

ATTACHMENT 11

**United States Environmental Protection Agency
Statement of Basis for Draft Part 71 Title V Permit
Los Mestenos Compressor Station Permit No. R6FOP-NM-04-R3-2023**

The purpose of this document is to set forth the legal and factual basis for permit conditions, including references to applicable provisions of the Clean Air Act (CAA or Act) and implementing regulations of the CAA title V operating permit program at 40 CFR part 71 (Part 71). This document also gives the derivation of conditions as required by 40 C.F.R. § 71.11(b).

1. EPA Authority to Issue Part 71 Permits

All major stationary sources of air pollution and certain other sources are required to apply for title V operating permits that include emission limitations and other conditions as necessary to assure compliance with applicable requirements of the CAA, including the requirements of the applicable State Implementation Plan (SIP). CAA §§ 502(a) and 504(a). The title V operating permit program does not generally impose new substantive air quality control requirements (referred to as “applicable requirements”), but does require permits to contain monitoring, recordkeeping, reporting and other requirements to assure the source’s compliance with applicable requirements. 57 Fed. Reg. 32250, 32251 (July 21, 1992). One purpose of the title V program is to “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.” 57 Fed. Reg. at 32251. Thus, the title V operating permit program is a vehicle for ensuring that air quality control requirements are appropriately applied to the source’s emission units and for assuring compliance with such requirements.

Part 71 programs for Indian country – The Administrator will administer and enforce an operating permits program in Indian country, as defined in § 71.2, when an operating permits program which meets the requirements of part 70 of this chapter has not been explicitly granted full or interim approval by the Administrator for Indian country.

2. Facility Information and Description

Table 1: Applicant and Stationary Source Information

Owner	Facility 1389
Hilcorp Energy Company 1111 Travis Street Houston, Texas 77002	Los Mestenos Compressor Station Latitude 36.45083, Longitude -107.31722
Operator	
Harvest Four Corners, LLC 1755 Arroyo Drive Bloomfield, New Mexico 87413	
Responsible Official	Facility Contact
Travis Jones EHS Manager 1111 Travis Street Houston, Texas 77002 713-289-2630	Oakley Hayes Environmental Specialist 1755 Arroyo Drive Bloomfield, New Mexico 87413 505-632-4421

Facility Description

Los Mestenos Compressor Station (Facility) is an existing facility in Rio Arriba County, New Mexico currently operated by Harvest Four Corners, LLC (Harvest) and owned by parent company Hilcorp Energy Company. This Facility has operated since the late 1960's. The location of the existing Facility is in a remote location of the northwestern quadrant of New Mexico, approximately 24 miles northwest of Gavilan, New Mexico and is located on the Jicarilla Apache Nation (JAN) Reservation. The Facility is a natural gas compressor station that accepts produced natural gas gathered from various wellheads in the gas fields surrounding the Facility and compresses this gas for delivery to natural gas processing plants.

Once at the Facility, natural gas passes through the liquid receiver and then through the inlet suction scrubber. There are no emissions from these two process units. Their purpose is to separate liquids from the natural gas stream.

Liquids separated from the gas stream are sent to the Facility condensate tank (Unit T1), and can then overflow into the second condensate tank (Unit T2), if needed. Flash emissions will occur in the first tank where the liquid is discharged and working and breathing emissions will occur from both tanks. All tank emissions are vented to the atmosphere, as there are currently no applicable requirements to control tank emissions at the Facility. Water is separated off the condensate and drained into the Facility's produced water tank (Unit T3). Liquids are removed from the Facility via truck. There are loadout emissions (Unit L1) associated with this action. During the winter months, a small tank heater (Unit 4) is used to prevent the liquids in the tanks from freezing. There is a small amount of combustion emissions associated with this heater unit.

The natural gas that passes through the inlet suction scrubber is compressed by the Solar Turbine (Unit 1) from approximately 95 psi to 210 psi (this is the primary purpose of the turbine). The turbine fires natural gas that is heated with a fuel gas heater during the winter months to prevent any condensibles from freezing. There is a small amount of combustion emissions associated with the fuel gas heater. Unit 1 does not have any emission controls and emits to the atmosphere. After compression, the gas passes through the Facility discharge cooler before exiting the Facility and being discharged to Harvest's Dogie Compressor Station. There are no emissions associated with the discharge cooler.

The Facility uses a pig launcher (Unit PL) and pig receiver (Unit PR) located within a quarter mile of the Facility. Pigs are launched in pipelines to clean out any buildups of liquid and other material in the pipe. There are emissions when a pig is launched and when a pig is received. Emissions are dependent on the volume of the launcher/receiver. Multiple pigs can be caught in a receiver before it is opened and vents emissions to the atmosphere, so not every pig receiving event results in emissions. For the pigs that are received at the Facility, smaller diameter pigs are used in one pipeline and drop into a different larger pipeline. The pig used in this larger pipeline then pushes the smaller pigs into the Facility receiver. So multiple pigs are caught in the receiver simultaneously, resulting in the receiver only being opened once for multiple pigs. This common industry practice reduces emissions by limiting how many times the receiver is opened. Liquids from the pigging operations are sent to the condensate storage tanks (Units T1 and T2). Any flash emissions that might occur are accounted for in the condensate tank flash emission calculations for the Facility.

Other equipment at the Facility includes an emergency diesel powered generator engine (Unit 3), that provides electricity to the site if the Facility loses power, and an Ambitrol tank that contains Methanol which is injected into the natural gas stream to prevent pipeline freezes in the winter. Methanol works as an anti-freeze by joining with the natural gas and water vapor to lower the freezing point of the vapor.

Equipment leaks (Unit F1) are a source of fugitives from valves, pump seals, compressor seals, pressure relief valves, connectors and open-ended valves.

See **Appendix A** for a process flow diagram of the identified process unit operations and equipment discussed in this section.

Title V Major Source Status

The Part 71 Permit Program applies to major sources, as defined in 40 C.F.R. § 71.2. The title V major source thresholds, as determined by pollutant-specific potential to emit (PTE), for criteria pollutants are 100 tons per year (tpy) and for HAP are 10 tons/year for a single HAP or 25 tons/year for any combination of HAP.

According to the information provided by Harvest in their Part 71 renewal application, the Facility's PTE for volatile organic compounds (VOC) is 139.26 tpy, which exceeds the 100 tpy threshold for criteria pollutants. Therefore, the source is a title V source, per 40 C.F.R. § 71.3(a)(3). This Facility is subject to federally enforceable requirements under 40 CFR Part 60 Subpart GG for Unit 1, General Provisions 40 CFR Part 63 Subparts A and ZZZZ for Unit 3.

Single Source Determination

At 40 C.F.R. § 71.2, a major source is generally defined as any stationary source, or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control), belonging to a single major industrial grouping, and that are a major source as described in the definition. On June 3, 2016, the EPA published a final rule clarifying when oil and natural gas sector equipment and activities must be deemed a single source when determining whether major source permitting programs apply – prevention of significant deterioration (PSD) and New Source Review (NSR) preconstruction permit programs, and the Part 71 permit program) (81 FR 35622). By clarifying the term “adjacent,” the rule specifies that equipment and activities in the oil and natural gas sector that are under common control will be considered part of the same source if they are located on the same surface site or on individual surface sites that share equipment and are within ¼ mile of each other.

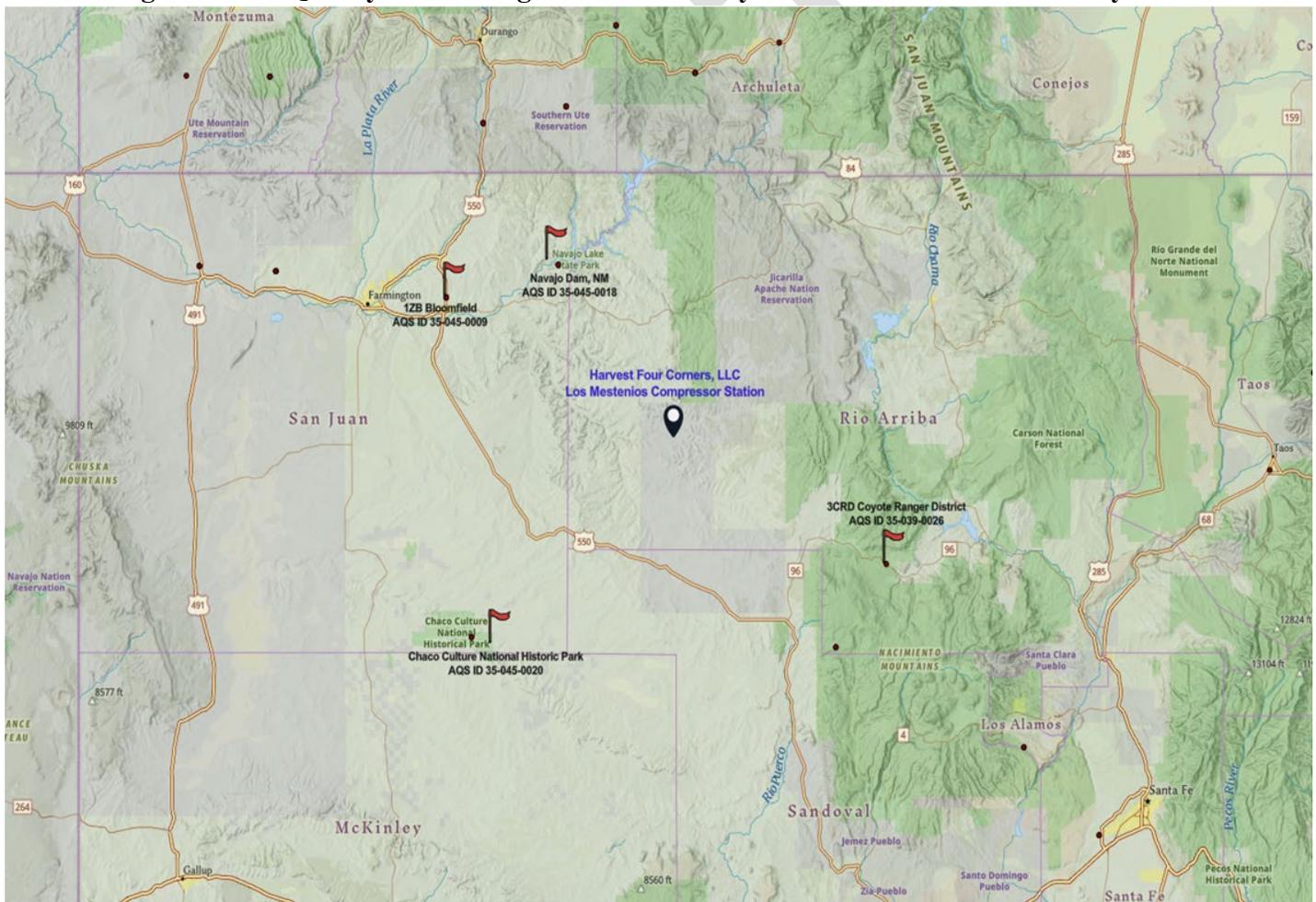
According to information provided by Harvest for their Part 71 renewal application for the Facility there are two natural gas production wells within a ¼ mile of the Facility. Although the wells are owned by the same parent company, Hilcorp, per the rule the wells and the Facility do not share a functional interrelatedness because they do not share a surface site or equipment necessary to store natural gas with the Facility. Therefore, the well sites and the Facility are not part of the same stationary source.

Area Classification - Local Air Quality and Attainment Status

The Facility is located within the exterior boundaries of the JAN Reservation (Reservation) and in the Four Corners region that is characterized as a rural area with oil and gas production but no heavy industry. The area is considered to have good air quality and is designated in attainment with NAAQS for all criteria pollutants.

The EPA retrieved and reviewed air quality monitoring data for nitrogen oxide (NO₂), ozone (O₃) and sulfur dioxide (SO₂) from the air monitoring stations closest to the Facility. Levels at the monitors over the last 3 years do not show a violation of the National Ambient Air Quality Standards (NAAQS). The monitor stations located in San Juan and Rio Arriba County, New Mexico that were used in the air quality analysis are shown in Figure 1.

Figure 1: Air Quality Monitoring Stations in Analysis that is Proximal to Facility



A comparison relative to the current NAAQS limits are shown in Tables 2a, 2b, 2c and 2d, respectively. The ozone data represents both the VOC and NO_x trends. Existing data was retrieved from the monitoring stations located 30 and 40 miles northwest of the Facility at Navajo Dam (AQS ID 35-045-0018) and 1ZB Bloomfield (AQS ID 35-045-0009), respectively. The data retrieved indicates that the 3-year average for NO₂, O₃ and SO₂ are below the NAAQS – as shown in Table 2a and 2b.

Air quality data was also retrieved from the air monitor at Chaco Culture National Historic Park (AQS ID 35-045-0020), located 45 miles southwest of the Facility. The 3-year average for NO₂ and O₃ are below the NAAQS – as shown in Table 2c. Lastly, air quality data was also retrieved from the air monitor station at 3 CRD Coyote Ranger District (AQS ID 35-039-0026), located 40 miles southeast of the Facility. The 3-year average for O₃ is below the NAAQS at this station – as shown in Table 2d.

Air Quality Summary Proximal to Facility Relative to NAAQS

Table 2a: Navajo Dam, AQS ID 35-045-0018		
Year	NO ₂ ¹	O ₃ ²
2020	5.8	68.0
2021	6.0	73.0
2022	6.2	69.0
Average 2020-2022	6.0	70.0
NAAQS Level	53 ppb	70 ppb
Averaging Time; Form	annual average	8-hrs.; Annual 4 th -highest daily maximum averaged over 3 yrs.

¹ NO₂ data is the annual arithmetic average of the AQS Site ID 35-045-0018 monitors located at 423 Highway 539 Navajo Dam, San Juan County New Mexico, 30 miles northwest of Facility. The current NAAQS limit for NO_x annual average is 53 ppb. The reporting Agency is New Mexico Environmental Department (NMED)

² O₃ data is the fourth highest daily maximum 8-hour ozone value of the AQS Site ID 35-045-0018 approximately 30 miles of Facility at Navajo Dam. The current NAAQS limit 70ppb. NO₂, CO and VOCs are considered precursors to ozone.

Table 2b: 1ZB Bloomfield, AQS ID 35-045-0009			
Year	NO ₂ ¹	O ₃ ²	SO ₂ ³
2020	9.6	63.0	1.0
2021	8.7	65.0	1.0
2022	8.7	65.0	2.0
Average 2020-2022	9.0	64.0	1.3
NAAQS Level	53 ppb	70 ppb	75 ppb
Averaging Time; Form	annual average	8-hrs.; Annual 4 th -highest daily maximum averaged over 3 yrs.	99th percentile of 1-hour maximum concentration

¹NO₂ data is the annual arithmetic average of the AQS Site ID 35-045-0009 monitors located at 2200 N. 1st Street in Bloomfield, San Juan County, New Mexico, 40 miles northwest of Facility. The current NAAQS limit for NO_x annual average is 53 ppb. The reporting Agency is NMED.

² O₃ data is the fourth highest daily maximum 8-hour ozone value of the AQS Site ID 35-045-0009 in Bloomfield, New Mexico. The current NAAQS limit 70ppb. NO₂, CO and VOCs are considered precursors to ozone

³ SO₂ data is 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years AQS Site ID 35-045-0009 monitors located in Bloomfield, New Mexico

Table 2c: Chaco Culture National Historic Park, AQS ID 35-045-0020		
Year	NO ₂ ¹	O ₃ ²
2020	0.736	68.0
2021	0.679	71.0
2022	0.712	65.0
Average 2020-2022	0.709	68.0
NAAQS Level	53 ppb	70 ppb
Averaging Time; Form	annual average	8-hrs.; Annual 4th-highest daily maximum averaged over 3 yrs.

¹ NO₂ data is the annual arithmetic average of the AQS Site ID 35-045-0020 monitors located in Chaco Culture National Historical Park, in San Juan County, New Mexico. Location is approximately 40 miles southwest of the Facility. The current NAAQS limit for NO_x annual average is 53 ppb. The reporting Agency is the National Park Service.

² O₃ data is the fourth highest daily maximum 8-hour ozone value of the AQS Site ID 35-045-0020 in Chaco Culture National Historical Park in New Mexico. Location is approximately 40 miles southwest of the Facility. The current NAAQS limit 70ppb. NO₂, CO and VOCs are considered precursors to ozone.

Table 2d: 3CRD Coyote Ranger District, AQS ID 35-039-0026	
Year	O ₃ ¹
2020	64.0
2021	68.0
2022	62.0
Average 2020-2022	64.7
NAAQS Level	70 ppb
Averaging Time; Form	8-hrs.; Annual 4 th -highest daily maximum averaged over 3 yrs.

¹ O₃ data is the fourth highest daily maximum 8-hour ozone value of the AQS Site ID 35-039-0026 at 21 New Mexico 96, Coyote, Rio Arriba County, NM. The monitor is located approximately 40 miles southeast of the Facility and reporting agency is NMED. The current NAAQS limit 70ppb. NO₂, CO and VOCs are considered precursors to ozone

Tribal Reservation

Geographical boundaries: The JAN negotiated with the U.S. for its own reservation, which was established by Executive Order in 1887. The Reservation spans approximately one million acres. The Reservation is in Rio Arriba and Sandoval Counties, near the state border with Colorado. The Reservation is in the upper reaches of the San Juan River Basin and the Rio Chama in north central New Mexico, straddling the Continental Divide. See Figure 2. The landscape varies from rugged pine-covered mesas and pinion-juniper woodlands to lowland sagebrush flats. Coniferous forest dominates the higher elevations in mountainous areas. The Reservation’s northern boundary borders the Colorado line, and the western boundary of the reservation is about 15 miles east of Navajo Reservoir. Dulce, NM

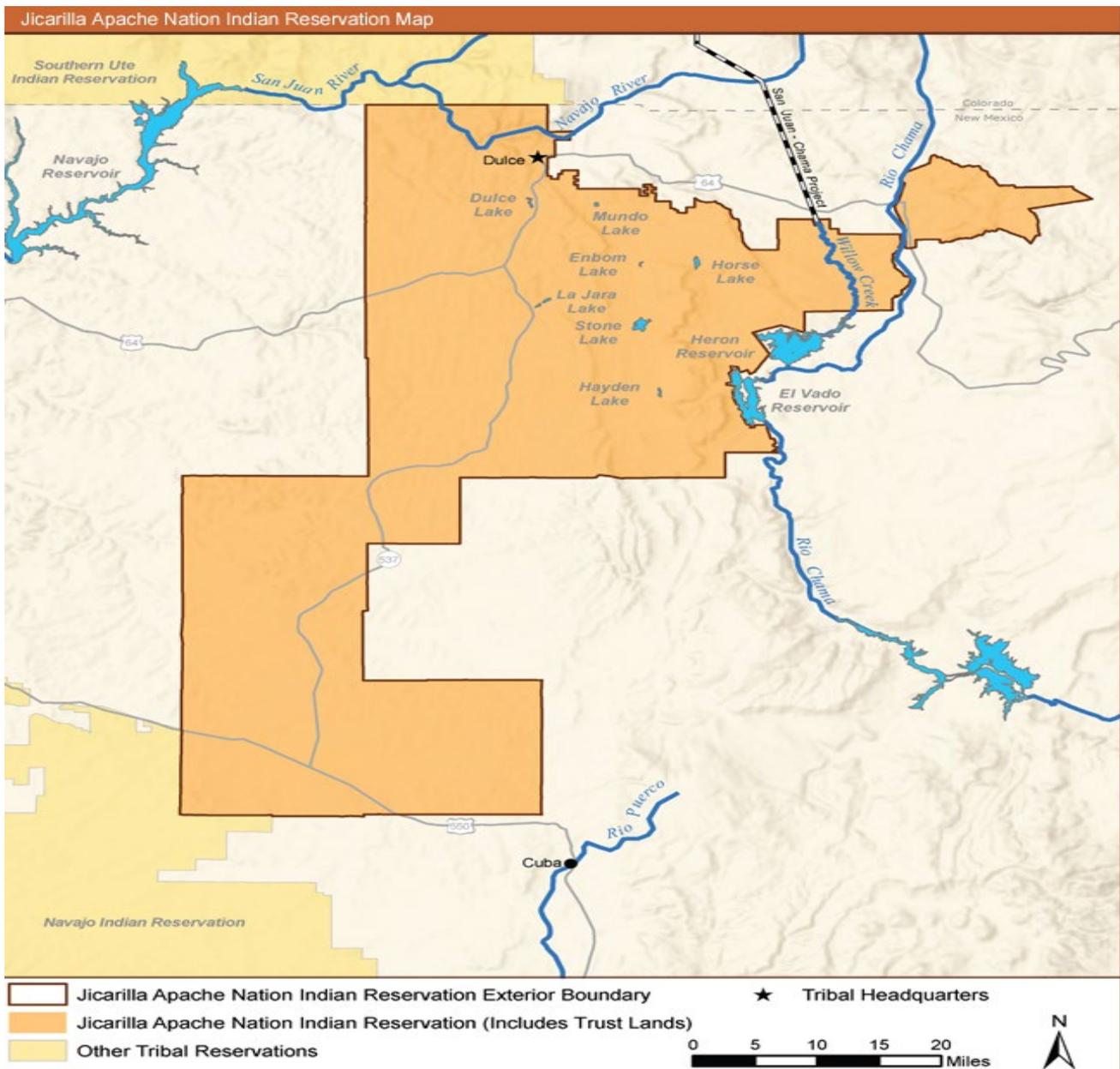
is the Reservation's sole community in the northern portion of the and is home to the Jicarilla Apache Nation's tribal headquarters. In 2010, the Nation had a population of 3,254. The Reservation's geography ranges from 6,400 feet above sea level in high desert to over 10,600 feet above sea level in rugged mountains.

Figure 2: Jicarilla Apache Nation Reservation Boundaries



The reservation contains numerous lakes and twenty major watersheds. The following water bodies lie within the Reservation boundaries: Willow Creek, Rio Chama, Dulce Lake, Mundo Lake, Horse Lake, La Jara Lake, Enbom Lake, Hayden Lake, and Stone Lake. The Navajo River, which is a tributary to the San Juan River, is a perennial stream on the Reservation. See Figure 3. The precipitation varies from 9 inches to 30 inches, depending on the topographic elevation. Rainfall commonly occurs in July and August. The average summer temperatures vary between 63 F to 90 F, and the average winter temperatures range between 26.5 F to 30 F, depending on the location. Mean annual temperatures range from 64° F in the extreme southeast to 40° F or lower in high mountains and valleys of the north; Minimum temperatures below freezing are common in all sections of the State during the winter, but subzero temperatures are rare except in the mountains.

Figure 3: Water Bodies within the Boundaries of the Reservation



History: The Jicarilla Apache were one of six southern Athapascan groups which migrated out of Canada sometime between A.D. 1300 and 1500. Their traditional American Southwest homeland covered more than 50 million acres spreading across the central and eastern region of northern New Mexico and adjoining portions of southern Colorado and western Oklahoma. The Jicarilla preserved much of their fundamental Athapascan culture after settling in the Southwest, but gradually adopted some of the cultural traits of their aboriginal neighbors from the Plains and the Upper Rio Grande. The Tribe’s sovereign rights are vested in the Tribal Council, which serves as the legislative body, and an

executive branch, which is headed by a president and vice president. The Tribe has created and funds an independent Tribal court of general jurisdiction. The Jicarilla Apache were the first tribe in the United States to acquire and operate their own oil and gas production company (if the source is on tribal lands).

Selection process of tribal leaders: Tribal members 18 and older vote in a general election every four years in July. The legislative power of the Jicarilla Apache Tribe is exercised by the Tribal Council, which holds its sessions at the seat of the tribal government. The tribal council consists of eight members, elected at large from the membership of the Jicarilla Apache Tribe. A primary election to select candidates for the offices of president and vice president is held at least 30 days before each general election of the tribe at which the office of president and vice president are to be voted on. A general election for the Offices of President and Vice President is held every four (4) years on the second Saturday following National Independence Day.

JAN Tribal Reservation Contacts

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President
Jicarilla Apache Nation
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Identification of Emission Generating Activities

The Part 71 Permit Program allows the Permittee to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tpy for all regulated pollutants that are not listed as HAP under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAP. However, the application may not omit information needed to determine the applicability of or to impose, any applicable requirement. Units and activities that qualify as “insignificant” for the purposes of the Part 71 application are in no way exempt from applicable requirements or any requirements of the Part 71 permit. Tables 3 and 4 lists emission units (EU) and insignificant emission units (IEU) and the respective emission generating activities, including any air pollution control devices. Table 6 displays the PTE for all regulated pollutants for each regulated EU and the total site-wide PTE for each pollutant emission limits for the Facility. Table 7 displays PTE for pollutants for the IEU’s. Table 8 represents the changes to the Facility’s permit limit due to the VOC concentration in the liquid condensate handled at the Facility. Harvest was instructed to use during the 5- year term existing permit, the annual condensate analysis

results with the higher VOC concentrations. This is a conservative approach for calculating the VOC emissions rates for each emission unit. The data suggests the existing air shed around the Facility will be minimally impacted by the continued operation of the Facility.

Table 3: Regulated Emission Units and Emission Generating Activities

Emission Unit ID Number	Type of Unit Serial Number	Manufacturer Model Number Design Heat Capacity	Operating Range or Size of Unit	Date of Installation	Primary Use	Control Equipment
1	Solar Saturn 1200 Turbine Serial No. OHC18-S4468(turbine) SC-7895681(skid)	Solar Turbine Model No. Saturn1200 Design Heat Duty 10.84 MMBtu/hr	1136 hp (Site Rated) 1200 hp (Name Plate)	Constructed 1979, Installed 1989	Natural gas compression	None
3	Scania DS11 Serial No. 951674	Waukesha - Scania Model No F674DSU-DS11A06	250 hp	Constructed 1970-1995, Installed 2019	Diesel Fuel Fired Emergency Engine	None
T1	Condensate Storage Tank Serial No. 2874	American Tank and Steel	400 bbl	Constructed 6/1965 Installation Unknown	Condensate Storage	None
T2	Condensate Storage Tank Serial No 831-2918*	American Tank and Steel	400 bbl	Constructed 10/1965 Installation 2014	Overflow Condensate Storage	None
F1	Fugitive Emissions from Valves, Flanges, Seals, etc.	NA	NA	NA	Leak Detection for Connectors and Valves or Seals for Equipment Components	None
L1	Condensate Truck Loading	NA	22,141 bbl/yr			None
SSM	Emissions from Startup, Shutdown, Maintenance Operations	NA	NA	NA	Emissions During Non-Routine Operations	None

***Note:** Harvest provided a picture with only the last 4 digits "2918" are distinguishable in picture of T2's nameplate, see "Los Mestenos T2.jpeg". However, Harvest provided full serial number of T2 in response document, see "Los Mestenos Response to Questions from July 27 meeting submitted August 17, 2022."

Table 4: Insignificant Emission Units

Emission Unit ID Number	Description of Emission Unit or Activity	Operating Range or Size of Unit	Exemptions to Federal Requirement
4	Fuel Gas Heater	0.3 MMBtu/hr	< 2 tpy regulated pollutants and < 0.5 tpy HAPs Emission factors from AP-42 and GRI HapCalc (pg. 62-66 of the application) 40 CFR 71.5(c)(11)(ii)
5	Tank Heater	0.012 MMBtu/hr	Emission factors from AP-42 and GRI HAPCalc Insignificant emission unit (71.5(c)(11)(ii))
PL	Pig Launcher		Emissions calculated using AP-42 and EPA TANKS 4.0 Insignificant emission unit (71.5(c)(11)(ii))
PR	Pig Receiver		Emissions calculated using AP-42 and EPA TANKS 4.0 Insignificant emission unit (71.5(c)(11)(ii))
T3	Produced Water Storage Tank	70 bbl	Emissions calculated using emission factors developed for produced water by Colorado Department of Public Health and Environment (CDPHE) and the Texas Commission on Environmental Quality (TCEQ) Insignificant emission unit 40 CFR 71.5(c)(11)(ii)
L2	Truck Loading (Produced Water)	840 bbl	Emissions calculated using AP-42 and EPA TANKS 4.0 Insignificant emission unit (71.5(c)(11)(ii))
T4	Lube Oil Storage Tank	500 gallon	Emissions calculated using EPA TANKS 4.0 Insignificant emission unit 40 CFR 71.5(c)(11)(ii)
T5	Lube Oil Storage Tank	500 bbl	Emissions calculated using EPA TANKS 4.0 Insignificant emission unit 40 CFR 71.5(c)(11)(ii)
T6	Ambitrol Storage Tank	350 gallon	Emissions calculated using EPA TANKS 4.0 Insignificant emission unit 40 CFR 71.5(c)(11)(ii)
T7	Methanol Storage Tank	500 gallon	Emissions calculated using EPA TANKS 4.0 Insignificant emission unit 40 CFR 71.5(c)(11)(ii)

*Insignificant emission units can change at the facility as long as the new or replacement units meet the criteria for insignificance, and Harvest supplies information as required under 40 C.F.R. part 71 and this permit. The insignificant emission unit status does not exempt these emission units from the requirements of any standards that may apply under any applicable requirement, e.g., 40 C.F.R. parts 60 or 63, or this Part 71 Permit.

Permitting, Construction and Compliance History

Table 5: Permit History

Date of Issuance	Permit Number	Description of Permit Action
August 8, 2017	R6FOP-NM-04-R2	Renewal Permit issued
April 1, 2010	R6NM-04-10R1M1	Permit modification issued
January 27, 2010		Both EPA Region 6 and Williams Four Corners agreed upon modified testing language for the units to provide flexibility in times of shutdown or little utilization, clarified testing parameters, and corrected some testing, reporting, monitoring requirements. <i>The agreed upon changes were incorporated into the revised Title V permit (Permit No. R6NM-04-10R1M1), issued on April 1, 2010, and the EAB petition was withdrawn.</i>
November 20, 2009		Members of Williams Four Corners and EPA Region 6 met to discuss options related to the testing requirements in the final permit for the Facility
October 30, 2009		Williams Four Corners LLC notified EPA Region 6 they had filed a petition with EPA’s Environmental Appeals Board (EAB) to review the permit for compliance with requirements under the CAA, with specific emphasis on the testing requirements, with requests to modify or eliminate the testing.
September 30, 2009	R6NM-04-09R1	Renewal permit issued after responding to public and company comment.
July 11, 2008		Renewal application deemed complete. The application requested an increased fuel use limit and higher design heat input rate in the IC engine, based on the single portable analyzer test done in 2004. This request was similar to the one made to EPA Region 6 on December 1, 2004
May 19, 2008		EPA Region 6 received a permit application to renew the Title V permit, dated May 12, 2008.
September 28, 2006	No change to permit number	Administrative Amendment – Change to owner from Williams Field Services to Williams Four Corners, LLC.
September 14, 2006	No change to permit number	Administrative amendment to change the name of the owner/operator.
June 15, 2006	No change to permit number	Administrative amendment granted to change Responsible Official and Plant contact
June 2, 2006	No change to permit number	Administrative Amendment – request by Williams Field Services to change of Responsible Office and Plant Contact.
December 1, 2004	No change to permit number	Williams Field Services requested a minor permit modification to the Title V permit, based on a single portable analyzer test of stack emissions, to obtain a higher fuel use limit as well as an assumed corrected fuel

Date of Issuance	Permit Number	Description of Permit Action
		consumption data and a higher design heat input rate on the IC compressor engine. <i>This request was not acted on by EPA Region 6.</i>
May 7, 2004	No change to permit number	Administrative Amendment – an administrative amendment to the Title V and NSR permit was granted to Williams Field Services, dated January 16, 2004, for a change to the reporting date for annual compliance reports and fee schedules
January 16, 2004	No change to permit number	Administrative amendment request by Williams Field Services for a change to the reporting date for annual compliance reports and fee schedules
November 17, 2003	R6FOPP71-04	Initial permit issued
October 5, 1999		A permit application was received on October 5, 1999, requesting a Part 71 Operating Permit, after the submittal deadline was extended from 9/22/99 to 10/04/99. The initial Title V permit was issued on November 17, 2003. The conditions of Permit NM-971-M2 were incorporated by reference.
August 19, 1997	NM-791-M2	In a 1997 letter from Samuel Coleman, Director of Compliance Assurance and Enforcement Division, a custom fuel monitoring schedule was approved for the Solar Saturn 1200 turbine, subject to the NSPS requirements, which was attached to the construction permit.
September 24, 1996	NM-791-M2	EPA issued Permit NM-791-M2 on September 24, 1996, in response to the expressed request of the permittee to establish federally enforceable emission limitations for the Facility. The turbine remained subject to NSPS requirements under 40 CFR Part 60, Subpart GG and other emission limits for the source placed it just under the PSD major source threshold level (i.e., 250 tpy). The federally enforceable conditions were deemed by EPA Region 6 as necessary to maintain this source at emission levels less than the 250 tpy PSD threshold level
September 13, 1993	N/A	The New Mexico Environment Department (NMED) issued a minor source construction permit to the Gas Company of New Mexico (GCNM) for the Facility, from an NMED <i>Streamline and General Compressor Permit Application and Notice of Intent for the State of New Mexico</i> . Both the GCNM and NMED assumed the Station was on State land. On March 1, 1995, the Public Service Company of New Mexico, the parent Company of GCNM, contacted EPA Region 6 to confirm that the Facility was not regulated by NMED, and its 1993 permit should have been issued by EPA. In addition to an

Date of Issuance	Permit Number	Description of Permit Action
		original federal construction permit application, the Public Service Company of New Mexico applied for a revision to the construction permit issued by NMED, based upon updated information and test results obtained after the initial issuance of the 1993 permit

Current Permit Renewal Application

On February 8, 2022, Harvest Four Corners, LLC provided a title V renewal permit application¹ to the United States Environmental Protection Agency (EPA) in accordance with requirements found at 40 CFR § 71.5(a)(1)(iii). The EPA determined the Part 71 renewal application to be incomplete on April 5, 2022, and requested key information where the application was deficient such as the lack of process and equipment descriptions, and process flow diagram and the Facility’s potential to emit (PTE) calculations. In the incompleteness letter, EPA requested that Harvest provide the missing information by April 14, 2022. Harvest provided multiple responses with supplemental information to their original title V permit application during the timeframe from April 14, 2022, through August 31, 2022.

Though the Facility’s existing title V permit expired on August 8, 2022, the Facility’s application shield was established for Permit Number R6FOP-NM-04-R2 in accordance with §§ 71.5(a)(2) and 71.7(b). Harvest also provided revisions to the original renewal application on September 1, 2022 (Revision 1), and December 1, 2022 (Revision 2). The revised applications provided revised facility PTE calculations, additional requested technical information, and changes to the proposed equipment modifications in the original renewal application. All supplemental and technical information responses including the revised renewal applications are a part of the permit administrative record and can be found at www.regulation.gov at Docket I.D. #[EPA-R06-OAR-2023-0250](https://www.regulation.gov/docId/EPA-R06-OAR-2023-0250).

3. Emission Inventory

Pursuant to 40 C.F.R. § 52.21, PTE is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable. Independently enforceable applicable requirements are considered enforceable to the extent that the source is in compliance with the standard. In addition, beneficial reductions in non-targeted pollutants resulting from compliance with an independently enforceable applicable requirement may be counted

¹ Harvest notified EPA on January 21, 2022, that the Facility was no longer a Part 71 source, but did not provide sufficient information substantiating the status change in their notification. Since Harvest had not submitted a title V renewal application at that time, EPA responded that Harvest was considered a Part 71 source until certain information could be provided to substantiate the status change on January 28, 2022, and advised Harvest to submit a renewal application so that they could maintain their permit shield per Part 71.

towards PTE provided the emission reduction of the non-targeted pollutant is enforceable as a practical matter and compliance is being met. See the 1995 guidance memo signed by John Seitz, Director of the Office of Air Quality Planning and Standards titled, “Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act.”²

Harvest reported PTE in their Part 71 renewal permit application. The controlled emissions in Table 6 are based on the legally and practicably enforceable requirements set forth in this draft renewal permit.

Table 6: PTE for Each Regulated Emission Unit

Unit ID No.	NO_x (tpy)	VOC (tpy)	SO₂ (tpy)	PM₁₀ (tpy)	PM_{2.5} (tpy)	CO (tpy)	HAP (tpy)
1, Solar Saturn 1200 Turbine natural gas-fired	19.30	0.40	0.16	0.31	0.31	11.40	0.45
3, Scania DS11 Diesel fuel fired Emergency Generator Engine	0.76	0.06	0.05	0.05	0.05	0.16	Negl
T1, Condensate Storage Tank		115.61					12.53
T2, Condensate Storage Tank		4.97					0.71
F1, Fugitive Emissions		3.85					0.11
L1, Condensate Truck loading		2.49					0.36
SSM, Startup, Shutdown, Maintenance		11.88					0.34
Facility PTE	20.06	139.26	0.21	0.36	0.36	11.56	14.5

Notes for Table 6

- i. Source-wide PTE includes emissions from the regulated emission units
- ii. 500 tons/yr was used to calculate the Emergency Generator Engine’s PTE
- iii. SSM – emissions include, but are not limited to routine or predictable startups, shutdowns and scheduled maintenance from the turbine and associated piping
- iv. Diesel fuel with restriction – limited to 15 ppm Sulfur content [40 CFR § 80.1453(e)].
- v. Natural gas with restriction – maximum of 0.25 grains Hydrogen Sulfide / 100 standard cubic feet (scf).
- vi. Submerged loading of condensate to tanks and trucks is required to minimize emissions.

² The 1995 guidance memo is available at <https://www.epa.gov/enforcement/options-limiting-potential-emit-pte-stationary-source-under-section-112-and-title-v>

Table 7: PTE for Insignificant Emission Unit

Unit ID No.	NOx (tpy)	VOC (tpy)	SO2 (tpy)	PM ₁₀ (tpy)	PM _{2.5} (tpy)	CO (tpy)	HAP (tpy)
4, Fuel Gas Heater natural gas-fired	0.15	0.01	Negl	0.01	0.01	0.12	0.02
5, Tank heater	0.01	Negl	Negl	Negl	Negl	0.01	Negl
PL, Pig Launcher		0.28					0.01
PR, Pig Receiver		1.23					0.04
T3, Produced Water Storage Tank		0.11					0.02
L2, Produced Water Truck Loading		Negl					Negl
T4, Lube Oil							
T5, Used Oil							
T6, Ambitrol Tank							
T7, Methanol Tank		0.02					0.02
PTE	.16	1.65	Negl	0.01	0.01	0.13	.11

Notes for Table 7

- i. Emissions from Insignificant Emission Units are exempt from permitting according to 71.5(c)(11)(ii)
- ii. Negl – negligible emissions.

Table 8: Facility PTE after Permit Renewal for Regulated Emission Units

Pollutant	Current Actual Emissions (tpy)	Existing Part 71 Permit PTE	Renewal Part 71 Permit PTE	Change in PTE (tpy)
NOx	19.49	129.5	20.06	-109.44
VOC	13.28	108.9	139.26	+30.36
SO ₂	0.17	0.2	0.21	Negl
PM ₁₀	0.33	0.9	0.36	+0.56
PM _{2.5}	0.33	0.9	0.36	+0.56
CO	11.44	29.7	11.56	-18.14
HAP	1.39	9.6	14.50	+4.9

Notes for Table 8

- i This table shows the overall emission changes from the existing permit to the current proposed permit renewal.

Restrictions on PTE

The existing Solar Saturn 1200 Turbine (Unit 1) was constructed in 1979 and installed at the Facility in 1989. Since its installation, the applicant has indicated Unit 1 has not been modified or reconstructed. Unit 1 is subject to 40 CFR Part 60 Subpart GG as it is a stationary gas turbine with a heat input equal to or greater than 10 MMBtu/hr and was constructed after October 3, 1979. The renewal permit will

continue to limit the fuel use and heat input 99.9 MMSCF/yr and 10.84 MM Btu/hr, respectively. These limits remain unchanged from the existing permit.

The 250 hp natural gas-fired engine/generator, used to supply emergency backup power to the station only, is subject to the regulations at 40 CFR Part 63 Subpart ZZZZ. The permit will include conditions that restrict the operation of the emergency engine/generator to 100 hours/year for testing and maintenance purposes, work practice requirements.

The operational design of the Facility restricts the condensate throughput to maximum of 22,141 barrel/year, the same as what was modeled for the existing permit. EPA required Harvest to use the results from the condensate analyses collected during the 5 years of the current permit that predicted the highest VOC emissions rate, December 2018. This “worst-case” analysis was used to calculate the VOC emissions for the regulated emission units (excluding Unit 1, which remains the same from previous permit) and the insignificant emission units. In comparison the overall VOC emission rate resulted in slightly higher VOC emissions change for the proposed permit. (See Table 8). It is noted that this change in VOC emission rate is not due to any equipment changes or modifications to the existing Facility. Even though the Facility PTE VOC calculation for “worst case” indicates an increase in VOC emission rate, the actual VOC emissions are significantly less at 13.28 tpy. Also, the existing title V operating permit, includes a Caterpillar G-399-TA 4 stroke rich burn (4SRB) reciprocating internal combustion engine (RICE) (Unit 2) driving natural gas compressors. The renewal permit will not authorize the continued operation of Unit 2. In the renewal application, which is certified by a Harvest Responsible Official constituting this declaration true and accurate, Harvest states that Unit 2 is no longer connected to the process. With the elimination of Unit 2 there was an associated decrease in SSM emission and equipment leaks (F1). In addition, the discontinuation of this engine’s operation attributes to the overall decrease in the total NOx and CO emissions from the Facility for the proposed permit. The emission rate decrease is noted in Table 8

4. Regulatory Analysis

The discussions in the following sections are based on the information provided by Harvest in their Part 71 renewal application, certified to be true and accurate by the Responsible Official of the Facility.

PSD, 40 C.F.R. Part 52

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

According to the information provided by Harvest in their Part 71 renewal application, at the time of its construction and subsequent modifications, the Facility was not a major source of emissions with respect to the PSD Permit Program as the PTE did not exceed the major source thresholds of criteria pollutants regulated under PSD Permit Program at that time. As such, the source was not subject to the preconstruction permitting requirements of the PSD Permit Program.

NSR, 40 C.F.R. Part 49

40 C.F.R. § 49.151 - Federal Minor New Source Review Program in Indian Country:

The Federal Minor New Source Review (MNSR) Permit Program at 40 C.F.R. part 49, subpart C (§§49.151 through 49.165), is a preconstruction review requirement of the CAA that applies to all new and modified minor sources, synthetic minor sources and minor modifications at major sources, located in Indian country where no EPA-approved program is in place. True minor sources and modifications and minor modifications at existing major sources are proposed projects that have PTE for any pollutant regulated under the MNSR Permit Program that are below the major source thresholds in the PSD Permit Program or the NNSR Permit Program at 40 C.F.R. part 49, subpart C, and above the minor source thresholds in Table 1 of 40 C.F.R. § 49.153 (thresholds differ depending on the pollutant). The MNSR Permit Program also provides the EPA authority to establish enforceable restrictions for an otherwise major source to establish that source as a synthetic minor source for NSR-regulated pollutants or HAP for the purposes of the PSD, NNSR or title V Permit Programs, or for the purposes of major source requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. part 63. Additionally, the MNSR Permit Program established a Federal Implementation Plan (FIP) (§§ 49.101 through 49.105) for true minor sources in the oil and natural gas production and natural gas processing segments that are in Indian country.

The Facility is currently an existing true NSR minor source and was originally constructed and commenced operations before August 30, 2011. EPA issued Permit NM-791-M2 on October 1, 1996, in response to the expressed request of the permittee to establish federally enforceable emission limitations for the Facility. The turbine remained subject to New Source Performance Standards (NSPS) requirements under 40 CFR Part 60, Subpart GG and other emission limits for the source placed it just under the PSD major source threshold level (i.e., 250 tpy). The federally enforceable conditions were deemed by EPA Region 6 as necessary to maintain this source at emission levels less than the 250 tpy PSD threshold level.

Table 9: Applicable Requirements for Harvest Four Corners, LLC – Los Mestenos Compressor Station

Citation & Requirement	Entire Facility or Specific Unit Applicability	Requirement	Comment
40 CFR 71 {Federal Operating Permits Program}	Facility		All Emission Units
40 CFR Part 60 Subpart A {NSPS General Provisions}	Unit 1		Regulation is applicable due to 40 CFR Part 60 Subpart GG being applicable
40 CFR Part 60 Subpart GG	Unit 1	NSPS for Stationary Gas Turbine	<p>The regulation is applicable as the facility is equipped with a stationary gas turbine with heat input equal to 10 MMBtu/hour or greater, installed on or after October 3, 1977.</p> <p>Unit 1 has a heat input equal to 10.84 MMBtu per hour which is greater than 10 MMBtu per hour threshold. Although constructed in 1979, this unit was installed at the facility in 1989, both of which dates are after the October 3, 1977, applicability date. Therefore, this turbine is subject to any applicable regulations for the turbine's classification as it regards to emission and operating limitations; testing and initial compliance requirements; continuous compliance requirements; notifications, reports and records; and any other applicable requirements or information required in the subpart for this turbine classification.</p>
40 C.F.R. Part 60, Subpart Kb	T1 and T2		This subpart establishes requirements for controlling VOC emissions from storage vessels with a capacity greater than or equal to 75 cubic meters

Citation & Requirement	Entire Facility or Specific Unit Applicability	Requirement	Comment
			<p>(471.74 bbls) that are used to store volatile organic liquids for which construction, reconstruction or modification commenced after July 23, 1984</p> <p>Based on the information provided by Harvest in their Part 71 renewal application, the condensate tanks (Two 400 bbl condensate tanks located at the Facility) at this facility are exempt from these requirements, because each tank has a capacity of less than 472 bbls.</p>
40 CFR Part 63 Subpart A	Unit 3	NESHAP General Provisions	This regulation is applicable because 40 CFR 63 Subpart ZZZZ applies (see §63.1(b)).
<p>40 CFR Part 63 Subpart ZZZZ</p> <p>{NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE)}</p>	Unit 3		<p>This regulation is applicable because the facility is equipped with an affected source.</p> <p>The station is an area HAP source as defined by the subpart.</p> <p>For production field facilities, only HAP emissions from engines, turbines, dehydrators, and storage vessels with the potential for flash emissions are aggregated for the HAP major source determination (see 40 CFR §63.6675).</p> <p>Unit 3 is an emergency generator engine as defined by the 40 Part 63 Subpart ZZZZ, 40 CFR § 63.6603 (a) and Table 2d, 40 CFR § 63.6603(f), 40 CFR §63.6605(b), 40 CFR §63.6625(f), 40 CFR §63.6625(h), 40 CFR §63.6625(i), and 40 CFR §63.6625(j), 40 CFR 6640(a), 40 CFR 6640(f), and Table 6</p>

40 C.F.R. Part 64 (Compliance Assurance Monitoring (CAM) Rule):

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

1. CAM Applicability

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

- (a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under § 64.2(b)(1);
- (b) The unit uses a control device to achieve compliance with any such limit or standard; and
- (c) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major Title V source.

2. CAM Plan Submittal Deadlines

- (a) Large pollutant-specific emissions units. A CAM plan submittal for all PSEUs with the PTE (taking into account control devices) of any one regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tpy, required for a source to be classified as a major source, is due at the following times:
 - i. On or after April 20, 1998, if by that date, a Part 71 application has either:
 - A. Not been filed; or
 - B. Not yet been determined to be complete.

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

- ii. Upon application for a renewed Part 71 permit and a CAM plan has not yet been submitted with an initial or a significant modification application, as specified above.
- (b) Other pollutant-specific emissions units. A CAM Plan must be submitted for all PSEUs that are not large PSEUs, but are subject to this rule, upon application for a Part 71 renewal permit.

Based on the information provided by Harvest in their Part 71 renewal application, there are no PSEUs at the Facility that have pre-controlled emissions that exceed or equal 100% of major source thresholds, so the Facility is not subject to CAM requirements.

40 C.F.R. Part 68 (Chemical Accident Prevention Provisions): This rule applies to stationary sources that manufacture, process, use, store or otherwise handle more than the threshold quantity of a regulated substance in a process. Regulated substances include 77 toxic and 63 flammable substances which are potentially present in the natural gas stream entering the facility and in the storage vessels located at the facility. The quantity of a regulated substance in a process is determined according to the procedures presented under § 68.115. Sections 68.115(b)(1) and (2)(i) indicate that toxic and flammable substances in a mixture do not need to be considered when determining whether more than a threshold quantity is present at a stationary source if the concentration of the substance is below one percent by weight of the mixture. Section 68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water.

Based on the updated information provided in the Harvest Part 71 renewal application, the Facility does not have regulated substances above the threshold quantities in this rule; and therefore, are not subject to the requirement to develop and submit a risk management plan.

EPA Trust Responsibility – Consultation Requirements

Endangered Species Act (ESA), 16 U.S.C. §1531 et seq.

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

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

National Historic Preservation Act (NHPA), Public Law 89-665; 54 U.S.C. 300101 et seq.

The title V permit EPA is issuing to Harvest does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any physical modifications to the Facility or its operations. The EPA has concluded that issuance of this permit will have no effect on any property under the NHPA of 1966 pursuant to section 106 of the NHPA, which requires federal agencies to consider the impact of their actions on historic properties.

Environmental Justice (EJ), Executive Order 12898

Executive Order 12898³ directs federal agencies “to the greatest extent practicable and permitted by law,” to “make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Executive Order 14008⁴ further directs federal agencies to “to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.” In addition, Executive Order 13985⁵ calls on each federal agency to “pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” Accordingly, advancing environmental justice and equity is one of EPA’s highest priorities as set forth in the Agency’s FY22-26 Strategic Plan.⁶

The EPA defines “Environmental Justice” (EJ) to include the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and polices. The EPA’s goal is to provide an opportunity for overburdened populations or communities to participate in the permitting process. “Overburdened” is used to describe the minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards.

The Facility is located about 15 miles northwest of Gavilan, New Mexico on the Jicarilla Apache Nation Tribal Lands. The Facility is in a remote area. EPA conducted an analysis using the EJScreen to assess key demographic and environmental indicators within a five-kilometer radius of the Facility. This analysis did not identify any potential areas of EJ concerns. There was no population of residents identified within a 5-kilometer radius of the Facility. EJ areas of concern are determined by examining various environmental, demographic, and economic indicators from the EJScreen report. The EPA selected an 80th percentile threshold for this action to evaluate the potential for EJ concerns in a community, meaning that if the area of interest exceeds the 80th percentile for one or more of the EJ indexes, the EPA considers that area to have a high potential for EJ concerns. In this case, there were no EJ Indices from within the five-kilometer radius report that exceeded the 80th percentile threshold.

EPA’s AirToxScreen Platform was used to determine the cancer risk for the population around the Facility. Census tract 35039941000 with a population of 3499 and an area of 5,231,822,607 m². AirToxScreen estimated cancer risk is 10 in 1 million people. In general, the EPA considers excess cancer risks that are below about 1 chance in 1 million (1-in-1 million) to be negligible and excess cancer risks that range from 1-in-1 million to 100-in-1 million generally are considered to fall within the range of acceptability. In addition, currently the Rio Arriba County/Jicarilla Apache Nation Land area is

³ 59 FR 7629 (Feb. 16, 1994).

⁴ <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

⁵ Available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

⁶ <https://www.epa.gov/planandbudget/strategicplan>.

meeting all federal NAAQS standards which are health-based standards set by EPA for ambient air or criteria air quality pollutants.

As EPA has noted, the Rio Arriba County area is currently attaining the Federal NAAQS standards and EPA is currently monitoring ongoing air quality trends in the area. We do not believe this permit renewal in itself will have negative or quantifiable impacts on the air quality in the area.

As part of EPA's trust responsibility to the Jicarilla Apache Nation and the above noted Executive Orders, the EPA has kept the Tribe informed about this permit action by copying them on key communications such as the emailed application completeness determination and will provide a minimum 30-day public comment period, and opportunity for a public hearing if requested. EPA Region 6 typically provides an opportunity for the surrounding Tribal Nations within a fifty-mile radius of the Facility to consult on all title V permit actions. Tribal consultations letters inviting JAN, Navajo Nation, Pueblo of Jemez and Southern Ute for government-to-government consultations were signed on June 29, 2023, and sent to each of the Tribal Governments. This opportunity to consult will continue through the 30-day public notice of the draft permit.

5. Permit Content

Draft permit sections 1 - 5

The draft permit contains all of the required elements for Part 71 permits, as specified in 40 C.F.R. § 71.5, including, but not limited to:

1. Emissions limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance, as identified and discussed in this Statement of Basis;
2. The permit duration, not to exceed 5 years;
3. Monitoring and related recordkeeping and reporting requirements sufficient to assure and demonstrate compliance with all applicable requirements;
4. A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit;
5. Specific provisions stating that: (a) any noncompliance constitutes a violations of the CAA and is grounds for enforcement action; (b) it is not a defense for the 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 permit; (c) instructions for how the permit may be modified, revoked, reopened, reissued, or terminated for cause; (d) the permit does not convey and property rights or exclusive privilege; (e) and upon request, the Permittee shall furnish to the permitting authority copies of required records;
6. A provision to ensure that the Permittee pays fees to the EPA consistent with the fee schedule approved in 40 C.F.R. § 71.9;

7. A provision to ensure that the permit expires upon five years elapsing from the effective date; and
8. An off-permit changes provision allowing changes that are not addressed or prohibited by the permit.

Changes Between the Previous Permit and Draft Permit

For national consistency, the permit has been reformatted using the EPA's new Part 71 permit and statement of basis standard templates. Although the same numbering system was used, since the template comprises all General Provisions of Part 71, incorporating all existing conditions and the additional conditions included in the new standard permit template, has resulted in additional provisions and conditions in comparison to the existing permit. For national consistency, the semi-annual reporting timeframe in the renewed permit (permit condition 5.4) is 30 days following the end of reporting period instead of 90 days listed in the existing permit. This permit renewal also corrects certain details and updates information included in the existing title V permit for the Facility, based upon the application and supplemental information provided by the company pertaining to both current process unit operations and equipment, as documented in the Administrative Record for this permit action.

Under the existing title V operating permit, the station is currently approved to operate a Solar Saturn T1200 natural gas fired turbine (Unit 1) and a Caterpillar G-399-TA 4 stroke rich burn (4SRB) reciprocating internal combustion engine (RICE) (Unit 2), both driving natural gas compressors. The existing permit also includes a 490-barrel (bbl) condensate storage tank (Unit T1) for which both flash and working/breathing losses are estimated, a 400-bbl condensate tank (Unit T2) with working/breathing losses only, fugitive emissions from valves, flanges, etc. (Unit F1), startup, shutdown, and maintenance emissions (Unit SSM) and miscellaneous insignificant emission sources.

Specifically, substantive changes based upon the permit renewal application includes the capacity of the condensate storage tank being corrected from 490 bbl to 400 bbl and the rating of the tank heater (Unit 5) being corrected from 0.30 MMBtu/hr to 0.012 MMBtu/hr. In addition, Harvest states in the renewal application that Unit 2 is disconnected from the Facility's process due to the unit being no longer operational and has been placed out of service. ***This renewal application was certified by a Harvest Responsible Official constituting this declaration to be true and accurate.*** Also, in an application revision, Harvest indicated that they will not be installing the Waukesha L7042GL compressor proposed in the original application as a replacement to Unit 2. Therefore, Unit 2 and associated emissions are not being authorized in the renewal permit. The existing title V permit has the Solar Saturn turbine serial number as SC-7895681. Harvest communicated that this is the serial number of the turbine's skid and provided the serial number of the actual turbine which is OHC18-S4468. The renewal permit will indicate both the skid and the turbine's serial number.

The permit renewal will include addition of one Scania DS11 diesel emergency generator engine (Unit 3). The emergency generator engine was installed during the latter half of calendar year 2019; however, Harvest has not been able to find records indicating EPA was notified of startup. That being the case, the renewal application is being used to provide notice of installation and startup. This emergency generator engine will only be used during power outages to supply backup electricity to the Facility. The title V

renewal permit includes conditions for this emergency generator engine to demonstrate compliance with 40 CFR Part 63 Subpart ZZZZ.

The existing permit does not have monitoring, recordkeeping and reporting (MRR) for the following emission units identified in Table 6: Condensate Storage Tanks (T1 and T2), Truck Loading (L1), Equipment Leaks (F1), and Startup, Shutdown and Maintenance (SSM). Therefore, MMR requirements have been added to the title V renewal permit in Sections 6.3 through 6.6. These MMR's are to assure and verify compliance with the PTE presented in Table 6, pursuant to 40 CFR 71.6(c)(1). This applies similarly to situations where a source is subject to a work practice standard. The permit would need to contain some means of assuring compliance with the work practice requirement.

6. Public Participation

The Tribal and State governments and permitting authorities that are within a 50-mile radius of the Facility include the JAN Reservation, Pueblo of Jemez, Navajo Nation, Southern Ute Indian Reservation, New Mexico Environmental Department, City of Albuquerque/Bernalillo County Air Quality Board and Colorado Department of Public Health and the Environment. Notification letters and the public notice of this Part 71 renewal permit action will be sent by electronic mail in accordance with 40 CFR §71.8. The administrative record for this permit action (including the draft permit, statement of basis, all other supporting documentation) will be made available at the time of Public Notice at www.regulations.gov under Docket No. **EPA-R06-OAR-2023-0250** in accordance with 40 CFR §71.11. As described in 40 C.F.R. § 71.11(a)(5), all Part 71 draft operating permits shall be publicly noticed and made available for public comment. The public notice of permit actions and public comment period is described in 40 C.F.R. § 71(d).

There will be a 30-day public comment period for actions pertaining to a draft permit. Notification will be given for this draft permit to the permit applicant, the affected tribe, the affected state, the tribal and local air pollution control agencies, the city and county executives, and the state and federal land managers which have jurisdiction over the area where the source is located. A notification will also be provided to all persons who have submitted a written request to be included on the notification list. If you would like to be added to our notification list to be informed of future actions on this or other CAA permits issued in Indian country, please send an email using the link for Region 6 CAA permit public comment opportunities <https://www.epa.gov/caa-permitting/forms/public-notice-distribution-list-cao-permits-south-central-region-6> . Public notice will be provided at <https://www.epa.gov/publicnotices> giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

Opportunity to Comment

Members of the public will be given an opportunity to review a copy of the draft permit prepared by the EPA, the application, this Statement of Basis for the draft permit and all supporting materials for the draft permit. An electronic copy of the draft permit and related documents may be viewed online at the website cited below. Information is also available by emailing or speaking with the following contact:

Contact: Erica Le Doux, Environmental Engineer, (214) 665-7265 or ledoux.eric@epa.gov .

Electronic copies of the draft permit, Statement of Basis and supporting permit record may be accessed

for review at: <https://www.regulations.gov> (Docket I.D. #EPA-R06-OAR-2023-0250) or <https://www.epa.gov/caa-permitting/part-71-operating-permits-tribal-lands-epas-south-central-region>

Any interested person may submit written comments on the draft Part 71 operating permit during the public comment period by email using the instructions on the public comment opportunities web site address listed above or through <https://www.regulations.gov> (Docket I.D. #EPA-R06-OAR-2023-0250). All comments will be considered and answered by the EPA in making the final decision on the permit. The EPA keeps a record of the commenters and of the issues raised during the public participation process.

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

The final permit will be a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who comment on the draft permit. The final permit and response to comments document will also be available online at: <https://www.regulations.gov> (Docket I.D. #EPA-R06-OAR-2023-0250) or <https://www.epa.gov/caa-permitting/part-71-operating-permits-tribal-lands-epas-south-central-region>.

Opportunity to Request a Hearing

A person may submit a written request for a public hearing to the <https://www.regulations.gov> (Docket I.D. #EPA-R06-OAR-2023-0250), by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, the EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. The EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

Appeal of Permits

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

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

exercise of discretion, or an important policy consideration that the EAB should review.

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

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

Petition to Reopen a Permit for Cause

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

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

Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. § 7401, <i>et seq.</i>]
C.F.R.	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency, Region #
EU	Emission Unit
Facility	[Name of Source and Source Address of Physical Location]
gal	gallon
g	grams
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
Operator	[Name of Operator]
Permittee	[Name of Owner/Operator]
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compounds