RAC) and the Commission's Procedural Rules. Additionally, the regulations at RAC § 2-109(7) specify that any person may petition the EPA Administrator within 60 days after the expiration of the Administrator's 45-day review period to make an objection that the permit would not be in compliance with applicable requirements. Any such petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objections arose after such period.

If you have any questions concerning the enclosed permit, please contact Matt Wampler at 970-563-2202

Sincerely,

Matt Wampler  
Air Quality Scientist  
Southern Ute Indian Tribe

# **Southern Ute Indian Tribe**

## *Air Quality Program*



## **Title V Operating Permit**

**Southern Ute Indian Tribe**  
**Environmental Programs Division**  
**Air Quality Program**  
**71 Mike Frost Way**  
**Ignacio, Colorado 81137**



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

In accordance with the provisions of Title V of the Clean Air Act (42 U.S.C. 7661-7661f) and Part 1, Article II of the Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code (RAC) and applicable rules and regulations,

**El Paso Natural Gas Company, LLC**  
**Bondad Compressor Station**

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

This source is authorized to operate at the following location:

**Southern Ute Indian Reservation**  
**Section 13, T33N R9W**  
**La Plata County, Colorado**

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 the Tribe and citizens under the Clean Air Act.

A handwritten signature in black ink, appearing to read "Daniel Powers", is written over a horizontal line.

Daniel Powers, Air Quality Program Manager  
Environmental Programs Division  
Southern Ute Indian Tribe

**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE  
El Paso Natural Gas Company, LLC  
Bondad Compressor Station**

SUIT Account Identification Code: 2-015

Permit Number: V-SUIT-0028-2019.00

[Replaces Permit No.: V-SUIT-0028-2014.00]

Issue Date: April 29, 2019

Effective Date: April 29, 2019

Expiration Date: April 29, 2024

The SUIT account identification code and permit number cited above should be referenced in future correspondence regarding this facility.

**Permit Issuance History**

<b>DATE</b>	<b>TYPE OF ACTION</b>	<b>DESCRIPTION OF ACTION</b>	<b>PERMIT NUMBER</b>
June 2001	Permit Issued	Initial Part 71 Permit Issued	V-SU-0028-00.00
October 2007	Renewal	First Part 71 Permit Renewal	V-SU-0028-06.00
January 2008	Revision	Administrative Revision	V-SU-0028-06.01
October 2009	Revision	Administrative Amendment	V-SU-0028-06.02
January 31, 2014	Permit Issued	Initial Part 70 Permit Issued Replaces EPA-Issued Permit V-SU-0028-06.02	V-SUIT-0028-2014.00
April 29, 2019	Permit Issued	1 <sup>st</sup> Renewal Permit Issued	V-SUIT-0028-2019.00

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## Abbreviations and Acronyms

4SLB	Four-Stroke Lean-Burn
4SRB	Four-Stroke Rich-Burn
AFS	Air Facility System database
AQP	Southern Ute Indian Tribe's Air Quality Program
bbf	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
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EPA	United States Environmental Protection Agency
gal	Gallon
GPM	Gallons per minute
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lbs	Pounds
MACT	Maximum Achievable Control Technology
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
ppbvd	Parts per billion by volume, dry
ppm	Parts per million
ppmvd	Parts per million by volume, dry
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RAC	Southern Ute Indian Tribe/State of Colorado Environmental Commission's Reservation Air Code
RICE	Reciprocating Internal Combustion Engine



RMP	Risk Management Plan
scf	Standard cubic feet
scfm	Standard cubic feet per minute
SI	Spark Ignition
SO <sub>2</sub>	Sulfur Dioxide
SUIT	Southern Ute Indian Tribe
tpy	Ton(s) Per Year
Tribe	Southern Ute Indian Tribe
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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## Section I – Source Information and Emission Unit Identification

### 1. Source Information

<b>Owner Name:</b>	El Paso Natural Gas Company, LLC
<b>Facility Name:</b>	Bondad Compressor Station
<b>Facility Location:</b>	Section 13, T33N R9W
Latitude:	37.098056° N
Longitude:	-107.77° W
<b>State:</b>	Colorado
<b>County:</b>	La Plata
<b>Responsible Official:</b>	Division Director
<b>SIC Code:</b>	4922
<b>ICIS Identification Number:</b>	110001437829
<b>EPA Facility Registry ID:</b>	08-067-U0012
<b>Other Clean Air Act Permits</b>	None

#### Process Description:

According to El Paso Natural Gas Company, LLC, the Bondad Compressor Station is a natural gas compression facility located within the exterior boundaries of the Southern Ute Indian Reservation in southwestern Colorado. The Bondad Compressor Station receives gas from a nearby processing plant. The gas enters the facility through inlet scrubbers which knock out small quantities of water and pipeline liquids. The gas is then compressed by three (3) natural gas-fired turbine compressors into the transmission pipeline.

The facility was constructed in December 1981 with the installation of two 2782 hp Solar Centaur natural gas-fired turbine-driven compressors and one natural gas reciprocating engine for auxiliary power generation during purchase power outages. Emissions from the two original turbines were permitted by the Colorado Department of Public Health and Environment. In 1992, a third regenerative-cycle turbine was added (Solar Centaur T4000, 2786 hp). In 1994, the two original turbines were converted from simple cycle to regenerative cycle. In 1997, increases in the NOx emission limits were incorporated into the permits for the original two turbines. Pursuant to a Compliance Order on Consent from the CDPHE, all three turbines were replaced with simple-cycle Solar Centaur turbines.

**2. Source Emission Points**

**Table 1 - Emission Units**

<b>Emission Unit ID</b>	<b>Description</b>				<b>Control Equipment</b>
	Solar Centaur 50-6202L Simple-Cycle, Natural Gas-Fired Turbine 42.72 MMBtu/hr				None
A-01	Serial No.	CC80013	Install Date:	3/19/2004	
A-02	Serial No.	CC80014	Install Date:	2/29/2004	
	Solar Centaur 50-6202LS Simple Cycle, Natural Gas-Fired Turbine 42.72 MMBtu/hr				None
B-01	Serial No.	CC91308	Install Date:	4/28/2004	
	Waukesha F1197GU Natural Gas-Fired Emergency 4SRB Reciprocating Internal Combustion Engine, 235 Site-Rated HP				None
A-AUX-01	Serial No.	360792	Install Date:	1981	

**Table 2 - Insignificant Emission Units**

<b>Emission Unit ID</b>	<b>Amount</b>	<b>Description</b>	<b>Size</b>	<b>Units</b>
N/A	1	Natural Gas-Fired Building Heater	0.25	MMBtu/hr
N/A	1	Used Oil Tank	107	bb1
N/A	1	Lube Oil Storage Tank	210	bb1
N/A	1	Lube Oil Day Tank	34	bb1
N/A	N/A	Fugitive Component VOC Emissions	N/A	N/A
N/A	N/A	VOC Emissions from Unit Blowdowns	N/A	N/A
N/A	N/A	VOC Emissions from Expansion Gas	N/A	N/A
N/A	N/A	VOC Emissions from Station ESD	N/A	N/A
N/A	N/A	Miscellaneous Chemicals for Maintenance / Operation	<500	gal
N/A	N/A	Pig Receiver	N/A	N/A
N/A	N/A	Pig Launcher	N/A	N/A

**Section II – General Requirements**

## 1. Title V Administrative Requirements

### 1.1. Annual Fee Payment [RAC 2-110(1)(h) and RAC 2-118]

1.1.1. An annual operating permit emission fee shall be paid to the Tribe by the permittee.  
[RAC 2-118(2)]

1.1.2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup> for the preceding calendar year.  
[RAC 2-118(2)]

1.1.3. Fee payments shall be remitted in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe and sent or delivered by the United States Postal Service c/o Environmental Programs Division Part 70 Program, P.O. Box 737 MS #84, Ignacio, Colorado 81137; or by common carrier (such as UPS or FedEx) c/o Environmental Programs Division Part 70 Program, 398 Ouray Drive, Ignacio, Colorado 81137.  
[RAC 2-118(4)(a)]

1.1.4. The permittee shall send an updated fee calculation worksheet submitted annually by the same deadline as required for fee payment to the address listed in the **Submissions** section of this permit.  
[RAC 2-118]

1.1.5. Basis for calculating annual fee:

1.1.5.1. Subtotal annual fees shall be calculated by multiplying the applicable emission fee set pursuant to RAC § 2-119(1) times the total tons of actual emissions for each fee pollutant. In absence of actual emissions data, calculate the annual fee based on the potential to emit (as defined at RAC 1-103(51)) for each fee pollutant. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions.  
[RAC 2-119(2)(a)]

1.1.5.1.1. "Actual emissions" means the actual rate of emissions in tpy of any fee pollutant (for fee calculation) emitted from a Title V source over the preceding calendar year or any other period determined by the Tribe to be more representative of normal operation and

consistent with the fee schedule adopted by the Tribe and approved by the Administrator. 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 or other period used for this calculation.

[RAC 1-103(2)]

1.1.5.1.2. Actual emissions shall be computed using compliance methods required by the permit.

[RAC 2-118(1)(b)]

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

[RAC 2-118(1)(b)]

1.1.5.2. The total annual fee submitted shall be the greater of the applicable minimum fee or the sum of subtotal annual fees for all fee pollutants emitted from the source.

[RAC 2-119(2)(b)]

*[Explanatory note: The applicable emission fee amount and applicable minimum fee (if necessary) are revised each calendar year to account for inflation, and they are available from AQP prior to the start of each calendar year.]*

1.1.5.3. The permittee shall exclude the following emissions from the calculation of fees:

1.1.5.3.1. The amount of actual emissions of any one fee pollutant that the source emits in excess of 4,000 tons per year

1.1.5.3.2. Any emissions that come from insignificant activities not required in a permit application pursuant to RAC § 2-106(4).

[RAC 1-103(2)(c)]

1.1.6. Annual fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[RAC 2-105 and RAC 2-118(2)(c)]

1.1.7. Failure of the permittee to pay fees by the due date shall subject the permittee to assessment of penalties and interest in accordance with RAC § 2-118(6).

[RAC 2-118(6)]

1.1.8. When notified by the Tribe of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of an invoice from the Tribe.

[RAC 2-119(3)(b)]

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

[RAC 2-119(3)(c)]

## **1.2. Compliance Requirements**

### **1.2.1. Compliance with the Permit**

1.2.1.1. The permittee must comply with all conditions of this part 70 permit. Any permit noncompliance with federally enforceable or Commission-only permit conditions constitutes a violation of the RAC and Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

[RAC 2-110(3)(a)]

1.2.1.2. 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.

[RAC 2-110(3)(b)]

1.2.1.3. All terms and conditions of this permit which are required under the Clean Air Act or under any of its applicable requirements, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Clean Air Act, except terms and conditions the permit specifically designates as not being federally enforceable under the Clean Air Act that are not required under the Clean Air Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of RAC §§ 2-108, 2-111, 2-112, other than those contained in this paragraph.

[RAC 2-110(3)(f)]

1.2.1.4. This permit, or the filing or approval of a compliance plan, does not relieve any person from civil or criminal liability for failure to comply with the provisions of the RAC and the Clean Air Act, applicable regulations thereunder, and any other applicable law or regulation.

[RAC 2-110(3)(g)]

1.2.1.5. For the purpose of submitting compliance certifications in accordance with the Compliance Certifications condition below 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]

## 1.2.2. Compliance Certifications

1.2.2.1. The permittee shall submit to the Tribe and the Administrator an annual certification of compliance which shall certify the source's compliance status with all permit terms and conditions and all applicable requirements relevant to the source, including those related to emission limitations, standards, or work practices. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with RAC § 2-110(9)(a). The certification of compliance shall be submitted annually by April 1<sup>st</sup> and shall cover the preceding calendar year in which the certification of compliance is due, except that the first annual certification of compliance will cover the period from the issuance date of this permit through December 31<sup>st</sup> of the same year.

[RAC 2-110(9)(c)]

## 1.2.3. Compliance Schedule

1.2.3.1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

[RAC 2-106(4)(l)(ii)]

1.2.3.2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

[RAC 2-106(4)(l)(iii)]



**1.3. Duty to Provide and Supplement Information** [RAC 2-110(7)(e), 2-106(5), and 2-124]

1.3.1. The permittee shall furnish to the Tribe, within the period specified by the Tribe, any information that the Tribe request in writing to determine whether cause exists for reopening and revising, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Tribe copies of records that are required to be kept by 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 RAC 2-124.

[RAC 2-110(7)(e) and RAC 2-124]

1.3.2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application or in a supplemental submittal, 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.

[RAC 2-106(5)]

**1.4. Submissions** [RAC 2-105]

1.4.1. Any application, form, report, compliance certification, or other document submitted by the permittee under this permit shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification 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: The Tribe has developed a reporting form “CTAC” for certifying truth, accuracy and completeness of part 70 submissions. The form may be found on the AQP’s website (<http://www.southernute-nsn.gov/environmental-programs/air-quality>).]*

1.4.2. Except where otherwise noted, 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:

by email at: [airquality@southernute-nsn.gov](mailto:airquality@southernute-nsn.gov)

or by United States Postal Service:  
Part 70 Program  
Environmental Programs Division  
Air Quality Program  
P.O. Box 737 MS #84  
Ignacio, Colorado 81137

or by Common Carrier:  
Part 70 Program  
Environmental Programs Division  
Air Quality Program  
398 Ouray Drive  
Ignacio, CO 81137

**1.5. Severability Clause** *[RAC 1-106 and RAC 2-110(1)(f)]*

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

**1.6. Permit Actions** *[RAC 2-110(3)]*

1.6.1. This permit may be modified, reopened and revised, revoked and reissued, or terminated for cause.

[RAC 2-110(3)(c)]

1.6.2. The filing by the permittee of a request for a permit revision, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

[RAC 2-110(3)(d)]

**1.7. Administrative Permit Revision** *[RAC 2-111(2)]*

1.7.1. The permittee may submit an application for an administrative permit revision as defined in RAC § 1-103.

[RAC 2-111(2)(a)]

- 1.7.2. The permittee may implement an administrative permit revision immediately upon submittal of the request for the administrative revision.

[RAC 2-111(2)(c)]

*[Note to permittee: If the provisions allowing for an administrative permit revision do not apply, please contact the Air Quality Program for a determination of similarity prior to submitting your request for an administrative permit revision.]*

### **1.8. Minor Permit Revisions [RAC 2-111(3)]**

- 1.8.1. The permittee may submit an application for a minor permit revision as defined in RAC § 1-103.

- 1.8.2. An application requesting the use of minor permit revision procedures shall meet the requirements of RAC § 2-106(4) and shall include the following:

- 1.8.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

- 1.8.2.2. If changes are requested to the permit language, the permittee's suggested draft permit changes;

- 1.8.2.3. Certification by a responsible official, consistent with RAC § 2-105, that the proposed revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used; and

- 1.8.2.4. Completed forms for the Tribe to use to notify the Administrator and affected programs as required under RAC § 2-108

- 1.8.2.5. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

[RAC 2-111(3)(a)]

- 1.8.3. The permittee shall not submit multiple minor permit revision applications that may conceal a larger revision that would not constitute a minor permit revision.

[RAC 2-111(3)(b)]

1.8.4. The permittee may make the change proposed in its minor permit revision application immediately after it files such application, provided, however, for sources that have previously utilized this provision during the term of the permit and, on two or more occasions have failed to file a complete application, may thereafter make the change only after the application is deemed complete. After the permittee makes the change and until the Tribe takes any of the actions specified in the following subsection, the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. If the permittee fails to comply with its proposed permit terms and conditions during this period, however, the existing permit terms and conditions it seeks to modify may be enforced against it.

[RAC 2-111(3)(e)]

1.8.5. The permit shield under RAC § 2-110(10) does not extend to minor permit revisions.

[RAC 2-110(10)(d)]

#### **1.9. Significant Permit Revisions** [RAC 2-111(4)]

1.9.1. The permittee must request the use of significant permit revision procedures as defined in RAC § 1-103.

1.9.2. Significant permit revisions shall meet all requirements of the RAC for permit issuance and renewal, including those for applications, review by the Administrator and affected programs, and public participation.

[RAC 2-111(4), 2-109, and 2-106(3)]

#### **1.10. Permit Reopenings, Revocations and Reissuances, and Terminations** [RAC 2-112]

1.10.1. The permit may be reopened and revised for any of the reasons listed in the paragraphs below. Alternatively, the permit may be revoked and reissued for the reasons listed in the paragraphs below:

1.10.1.1. Additional requirements under the Clean Air Act become applicable to a major source with a remaining permit term of 3 or more years, provided that the Tribe shall revise such permits to incorporate such additional requirements no later than 18 months after promulgation of such

requirements, and no such reopening is required if the effective date of the requirement is later than the permit expiration date unless the original permit or any of its terms or conditions have been extended past the permit expiration date pursuant to RAC § 2-104(2)(b)(iii);

1.10.1.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

1.10.1.3. The Tribe or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit; or

1.10.1.4. The Tribe or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with applicable requirements.

1.10.2. The permit may be terminated for any of the reasons listed below:

1.10.2.1. The permittee fails to meet the requirements of an approved compliance plan;

1.10.2.2. The permittee has been in significant or repetitious noncompliance with the operating permit terms or conditions;

1.10.2.3. The permittee has exhibited a history of willful disregard for environmental laws of any tribal or state authority, or of the United States;

1.10.2.4. The permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;

1.10.2.5. The permittee falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the permit;

1.10.2.6. The permittee fails to pay fees required under RAC §§ 2-118 and 2-119; or

1.10.2.7. The Administrator has found that cause exists to terminate the permit.

**1.11. Property Rights [RAC 2-110(3)(e)]**

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

**1.12. Inspection and Entry [RAC 2-110(9)(b)]**

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

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

**1.13. Emergency Situations [RAC 2-117]**

- 1.13.1. The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency as defined in RAC § 1-103. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1.13.1.1. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - 1.13.1.2. The permitted facility was at the time being properly operated;

1.13.1.3. 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

1.13.1.4. The permittee reported the emergency to the Tribe in compliance with RAC § 2-110(7).

[RAC 2-117(1)]

1.13.2. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[RAC 2-117(2)]

1.13.3. This emergency situation provision is in addition to any emergency or upset provision contained in any applicable requirement.

[RAC 2-117(3)]

**1.14. Permit Transfers [RAC 2-113]**

1.14.1. This permit shall not be transferable, by operation of law or otherwise, from one location to another or from one source to another, except that a permit may be transferred from one location to another in the case of a portable source that has notified the Tribe in advance of the transfer, pursuant to the RAC. A permit for a source may be transferred from one person to another if the Tribe finds that the transferee is capable of operating the source in compliance with the permit. This transfer must be accomplished through an administrative permit revision in accordance with the Administrative Permit Revisions section of this permit.

**1.15. Off-Permit Changes [RAC 2-116(2)]**

1.15.1. The permittee is allowed to make, without a permit revision, certain changes that are not addressed or prohibited by this permit provided that the following requirements are met:

1.15.1.1. Each such change meets all applicable requirements and shall not violate any existing permit term or condition;

1.15.1.2. Such changes are not subject to any requirements under title IV of the Clean Air Act and are not modifications under title I of the Clean Air Act;

1.15.1.3. Such changes are not subject to permit revision procedures under RAC § 2-111; and

1.15.1.4. The permittee provides contemporaneous written notice to the Tribe and the Administrator of each such change, except for changes that qualify as insignificant activities. Such notice shall state when the change occurred and shall describe the change, any resulting emissions change, pollutants emitted, and any applicable requirement that would apply as a result of the change.

[RAC 2-116(2)(a)]

1.15.2. The permit shield does not apply to changes made under this provision.

[RAC 2-110(10)(d)]

1.15.3. The permittee shall keep a record describing changes made at the source that result in emissions of any regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

[RAC 2-116(2)(b)]

1.15.4. A copy of each off-permit change notification shall be made available to the Tribe upon request.

[RAC 2-110(6)]

## **1.16. Permit Expiration and Renewal**

*[RAC §§ 2-104(3), 2-106(2)(b), 2-107(7)(a), 2-107(7)(b), 2-110(1)(a), and 2-106(3)]*

1.16.1. This permit shall expire five years from the issuance date of this permit.

[RAC 2-110(1)(a)]

1.16.2. 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.

[RAC 2-107(7)(b)]

1.16.3. If the permittee submits a timely and complete permit application for renewal, consistent with RAC § 2-106 but the Tribe has failed to issue or disapprove a renewal permit before the end of the permit term, then the permit shall not expire



and all its terms and conditions shall remain in effect until the renewal permit has been issued or disapproved.

[RAC 2-104(2)(b)]

1.16.4. The ability to operate under this permit shall cease if (1) the Tribe takes final action to issue the permittee a renewal permit or deny the permittee a permit or (2) the permittee fails to submit by the deadline specified in writing by the Tribe any additional information identified as being needed to process the application.

[RAC 2-104(3)]

1.16.5. Renewal of this permit is subject to the same procedures, including those for public participation and affected program and EPA review, as those that apply to initial permit issuance.

[RAC 2-107(7)(a)]

1.16.6. 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.

[RAC 2-106(4)(e)(ix)]

## **2. 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 or Table 2 of the Source Emission Points section of this permit.

[RAC 2-110(1)(d)]

### **2.1. General Recordkeeping Requirements [RAC 2-110(6)]**

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

2.1.1. 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, for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. Each of these records shall be made available to the Tribe upon request. 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)]

- 2.1.2. Records shall be kept of off permit changes made, as required by the Off Permit Changes section of this permit.

## **2.2. General Reporting Requirements**

- 2.2.1. The permittee shall submit to the Tribe all reports of any required monitoring under this permit semiannually, by April 1 and October 1 of each year. The report due on April 1 shall cover the July 1 - December 31 reporting period of the previous calendar year. The report due on October 1 shall cover the January 1 - June 30 reporting period of the current calendar year. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with the Submissions section of this permit.

[RAC 2-110(7)(a)]

- 2.2.2. “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 RAC 2-110(5) and (6). 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:

- 2.2.2.1. A situation where emissions exceed an emission limitation or standard;
- 2.2.2.2. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or
- 2.2.2.3. 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.
- 2.2.2.4. A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC 1-103(21)]

2.2.3. The permittee shall promptly report to the Tribe deviations from permit requirements, (including emergencies), including the date, time, duration, and the probable cause of such deviations, the quantity and pollutant type of excess emissions resulting from the deviation, and any preventative, mitigation, or corrective actions or measures taken. Prompt deviation reports shall be submitted to the following email address: [airquality@southernute-nsn.gov](mailto:airquality@southernute-nsn.gov)

2.2.4. “Prompt” is defined as follows:

2.2.4.1. Where the underlying applicable requirement contains a definition of “prompt” or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.

2.2.4.2. 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:

2.2.4.2.1. 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 by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;

2.2.4.2.2. For emissions of any regulated air pollutant, excluding those listed in RAC § 2-110(7)(b)(i), that continue for more than 2 hours in excess of permit requirements, the report must be made by email, telephone, verbal, or facsimile communication by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from the occurrence;

2.2.4.2.3. For all other deviations from permit requirements, the report shall be contained in the report submitted with the semi-annual monitoring report.

[RAC 2-110(7)(b)]

### **2.3. Alternative Operating Scenarios [RAC 2-110(8)]**

- 2.3.1. Replacement of an existing engine or turbine identified in this permit shall be allowed as an off-permit change pursuant to the Off Permit Changes provisions of this permit provided all of the following conditions are met:
  - 2.3.1.1. The engine or turbine replacement is not subject to any requirements under Title IV of the Clean Air Act and is not a modification under Title I of the Clean Air Act;
  - 2.3.1.2. The replacement engine or turbine is of the same make, model, horsepower rating, and configured to operate in the same manner as the engine or turbine being replaced.
  - 2.3.1.3. The replacement engine or turbine meets all applicable requirements identified in this permit that apply to the existing engine or turbine being replaced.
  - 2.3.1.4. All applicable requirements that apply to the replacement engine or turbine are already included in the permit. Replacement of an existing engine or turbine identified in this permit with a new, modified, or reconstructed engine must utilize a Minor Permit Revision as specified in RAC 2-111(3) or a Significant Permit Revision as specified in RAC 2-111(4) to incorporate any new applicable requirements. The applicable requirements include, but may not be limited to:
    - 2.3.1.4.1. Standards of Performance for Stationary Compression Ignition Internal Combustion at 40 CFR Part 60, Subpart IIII;
    - 2.3.1.4.2. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines at 40 CFR Part 60, Subpart JJJJ;
    - 2.3.1.4.3. National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines at 40 CFR Part 63, Subpart ZZZZ;
    - 2.3.1.4.4. Standards of Performance for Stationary Gas Turbines at 40 CFR Part 60, Subpart GG;
    - 2.3.1.4.5. Standards of Performance for Stationary Combustion Turbines at 40 CFR Part 60, Subpart KKKK;

- 2.3.1.4.6. National Emission Standard for Hazardous Air Pollutants for Stationary Combustion Turbines at 40 CFR Part 63, Subpart YYYYY;
  - 2.3.1.4.7. Requirements established in a permit or permits issued pursuant to the Federal Minor New Source Review Program in Indian Country at 40 CFR Part 49;
  - 2.3.1.4.8. Requirements established in a permit or permits issued pursuant to the Prevention of Significant Deterioration of Air Quality Program at 40 CFR Part 52; or
  - 2.3.1.4.9. Requirements established in any promulgated Federal Implementation Plan that may apply to engines located on the Southern Ute Indian Reservation.
- 2.3.2. The permittee shall provide contemporaneous written notice to the Tribe and the Administrator of any replacement of an existing engine or turbine identified in this permit. Such notice shall state when the replacement occurred and shall describe the replacement and any applicable requirement that would apply as a result of the replacement.
- 2.3.3. The permittee shall keep a record of the engine or turbine replacement.
- 2.3.4. The use of a backup thermal oxidizer with equivalent capacity and emission destruction efficiency and configured to operate in the same manner as the primary thermal oxidizer shall be an allowed alternative operating scenario under this permit provided that the following conditions are met:
- 2.3.4.1. Any emission limits, requirements, testing or other provisions that apply to the primary thermal oxidizer shall also apply to the backup thermal oxidizer except that an annual performance test shall only be conducted on the backup thermal oxidizer if the unit operates for more than 500 hours in any calendar year.
  - 2.3.4.2. At no time shall the backup thermal oxidizer operate at the same time the primary thermal oxidizer is operating except periods of transition between the primary and backup thermal oxidizers. Transition events shall be documented, last no more than 30 minutes in duration, and will be reported as excess emission events.

## **2.4. Permit Shield [RAC 2-110(10)(c)]**

Nothing in this permit shall alter or affect the following:

- 2.4.1. The provisions of Section 303 of the Clean Air Act, 42 U.S.C. § 7603 concerning emergency powers, including the respective authorities of the Administrator under those sections;
- 2.4.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.4.3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or
- 2.4.4. The ability of the Administrator respectively to obtain information from a source pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414.

## **2.5. Stratospheric Ozone and Climate Protection [40 CFR Part 82]**

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

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

## **Section III – Site Specific Permit Terms**

### **1. New Source Performance Standards (NSPS) and 40 CFR Part 60**

#### **1.1. Subpart GG – Standards of Performance for Stationary Gas Turbines [40 CFR 60.330 – 60.335]**

This facility is subject to the requirements of 40 CFR Part 60, subparts A and GG. Notwithstanding conditions in this permit, you shall comply with all applicable requirements of 40 CFR Part 60, subparts A and GG.

[40 CFR 60.1]

**1.1.1. Applicability and Designation of Affected Facility**

1.1.1.1. The provisions of this subpart are applicable to the following affected facilities:

A-01 – Solar Centaur 50-6202L Natural Gas-Fired Turbine, 42.72  
MMBtu/hr

A-02 – Solar Centaur 50-6202L Natural Gas-Fired Turbine, 42.72  
MMBtu/hr

B-01 - Solar Centaur 50-6202LS Natural Gas-Fired Turbine, 42.72  
MMBtu/hr

[40 CFR 60.330]

**1.1.2. Standard for Nitrogen Oxides**

1.1.2.1. No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

Emission Unit	Pollutant	Emission Standard	Regulatory Reference
A-01 A-02 B-01	NOx	$\text{STD} = 0.0150(14.4) + F = 180 \text{ (ppm)}$ $Y$ <p>Where:            STD = allowable ISO corrected (if required as given in §60.335(b)(1)) NOX emission concentration (percent by volume at 15 percent oxygen and on a dry basis),</p> $Y = 11.98738$ <p>manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating</p>	40 CFR 60.332(a)(2)

		<p>value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and</p> <p><math>F = 0</math></p> <p>NOx emission allowance for fuel-bound nitrogen as defined in paragraph 40 CFR 60.332(a)(4).</p>	
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- 1.1.2.2. Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 MMBtu/hr) when fired with natural gas are exempt from the NOx emission standard when being fired with an emergency fuel. For the purpose of this requirement, the term “emergency fuel” means “a fuel fired by a gas turbine only during circumstances, such as natural gas curtailment or breakdown of delivery system, that makes it impossible to fire natural gas in the gas turbine.”

[40 CFR 60.332 and 60.331(r)]

### **1.1.3. Standard for Sulfur Dioxide**

- 1.1.3.1. Every owner or operator subject to this subpart shall comply with one or the other of the following conditions:

1.1.3.1.1. No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

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

[40 CFR 60.333]

### **1.1.4. Monitoring of Operations**

- 1.1.4.1. The owner or operator of any stationary gas turbine subject to this subpart:

1.1.4.1.1. Notwithstanding the provisions of paragraph 40 CFR 60.334(h)(1), the owner or operator may elect not to monitor the total sulfur



content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in §60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:

- 1.1.4.1.1.1. The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or
  - 1.1.4.1.1.2. Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of 40 CFR is required.

[40 CFR 60.334]
- 1.1.4.2. The owner or operator of any affected facilities shall measure NO<sub>x</sub> emissions at each affected facility at least once every calendar quarter to show compliance with the requirements of 40 CFR 60.332(a)(2). To meet this requirement, the permittee shall measure the NO<sub>x</sub> emissions from each turbine subject to this subpart using a portable analyzer and the monitoring protocol approved by EPA, or by the monitoring protocols approved by EPA as outlined in 40 CFR 60 Appendix A.
- 1.1.4.2.1. You may conduct a performance test as specified in this permit to satisfy the requirement of quarterly portable analyzer measurements.
  - 1.1.4.2.2. Monitoring shall begin in the first calendar quarter following EPA notification to the applicant of the approval of the monitoring protocol.
  - 1.1.4.2.3. If the affected facility is inoperable for 1,500 hours or more in any calendar quarter, the permittee is exempt from conducting NO<sub>x</sub> monitoring for the emissions unit for that quarter only.

- 1.1.4.2.4. If the affected facility is inoperable for 3,000 hours or more in any semi-annual period, the permittee is exempt from conducting NOx monitoring for the emission unit for that semi-annual period only.
- 1.1.4.2.5. Monitoring may not occur within 30 days of the previous monitoring measurements.
- 1.1.4.2.6. For any one turbine, if the results of four (4) consecutive quarterly portable analyzer measurements are less than 75% of the NOx emission limit for the turbine, you may reduce the frequency of subsequent monitoring from quarterly to semi-annual. If results from semi-annual portable analyzer measurements are greater than 75% of the emission limit, the monitoring frequency shall change back to quarterly.
- 1.1.4.3. The permittee shall not perform tuning or make any adjustments to turbine settings, processes or operational parameters immediately prior to the measurements or during measurements. Any such tuning or adjustments may result in a determination that the result is invalid.

[RAC 2-110(5)(b)]

*[Note: the issuance of this permit does not reset the monitoring frequency for the affected facilities subject to 40 CFR Part 60, Subpart GG (i.e. if it has been demonstrated that the turbines are not emitting NOx in an amount greater than 75% of the emission limit for four consecutive quarterly tests, and the monitoring frequency has been reduced to semi-annual, you may continue on the semi-annual schedule)]*

### **1.1.5. Test Methods and Procedures**

- 1.1.5.1. The owner or operator shall conduct the performance tests required in §60.8, using either:
  - 1.1.5.1.1. EPA Method 20,
  - 1.1.5.1.2. ASTM D6522-00 (incorporated by reference, see §60.17), or
  - 1.1.5.1.3. EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NOx and diluent concentration.

- 1.1.5.1.4. Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.
- 1.1.5.1.5. Notwithstanding the above provision, the owner or operator may test at fewer points than are specified in Method 1 or Method 20 if the following conditions are met:
  - 1.1.5.1.5.1. You may perform a stratification test for NO<sub>x</sub> and diluent pursuant to:
    - 1.1.5.1.5.1.1. The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of 40 CFR.
  - 1.1.5.1.5.2. Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:
    - 1.1.5.1.5.2.1. If each of the individual traverse point NO<sub>x</sub> concentrations, normalized to 15 percent O<sub>2</sub>, is within 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO<sub>x</sub> concentration during the stratification test; or
    - 1.1.5.1.5.2.2. If each of the individual traverse point NO<sub>x</sub> concentrations, normalized to 15 percent O<sub>2</sub>, is within 5 percent of the mean normalized concentration for all traverse points, then you may

sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

1.1.5.2. The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in §60.332 and shall meet the performance test requirements of §60.8 as follows:

1.1.5.2.1. For each run of the performance test, the mean nitrogen oxides emission concentration ( $NO_{Xo}$ ) corrected to 15 percent  $O_2$  shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$NO_X = (NO_{Xo})(P_r/P_o)^{0.5} e^{19(H_o-0.00633)} (288^\circ K/T_a)^{1.53}$$

Where:

$NO_X$  = emission concentration of  $NO_X$  at 15 percent  $O_2$  and ISO standard ambient conditions, ppm by volume, dry basis,

$NO_{Xo}$  = mean observed  $NO_X$  concentration, ppm by volume, dry basis, at 15 percent  $O_2$ ,

$P_r$  = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure. Alternatively, you may use 760 mm Hg (29.92 in Hg),

$P_o$  = observed combustor inlet absolute pressure at test, mm Hg. Alternatively, you may use the barometric pressure for the date of the test,

$H_o$  = observed humidity of ambient air, g  $H_2O$ /g air,

$e$  = transcendental constant, 2.718, and

$T_a$  = ambient temperature,  $^\circ K$ .

1.1.5.2.2. The 3-run performance test required by §60.8 must be performed within 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331).  
[40 CFR 60.335]

1.1.5.3. The initial performance test required by §60.8 must be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the affected facility.  
[40 CFR 60.8]

#### **1.1.6. Recordkeeping Requirements**

1.1.6.1. You must comply with the following recordkeeping requirements:

1.1.6.1.1. You shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

1.1.6.1.2. You shall maintain a file of information required by the Subpart GG conditions of this permit.

1.1.6.2. You must comply with the following recordkeeping requirements when firing an emergency fuel:

1.1.6.2.1. Monitoring of fuel sulfur content shall be recorded daily while firing an emergency fuel as defined in 40 CFR 60.331(r).

- 1.1.6.2.2. Monitoring of fuel nitrogen content shall be recorded daily while firing a fuel other than pipeline-quality natural gas or while firing an emergency fuel as defined in 40 CFR 60.331(r).
- 1.1.6.3. You must keep records of all required monitoring. The records shall include the following:
  - 1.1.6.3.1. The date, place, and time of sampling or measurements;
  - 1.1.6.3.2. The date(s) analyses were performed;
  - 1.1.6.3.3. The company or entity that performed the analyses;
  - 1.1.6.3.4. The analytical techniques or methods used;
  - 1.1.6.3.5. The results of such analyses; and
  - 1.1.6.3.6. The operating conditions as existing at the time of sampling or measurement.
- 1.1.6.4. You must keep a record of the number of hours an affected facility is inoperable and document the reason(s) why it was inoperable.
- 1.1.6.5. You must retain records of all required monitoring data and support information, sample analyses, fuel supplier, fuel quality, and fuel make-up pertinent to the custom fuel monitoring schedule 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 the Tribe and the EPA. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[RAC 2-110(6)]

### **1.1.7. Reporting Requirements**

- 1.1.7.1. You shall submit to the Tribe and the EPA a written report of the results of any initial performance test(s) required in this section.

[RAC 2-110(7) and 40 CFR 60.8]

**2. National Emission Standards for Hazardous Air Pollutants (NESHAP) and 40 CFR Part 63**

**2.1. 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [40 CFR 63.6580 – 63.6675, RAC 4-103]**

This facility is subject to the requirements of 40 CFR Part 63, Subpart ZZZZ for existing emergency stationary reciprocating internal combustion engines (RICE) with a site rating of less than or equal to 500 brake horsepower located at an area source of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR Part 63, subparts A and ZZZZ.

**2.1.1. Affected Sources**

The following emission units are considered affected sources under 40 CFR Part 63, Subpart ZZZZ:

A-AUX-01 – Waukesha F1197GU Natural Gas-Fired 4SRB Emergency Generator, 235 Site-Rated HP.

[40 CFR 63.6585]

**2.1.2. Emission and Operating Limitations**

2.1.2.1. If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart that apply to you.

[40 CFR 63.6603]

<b>Table 2d to Subpart ZZZZ of Part 63 – Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions</b>	
As stated in §63.6603 and §63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:	
<b>For Each...</b>	<b>You must meet the following emission limitation, except during periods of startup...</b>
5. Emergency stationary SI RICE; black start stationary SI RICE <sup>2</sup>	a. Change oil and filter every 500 hours of operation or annually, whichever comes first; <sup>1</sup> ;

	<p>b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and</p> <p>c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.</p>
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<sup>1</sup>Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of this subpart.

<sup>2</sup>If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

### **2.1.3. General Compliance Requirements**

2.1.3.1. You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times.

2.1.3.2. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 CFR 63.6605]

### **2.1.4. Monitoring, Installation, Collection, Operation and Maintenance Requirements**

2.1.4.1. You must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related



written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

- 2.1.4.2. You must install a non-resettable hour meter if one is not already installed.
- 2.1.4.3. You must minimize the engine's time spent at idle during startup and minimize the existing stationary engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.
- 2.1.4.4. You have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[40 CFR 63.6625]

## **2.1.5. Continuous Compliance Requirements**

- 2.1.5.1. You must demonstrate continuous compliance with each operating limitation and other requirements in Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart.

<b>Table 6 to Subpart ZZZZ of Part 63 – Continuous Compliance with Emission Limitations and other Requirements</b>		
As stated in §63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:		
<b>For Each...</b>	<b>Complying with the requirement to...</b>	<b>You must demonstrate continuous compliance by...</b>
9. Existing emergency and black start stationary RICE located at an area source of HAP	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

- 2.1.5.2. You must report each instance in which you did not meet each operating limitation in Table 2d to this subpart that apply to you. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in §63.6650.
- 2.1.5.3. You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you.
- 2.1.5.4. You must operate the emergency stationary RICE according to the requirements in the following paragraphs. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours

per year, as described in the paragraphs below is prohibited. If you do not operate the engine according to the requirements in the paragraphs of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

2.1.5.4.1. There is no time limit on the use of emergency stationary RICE in emergency situations.

2.1.5.4.2. You may operate your emergency stationary RICE for any combination of the purposes specified in the three paragraphs below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by §63.6640(f)(3) and (4) counts as part of the 100 hours per calendar year allowed by this paragraph.

2.1.5.4.2.1. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

2.1.5.4.2.2. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

2.1.5.4.2.3. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

2.1.5.4.3. Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in the above paragraphs of this section. Except as provided in paragraphs below of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

2.1.5.4.3.1. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

2.1.5.4.3.1.1. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

2.1.5.4.3.1.2. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

2.1.5.4.3.1.3. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

2.1.5.4.3.1.4. The power is provided only to the facility itself or to support the local transmission and distribution system.

2.1.5.4.3.1.5. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[40 CFR 63.6640]

## **2.1.6. Notifications, Reports, and Records**

2.1.6.1. You must keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

2.1.6.2. You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

2.1.6.2.1. In order to demonstrate compliance with the maintenance requirements, maintenance records will record the information including, but not limited to, the following:

2.1.6.2.1.1. Date the maintenance activity occurred

2.1.6.2.1.2. Hours of engine operation

2.1.6.2.1.3. Engine serial number

2.1.6.2.1.4. If an engine oil sample was pulled, if the engine oil analysis program is allowed under §63.6625(j)

2.1.6.2.1.5. If the engine oil was replaced

2.1.6.2.1.6. If the engine oil filter was replaced

2.1.6.2.1.7. If the belts were inspected or replaced

2.1.6.2.1.8. If the hoses were inspected or replaced

2.1.6.2.1.9. If the sparkplugs were inspected or replaced

[40 CFR 63.6655 and RAC 2-110(6)]

2.1.6.3. Records must be kept in a form suitable and readily available for expeditious review according to §63.10(b)(1).

2.1.6.4. As specified in §63.10(b)(1), the permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

2.1.6.5. The permittee must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

[40 CFR 63.6660]

### 2.1.7. Other Requirements and Information

2.1.7.1. Table 8 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to the permittee.

[40 CFR 63.6665]

<b>Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ</b>			
<b>General provisions citation</b>	<b>Subject of citation</b>	<b>Applies to subpart</b>	<b>Explanation</b>
§63.1	General applicability of the General Provisions	Yes.	
§63.2	Definitions	Yes	Additional terms defined in §63.6675.

§63.3	Units and abbreviations	Yes.	
§63.4	Prohibited activities and circumvention	Yes.	
§63.5	Construction and reconstruction	Yes.	
§63.6(a)	Applicability	Yes.	
§63.6(b)(1)-(4)	Compliance dates for new and reconstructed sources	Yes.	
§63.6(b)(5)	Notification	Yes.	
§63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources	Yes.	
§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes.	
§63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes.	
§63.6(f)(2)	Methods for determining compliance	Yes.	
§63.6(f)(3)	Finding of compliance	Yes.	
§63.6(g)(1)-(3)	Use of alternate standard	Yes.	
§63.6(i)	Compliance extension procedures and criteria	Yes.	
§63.6(j)	Presidential compliance exemption	Yes.	
§63.7(a)(1)-(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at §§63.6610, 63.6611, and 63.6612.
§63.7(a)(3)	CAA section 114 authority	Yes.	

§63.7(b)(1)	Notification of performance test	Yes	Except that §63.7(b)(1) only applies as specified in §63.6645.
§63.7(b)(2)	Notification of rescheduling	Yes	Except that §63.7(b)(2) only applies as specified in §63.6645.
§63.7(c)	Quality assurance/test plan	Yes	Except that §63.7(c) only applies as specified in §63.6645.
§63.7(d)	Testing facilities	Yes.	
§63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at §63.6620.
§63.7(e)(3)	Test run duration	Yes.	
§63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes.	
§63.7(f)	Alternative test method provisions	Yes.	
§63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes.	
§63.7(h)	Waiver of tests	Yes.	
§63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at §63.6625.
§63.8(a)(2)	Performance specifications	Yes.	
§63.8(b)(1)	Monitoring	Yes.	
§63.8(b)(2)-(3)	Multiple effluents and multiple monitoring systems	Yes.	
§63.8(c)(1)	Monitoring system operation and maintenance	Yes.	
§63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes.	



§63.8(c)(2)-(3)	Monitoring system installation	Yes.	
§63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).
§63.8(c)(6)-(8)	CMS requirements	Yes	Except that subpart ZZZZ does not require COMS.
§63.8(d)	CMS quality control	Yes.	
§63.8(e)	CMS performance evaluation	Yes	Except for §63.8(e)(5)(ii), which applies to COMS.
		Except that §63.8(e) only applies as specified in §63.6645.	
§63.8(f)(1)-(5)	Alternative monitoring method	Yes	Except that §63.8(f)(4) only applies as specified in §63.6645.
§63.8(f)(6)	Alternative to relative accuracy test	Yes	Except that §63.8(f)(6) only applies as specified in §63.6645.
§63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§63.6635 and 63.6640.
§63.9(a)	Applicability and State delegation of notification requirements	Yes.	
§63.9(b)(1)-(5)	Initial notifications	Yes	Except that §63.9(b)(3) is reserved.
		Except that §63.9(b) only	

		applies as specified in §63.6645.	
§63.9(c)	Request for compliance extension	Yes	Except that §63.9(c) only applies as specified in §63.6645.
§63.9(d)	Notification of special compliance requirements for new sources	Yes	Except that §63.9(d) only applies as specified in §63.6645.
§63.9(e)	Notification of performance test	Yes	Except that §63.9(e) only applies as specified in §63.6645.
§63.9(g)(1)	Notification of performance evaluation	Yes	Except that §63.9(g) only applies as specified in §63.6645.
§63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes	If alternative is in use.
		Except that §63.9(g) only applies as specified in §63.6645.	
§63.9(h)(1)-(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. §63.9(h)(4) is reserved.
			Except that §63.9(h) only applies as specified in §63.6645.
§63.9(i)	Adjustment of submittal deadlines	Yes.	

§63.9(j)	Change in previous information	Yes.	
§63.10(a)	Administrative provisions for recordkeeping/reporting	Yes.	
§63.10(b)(1)	Record retention	Yes	Except that the most recent 2 years of data do not have to be retained on site.
§63.10(b)(2)(vi)-(xi)	Records	Yes.	
§63.10(b)(2)(xii)	Record when under waiver	Yes.	
§63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
§63.10(b)(2)(xiv)	Records of supporting documentation	Yes.	
§63.10(b)(3)	Records of applicability determination	Yes.	
§63.10(c)	Additional records for sources using CEMS	Yes	Except that §63.10(c)(2)-(4) and (9) are reserved.
§63.10(d)(1)	General reporting requirements	Yes.	
§63.10(d)(2)	Report of performance test results	Yes.	
§63.10(d)(4)	Progress reports	Yes.	
§63.10(e)(1) and (2)(i)	Additional CMS Reports	Yes.	
§63.10(e)(3)	Excess emission and parameter exceedances reports	Yes.	Except that §63.10(e)(3)(i) (C) is reserved.
§63.10(f)	Waiver for recordkeeping/reporting	Yes.	
§63.12	State authority and delegations	Yes.	
§63.13	Addresses	Yes.	

§63.14	Incorporation by reference	Yes.	
§63.15	Availability of information	Yes.	

- 3. Reserved – Tribal Minor New Source Review**
- 4. Reserved – Prevention of Significant Deterioration Requirements**
- 5. Reserved – Consent Decree Requirements**
- 6. Reserved – Compliance Assurance Monitoring (CAM) Requirements**
- 7. Reserved – Enhanced Monitoring, Recordkeeping, and Reporting**

## Section IV – Appendix

### 1. Inspection Information

#### 1.1. Driving Directions:

From Ignacio, head south on CO-172. Turn right onto CO rd 318 / Indian Rte 110. In 7.2 miles the facility will be on your right.

#### 1.2. Global Positioning System (GPS):

Latitude: 37.098056° N

Longitude: -107.77° W

#### 1.3. Safety Considerations:

All visitors are required to take a site-specific safety orientation prior to entering the facility. Personal protective equipment (PPE) must be worn while on site. PPE includes steel toed boots, fire resistant clothing, safety glasses, and hearing protection.