

4, 5, and 6 with an effective date of May 10, 2021.

6. Section III of the Title V Permit incorporates applicable requirements of 40 C.F.R. Part 60, Subpart OOOOa related to fugitive emissions affected facilities. The following requirements are relevant to this Notice of Violation:
 - a. Pursuant to section III.B of the Title V Permit, at all times, including during startup, shutdown and malfunction, Crestwood shall maintain and operate any affected facility including air pollution control and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the EPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.
 - b. Pursuant to section III.C of the Title V Permit, Crestwood shall reduce volatile organic compounds (VOC) emissions by complying with the requirements in 40 C.F.R. §§ 60.5397a(a)-(j) within 60 days of the start of production and monitoring quarterly thereafter the initial survey at the compressor station.
 - c. Pursuant to section III.E of the Title V Permit, Crestwood shall demonstrate continuous compliance for each collection of fugitive emission components according to 40 C.F.R. § 60.5415a(h).
7. Section V of the Title V Permit incorporates applicable requirements of the Synthetic Minor New Source Review Permit issued by the EPA on July 20, 2021, in accordance with the requirements at 40 C.F.R. § 49.158. The following requirements are relevant to this Notice of Violation:
 - a. Pursuant to section V.B.2(e) of the Title V Permit, Crestwood shall monitor the pressure drop across each catalyst bed at its engines during normal operations on a monthly basis.
 - b. Pursuant to section V.B.2(f) of the Title V Permit, during operation, the pressure drop across the catalyst bed on each engine shall be

- maintained to within 2 inches of water from the baseline pressure drop reading taken during the most recent performance test.
- c. Pursuant to section V.B.2.(g) of the Title V Permit, if the pressure drop exceeds 2 inches of water from the baseline pressure drop reading taken during the most recent performance test, Crestwood shall take corrective action to address the problem or cease operating the engine.
 - d. Pursuant to section V.B.3(c)(i) of the Title V Permit, for all performance tests performed for NO_x, CO, VOC, and CH₂O emissions at engines, the pressure drop across each catalyst and the inlet temperature to the catalyst shall both be measured.
 - e. Pursuant to section V.B.6(d) of the Title V Permit, records shall be kept of all pressure drop measurements required in this permit, as well as a description of any corrective action taken pursuant to the permit.
 - f. Pursuant to section V.C.4(a) of the Title V Permit, Crestwood shall limit tank emissions by routing all working, breathing and flashing losses through a closed-vent system to an operating system designed to recover and inject the emissions into a natural gas gathering pipeline system for sale or other beneficial purpose.
 - g. Pursuant to section V.C.4(b) of the Title V Permit, Crestwood shall limit tank emissions by routing all working, breathing and flashing losses through a closed-vent system to a control device as specified in the permit.
 - h. Pursuant to section V.C.5 of the Title V Permit, Crestwood shall equip all openings on each tank with a cover to ensure that all hydrocarbon emissions are efficiently being routed through a closed-vent system to a natural gas pipeline system for sale or other beneficial purpose and/or a control device as specified in this permit. Specifically, Crestwood must ensure that:
 - i. Each cover and all openings on the cover (e.g., access hatches, sampling ports, pressure relief valves and gauge wells) form a

continuous impermeable barrier over the entire surface area of the tanks. Section V.C.5(a) of the Title V Permit.

- ii. Each cover opening of each tank shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) whenever material is in a tank on which the cover is installed except during those times when it is necessary to use an opening. Section V.C.5(b) of the Title V Permit.
- iii. Each thief hatch cover on a tank shall be weighted and properly seated. Section V.C.5(c) of the Title V Permit.
- iv. Pressure relief valves shall be set to release at a pressure that will ensure that all hydrocarbon emissions are routed through the closed-vent system to a natural gas pipeline system for sale or other beneficial purpose and/or a control device as specified in the MNSR permit under normal operating conditions. Section V.C.5(d) of the Title V Permit.
- i. Pursuant to section V.D.2(f)(vii) of the Title V Permit, each enclosed combustor and utility flare must be operated with no visible smoke emissions, as defined in EPA Reference Method 22 of 40 C.F.R. part 60, Appendix A.

B. Synthetic Minor Source Permit to Construct (#SMNSR-TAT-000661-2017.003) for Compressor Station #7

8. The Federal Minor New Source Review Program in Indian Country, 40 CFR § 49.151-165, satisfies the requirements of section 110(a)(2)(C) of the Act, 42 U.S.C. § 7410, by establishing a preconstruction permitting program for all new and modified minor sources (minor sources) and minor modifications at major sources located in Indian country. 40 C.F.R. § 49.151(b)(1).
9. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to, among other things, operate any source required to have a permit under the Prevention of Significant Deterioration of Air Quality in Part C of Subchapter I, except in compliance with a permit issued by a permitting authority under Subchapter V – Permits.

10. Pursuant to section 113(a)(3) of the Act, 42 U.S.C § 7413(a)(3), violation of any permit issued under Subchapter V of the Act is subject to federal enforcement.
11. Arrow Pipeline, LLC, a subsidiary of Crestwood, applied for a Synthetic Minor Permit to Construct to establish emission limits to avoid the requirements of the Prevention of Significant Deterioration (PSD) Permitting Program at 40 C.F.R. Part 52 with respect to volatile organic compound (VOC), nitrogen oxide (NO_x), and carbon monoxide (CO) emissions and greenhouse gas (GHG) emissions, and to ensure the construction of the project remained a minor source of hazardous air pollutants (HAPs). EPA issued Tribal Minor New Source Review Synthetic Minor permit SMNSR-TAT- 00661-2017.003 for Compressor Station 7 on January 10, 2018 (SMNSR Permit).
12. The following requirements of the SMNSR Permit are relevant to this Notice of Violation:
 - a. Pursuant to section I.D.2.(f) of the SMNSR Permit, during operation, the pressure drop across the catalyst bed on each engine shall be maintained to within +/- 2 inches of water from the baseline pressure drop measured during the most recent performance test.
 - b. Pursuant to section I.D.4(c) of the SMNSR Permit, Crestwood shall monitor the pressure drop across the catalyst bed on each engine every 30 days using pressure sensing devices before and after the catalyst bed to obtain a direct reading of the pressure drop.
 - c. Pursuant to section I.D.4(g) of the SMNSR Permit, if the pressure drop exceeds 2 inches of water from the baseline pressure drop reading taken during the most recent performance test, Crestwood shall investigate and take corrective action to address the problem or cease operating the engine.
 - d. Pursuant to section I.D.5(d) of the SMNSR Permit, engine records shall be kept of all pressure drop measurements required in the permit

as well as a description of any corrective actions taken pursuant to the permit.

- e. Pursuant to section I.E.1 of the SMNSR Permit, all natural gas condensate tanks and produced water storage tanks are subject to the requirements of the SMNSR Permit.
- f. Pursuant to section I.E.2 of the SMNSR Permit. Crestwood shall follow, for each tank, the manufacturer's recommended maintenance schedule and procedures or equivalent procedures developed by Crestwood or vendor to ensure good air pollution control practices for minimizing hydrocarbon emissions.
- g. Pursuant to section I.E.5. of the SMNSR Permit, Crestwood shall limit the hydrocarbon emissions from handling natural gas condensate using one or more of the following techniques:
 - i. Route all hydrocarbon emissions through a closed-vent system to an operating system designed to recover and inject the emissions into a natural gas gathering pipeline system for sale or other beneficial purpose; and/or
 - ii. Route all hydrocarbon emissions through a closed-vent system to a control device as specified in the permit.
- h. Pursuant to section I.E.6. of the SMNSR Permit, Crestwood shall equip all openings on each natural gas condensate tank with a cover to ensure that all hydrocarbon emissions are efficiently being routed through a closed-vent system to a natural gas pipeline system for sale or other beneficial purpose and/or a control device as specified in the permit.
- i. Pursuant to section I.E.6(a) of the SMNSR Permit, Crestwood shall ensure that each cover and all openings on the cover (e.g., access hatches, sampling ports, pressure relief valves, and gauge wells) form a continuous impermeable barrier over the entire surface area of the tanks.

- j. Pursuant to section I.E.6(b) of the SMNSR Permit, each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) wherever material is in a tank on which the cover is installed.
- k. Pursuant to section I.E.6(c) of the SMNSR Permit, each thief hatch cover shall be weighted and properly seated.
- l. Pursuant to section I.E.6(d) of the SMNSR Permit, pressure relief valves shall be set to release at a pressure that will ensure that all hydrocarbon emissions are routed through the closed-vent system to a natural gas pipeline system for sale or other beneficial purpose and/or a control device.
- m. Pursuant to section I.F.1. of the SMNSR Permit, Crestwood shall meet the following requirements for closed-vent systems:
 - i. Each closed-vent system shall route all hydrocarbon emissions from the natural gas condensate tanks to a natural gas pipeline system for sale or other beneficial purpose and/or a control device as specified in this section of the permit. Section 1.F.1(a) of the SMNSR Permit.
 - ii. Each closed vent system shall be designed to operate with no detectable hydrocarbon emissions, as required in the Requirements for Equipment Leaks from Closed Vent Systems section of the SMNSR Permit. Section 1.F.1(c) of the SMNSR Permit.
- n. Pursuant to I.I.1 of the SMNSR Permit, Crestwood shall minimize leaks of hydrocarbon gases from each vent line, connection, fitting, valve, pressure relief device, or any other appurtenance employed to contain and collect hydrocarbon emissions to transport them such that the emission limits in the permit are met.

II. FACTUAL BACKGROUND & FINDINGS OF VIOLATION

A. Factual Background

13. Crestwood is a limited partnership doing business in the State of North Dakota and on the Fort Berthold Indian Reservation.
14. Crestwood is a “person” within the meaning of section 302(e) of the Act. 42 U.S.C § 7602(e).
15. As of February 18, 2021, Arrow Pipeline, LLC, is a subsidiary of Crestwood.
16. Crestwood owns or operates the natural gas compressor stations subject to this Notice of Violation.
17. EPA inspected Stations 1, 2, 3, 4, 5, and 7 on June 15, 2023.
18. EPA sent inspection reports for Stations 1, 2, 3, 4, 5 and 7 to Crestwood via email on September 21, 2023.

B. Alleged Violations

19. Based on the EPA’s field inspection on June 15, 2023, and data provided by Crestwood, the EPA alleges the following Title V Permit violations at Crestwood Stations 1, 2, 3, 4, and 5:
 - a. Based upon EPA’s review of performance test results submitted on September 19, 2023, Crestwood failed to measure the pressure drop across each catalyst when it conducted performance testing for engine unit 162 at Station 1 in May 2022, and engine unit 562 at Station 5 in January 2022. Each incomplete performance test is a separate violation of section V.B.3(c)(i) of the Title V Permit.
 - b. Based upon EPA’s review of maintenance records submitted by Crestwood on July 6, 2023, Crestwood failed to maintain pressure drop across the catalyst bed on each engine highlighted in Table 1 below to within 2 inches of water from the baseline pressure drop reading taken during the most recent performance test. Each month in which Crestwood failed to maintain the proper pressure drop is a separate violation of section V.B.2(f) of the Title V Permit. In addition, each month in which Crestwood failed to take corrective action or cease

operating the engine upon failure to maintain the proper pressure drop
 is a separate violation of section V.B.2(g) of the Title V Permit.

TABLE 1

Station / Engine	Performance Test Date	Baseline Pressure	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Station 1 161	May-22	1	7	8	10	1	6	6	8	8		
	May-23	2									7	0
Station 1 162	May-22	No Test	2	6	3.8	2.1	0.5	0.5	1.5	1	1.4	0.04
Station 1 163	Jul-22	1.9	3	6	8	7.3	1	1	9.5	10		
	May-23	3									5	1
Station 2 260	Jan-22	0	0	1.5	0	0						
	Jan-23	0.6					0	0	6	No Record	0	No Record
Station 2 262	Jul-22	1.5	2	3	3	3	0	2	2.5	3	3	1079.5 2
Station 3 263	Jul-22	1.4	4	3	4	4	1.3	3.5	3	No Record	No Record	No Record
Station 3 360	May-22	3.6	4	1	1	1	0.5	0.5	0.5	0.5		
	May-23	3.6									0.5	0.5
Station 3 361	May-22	3	3	0	0	0	0	0	0	2		
	May-23	4.3									0	0
Station 3 362	Jul-22	1.6	2	- 128	- 127 .9	- 122.39	- 121.43	1.5	1.5	0.2	0.2	1
Station 4 460	Jan-22	3	0	1	2	0						
	Jan-23	3					1	0	0	0.5	0.5	3.5
Station 4 461	May-22	3.9	3.5	0	0	0	0	0	0	0		
	May-23	2.9									0	3
Station 4 462	Jan-22	2	0	4	8	6						
	Jan-23	2.5					7	4	1	4	4	3
Station 4 463	Nov-22	0.3	4	2.3								
	Nov-22	-0.3			0	0.23	0.1	0.2 9	0.3 2	0.31	1.5	9.69
Station 5 560	Jul-22	2.3	3	2	2	1	2.5	2	1	30	1	0.5
Station 5 561	Jul-22	2.2	2	5	5	8	7	7	7	7	4	0.5

Station / Engine	Performance Test Date	Baseline Pressure	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Station 5 562	Jan-22	No Test	2	12	30	30						
	Jan-23	4					2.5	30	30	3	0	1.5

- c. Based on EPA’s review of maintenance records submitted by Crestwood on July 6, 2023, Crestwood failed to monitor and/or maintain records for engine pressure drop across each catalyst bed for engine unit 260 at Station 2 in April and June of 2023, and engine unit 263 at Station 3 in April, May, and June of 2023. Each failure to monitor is a separate violation of section V.B.2.(e) of the Title V Permit. Each failure to maintain records is a separate violation of section V.B.6(d) of the Title V Permit.
- d. During the inspection, EPA inspectors observed smoke from the flare located in Station 2 and conducted EPA Reference Method 22 testing from 11:21 AM to 11:22 AM. Continuous smoke was observed for the full minute. The observation was also confirmed by Crestwood personnel. Therefore, Crestwood violated section V.D.2.(f)(vii) of the Title V Permit by failing to operate the flare with no visible smoke emissions, as defined in EPA Reference Method 22 of 40 CFR part 60, appendix A.
- e. During the inspection, EPA inspectors observed and recorded hydrocarbon emissions from the top of natural gas condensate storage tanks in Station 2 with a Forward Looking Infrared (FLIR) camera. Therefore, Crestwood is in violation of sections V.C 4.(a) and (b) and sections V.C. 5(a),(b),(c) and (d) of the Title V Permit by failing to properly route working, breathing, and flashing losses through a closed-vent system. Additionally, Crestwood is in violation of sections III.B, III.C, and III.E of the Title V Permit.

20. Based on EPA’s field inspections on June 15, 2023, and data provided by Crestwood, the EPA alleges the following TMNSR Permit violations at Crestwood Station 7:

a. Based on EPA’s review of the maintenance records submitted by Crestwood on July 6, 2023, Crestwood failed to maintain pressure drop across the catalyst bed to within +/- 2 inches of water from the baseline pressure drop measured during the most recent performance test for the highlighted engines in Table 2 below. Each month in which Crestwood failed to maintain the proper pressure drop is a separate violation of section I.D.2(f) of the SMNSR Permit. In addition, each month in which Crestwood failed to investigate and take corrective action or cease operating the engine upon failure to maintain the proper pressure drop is a separate violation of section I.D.4(g) of the SMNSR Permit.

TABLE 2

Station/ Engine	Performance Test Date	Baseline Pressure	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Station 7 760	May-22	6	0	1	4	-5.2	4.9	5	5.7	-5		
	May-23	3.1									-5.4	-9
Station 7 761	Jul-22	1.6	2	0	0	No Record	No Record	2	No Record	0	0	No Record

b. Based on EPA’s review of maintenance records submitted to the EPA on July 6, 2023, Crestwood failed to monitor and/or maintain records for each engine pressure drop across each catalyst bed for engine unit 761 at Station 7 in December, January, March, and June of 2023. Each failure to monitor is a separate violation of section I.D.4.(c) of the SMNSR Permit. Each failure to maintain records is a separate violation of section I.D.5.(d) of the SMNSR Permit.

- c. During the inspection, EPA inspectors observed and recorded hydrocarbon emissions from the top of natural gas condensate storage tanks in Station 7 with the FLIR camera. Therefore, Crestwood is in violation of sections I.E. 2, 5 and 6 of the SMNSR permit. Additionally, Crestwood is in violation of I.F.1(a), I.F.1(c) and I.I.1 of the SMNSR Permit.

III. ENFORCEMENT AUTHORITY

21. Section 113(a)(3) of the Act, 42 U.S.C. §7413(a)(3), provides the Administrator with the authority that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement or prohibition of the Act, including New Source Performance Standards, the Administrator may issue an order requiring such person to comply with the requirements or prohibition of the Act, issue an administrative penalty order in accordance with section 113(d) of the Act, or bring a civil action in accordance with section 113(b) of the Act for injunctive relief or civil penalties.
22. The issuance of this NOV does not in any way limit or preclude the EPA from pursuing additional enforcement action for violations not specifically addressed in this NOV.

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