

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

Attachment A

Administrative Record Document No. 3

Statement of Basis for Draft Permit No. V-UO-000004-2019.00, Deseret Generation and Transmission Co-operative Bonanza Power Plant (EPA-R08-OAR-2019-0350-0006)

**Air Pollution Control
Federal Clean Air Act (CAA) Title V Permit to Operate
Statement of Basis for Draft Permit No. V-UO-000004-2019.00**

**Deseret Generation and Transmission Co-operative
Bonanza Power Plant
Uintah and Ouray Indian Reservation
Uintah County, Utah**

I. Facility Information

A. Location

Deseret Generation and Transmission Co-operative's (Deseret) Bonanza Power Plant (Bonanza) is located on Indian country lands within the Uintah and Ouray Indian Reservation, in the northeastern part of the state of Utah, in Uintah County, Utah. Bonanza is located at SE/SE Section 26, Township 8S, Range 23E, Latitude 40.086389, Longitude 109.280. The facility mailing address is:

Bonanza Power Plant
Deseret Generation and Transmission Co-operative
12500 East 25500 South
Vernal, Utah 84078

B. Contacts

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C. Description

Bonanza is an approximate 500 megawatt (MW) gross, coal fired electric generating unit (EGU). Coal is delivered to the site by train from Deseret's Deserado coal mine near Rangely, Colorado. On occasion, coal is purchased on the open market and delivered to Bonanza by truck. Coal is stored on a 22-acre (footprint) storage pile. The active reclaim area of this pile must not exceed 11 acres, but the reclaim area may be moved to any location on the pile. The other 11 acres will be considered in long term storage. The long-term storage area will be compacted and sealed with surfactant initially. Subsequent application of a sealing agent will be applied as needed. The coal storage pile is maintained by mobile equipment. All of the coal conveyors are covered to minimize fugitive dust.

Limestone is used in the sulfur dioxide (SO₂) scrubber and is stored on site in a pile(s). It is conveyed into the scrubber by a covered conveyor. The limestone storage pile(s) is maintained by mobile equipment to minimize fugitive dust.

The byproducts of the plant are fly ash, bottom ash and scrubber sludge. Fly ash and scrubber sludge are mixed together and are transferred by a covered conveyor to the fly ash/sludge landfill. Occasionally, this product is trucked to the fly ash/sludge landfill during an equipment malfunction. The fly ash/sludge landfill is maintained by mobile equipment. The bottom ash is trucked to the bottom ash landfill and maintained by mobile equipment.

Fuel Systems

Bituminous low-sulfur coal is the primary fuel source for the plant. The coal comes into the plant by train from the Deserado coal mine. From the train the coal can be delivered to the outdoor coal storage pile or to the coal storage silo. From the storage silo the coal is conveyed to the crusher. Coal can also be reclaimed from the outdoor storage pile by conveying it to the crusher. In prior years, the crusher was only used occasionally, but is now used routinely, as it helps the pulverizers run more smoothly. Crushed coal is conveyed from the crusher to the bunkers just upstream of the pulverizers. There are five pulverizers. Each pulverizer has its own bunker. Stored coal is conveyed from the bunkers to the pulverizers. At the pulverizers the coal is pulverized to the consistency of talcum powder and fired into the boiler. The unit at full load burns about 250 tons of coal per hour and 6,000 tons of coal every 24 hours. Full load heat input rate to the boiler is about 4,578 million British thermal units per hour (MMBtu/hr); Low-NO_x burners (LNBs) are used in the boiler for nitrogen oxides (NO_x) emission control. Fuel oil is used to start up the main boiler from a cold start, to change pulverizing equipment on line, and to operate the auxiliary boiler during shutdowns and for cold unit starts. Natural gas may be used for firing these boilers in the future as economics dictate. Fuel oil is also used to operate the plant's emergency diesel generator and emergency diesel fire pump. Fuel oil is stored in two 288,000 gallon tanks on site. Diesel refueling is performed on site for heavy equipment via above-ground 20,000 gallon storage tanks. Propane is used to heat outlying coal handling buildings via construction heaters. The propane storage tank holds 30,000 gallons. A gasoline refueling station using a 10,000 gallon above-ground storage tank is also on the plant site for smaller vehicles.

Turbine Generator System

The turbine generator uses steam at 1,005°F and 2,485 pounds per square inch (psi) produced by the boiler to generate electricity. The turbine generator uses a lube oil system which includes a main reservoir, clean and dirty storage tanks, pumps and filters. The generating process involves converting mechanical energy to electrical energy supplying the plant site and for sales on the Western grid.

Steam Generator System

Coal is pulverized and fed into the boilers via hot air streams to produce the steam needed for energy demands. Coal usage and steam production vary with energy needs. Fuel oil is used in the ignitors to support starting and stopping of the coal pulverizing equipment and for flame stabilization during transients. Fuel oil is also used for start-up steam production in a unit cold start. Auxiliary steam is produced by the package boiler for unit cold starts or supplemental heating during unit outages. The package boiler uses fuel oil and is rated at 150,000 pounds of steam per hour at 150 psi.

Pollution Control System

The power plant uses an Ecolaire baghouse for particulate control, a Combustion Engineering wet scrubber for SO₂ control and low-NO_x burners for NO_x control.

Baghouse

The baghouse system for the main boiler is divided into two separate sections, each consisting of 12 compartments. The two sections are on separate duct fan trains. Each compartment contains 450, 12-inch diameter, 37-foot long bags, for a total of 10,800 bags (both sections combined). Average pressure drop is 5.5 inches of water. The ducting allows for the use of any combination of compartments in a section at any time. Under normal circumstances, both sections of the baghouse are in use at the same time and all compartments are in use except during maintenance. Gas flow at full load through the baghouse and scrubber is approximately 1.16 million standard cubic feet per minute (scfm). The baghouse is designed to be 99.9% efficient.

The baghouse system is a reverse gas design using not only reverse gas but sonic horns for bag cleaning. Ash removal is accomplished by passing the boiler flue gas through the glass fabric bags where the ash is filtered by the fabric and trapped inside the bag. At a preset differential pressure, the compartment is removed from the gas stream and the bags are collapsed via a reverse gas stream. The collapsed bags release the trapped ash and it falls into a hopper below the compartment. From the hopper, the ash is transported to a silo where it is mixed with scrubber waste streams for landfill.

Scrubber

The SO₂ scrubber is a wet limestone system, built by Combustion Engineering. It consists of three identical countercurrent absorber modules, of which at least two are on line any time the plant is in service. Each absorber module uses three levels of counterflow limestone slurry sprays at 12,000 gallons per minute (gpm) to react with the flue gas. The spray is collected on a slotted tray which forces the gas through 1.5 inch diameter holes. This not only straightens the gas flow but provides a 100% contact between the gas and the slurry.

Limestone is ground on site in ball mills and mixed with water to a percent solids by weight typically between 25% and 35% to produce the needed slurry. The slurry is mixed into the absorber modules that operate with a percent solids by weight typically between 13% and 17% and a pH typically between 5.0 and 6.0. The base and lower portion of each module tower is the slurry reaction tank. Each module also includes a bulk entrainment separator and mist eliminator vanes for water droplet removal. A mist eliminator cleaning system is used to clean the vanes. On occasion, scrubber enhancers such as adipic acid are added to the slurry as needed to aid in the removal process. The solids formed in the scrubbing

process are removed by a sludge handling system, mixed with flyash and conveyed or trucked to an onsite landfill.

Low-NO_x Burners

The low-NO_x burners were installed by Foster-Wheeler during the initial design and construction of the boiler. In 1997, a new generation of low-NO_x burners designed by Advanced Burner Technologies were installed to help the boiler meet its Acid Rain Program Phase II early election emission limit of 0.50 lb/MMBtu. The low-NO_x burners work on the principle that a cooler flame combusts less of the nitrogen in the coal, therefore creating less NO_x emissions. The early election limit expired at the end of 2007 and cannot be renewed. The Acid Rain emission limit for NO_x has reverted to the standard Phase II limit of 0.46 lb/MMBtu, effective starting January 1, 2008.

Emission Monitoring Equipment

A Spectrum extractive dilution system continuously monitors the gaseous pollutants (SO₂ and NO_x) and diluent carbon dioxide (CO₂) and flow rate at a level of the stack which is 334.5 feet above grade, and monitors SO₂ at the inlet ducts to the scrubber. Gas samples are carried by heated sample lines to the 6th floor of the scrubber where the analyzer and computer shelter is located. The data from the analyzers are sent to the data handling and acquisition system, where it is stored and used to generate reports to the U.S. Environmental Protection Agency.

Inlet monitoring or coal analysis may be used to calculate inlet SO₂ in lb/MMBtu for removal calculation purposes. Coal sampling and analysis is done according to the applicable American Society for Testing and Materials (ASTM) methods and 40 CFR part 60 (Part 60), Method 19 calculations.

Opacity is measured from the two ducts between the baghouses and the induced draft fans. The opacity monitors are located in the ductwork because the stack is a wet stack. Data from the two opacity monitors are averaged to report the stack opacity.

Stack parameters

The plant's main boiler stack is 600 feet high. It is constructed with a concrete shell and acid resistant brick liner. The exit diameter is 26 feet with an average exit temperature of about 120°F. The stack flow rate at full load is estimated to be about 1.3 million scfm with the new ruggedized rotor installed and operating.

The plant's auxiliary boiler stack is located in the Main Boiler building and extends through the roof. It is 240 feet high and has an exit diameter of 4.75 feet. The average exit temperature is 600°F when the unit is in operation. The stack flow rate is about 1,000 scfm.

Water supply system

Water is transported approximately twenty miles from the Co-operative's wells along the Green River. The system discharges through a maximum 450 kilowatt hydro-generator into the Raw Water Storage pond on site prior to treatment. The system is capable of transporting at least 13,000 gpm.

Boiler feedwater must be extremely clean and demineralized prior to use. All treatment is performed on site. Two stages of cleaning occur, the first in the Water Treatment facility where boiler water goes

through a reverse osmosis process. The second is in the turbine building where boiler water is then demineralized. The recirculation of the plant's condensate is also constantly polished to maintain strict compliance with boiler chemistry. Due to the remote location of the plant, the Co-operative also produces potable water on site.

Bonanza is a zero discharge facility. All wastewater and storm water are collected and re-used where possible. All remaining water is sent to the evaporation ponds where it is impounded.

D. Emissions Points

Table 1 lists emissions units and emissions generating activities, including any air pollution control devices. The Title V Operating Permit Program at 40 CFR part 71 (Part 71) allows the Permittee to separately list in the permit application units or activities that qualify as “insignificant,” or Insignificant Emissions Units (IEUs), based on potential emissions below two tons per year (tpy) for all regulated pollutants that are not listed as hazardous air pollutants (HAPs) under section 112(b) and below 1,000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. 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 IEUs for the purposes of the Part 71 application are in no way exempt from applicable requirements or any requirements of the Part 71 permit.

Table 1 – Emissions Units and Emissions - Generating Activities

Emissions Unit ID	Description	Control Equipment
1-1	Boiler: Foster-Wheeler 2-79-3846, 4,578 MMBtu/hr, 137,000 hp*, Steam Generator: Serial Number: 08-3846 Engine Installed: 01/01/1986	Baghouse (1) & Wet Limestone Scrubber (2)
1-2	Auxiliary Boiler (168 MMBtu/hr, pre-1984, fired on fuel oil or natural gas)	None (IEU)
1-3	Emergency Diesel Generator, Cummins QSK23-G7 NR2 (750 kw*, 1,220 hp, fired on fuel oil, started up in 2013) Serial Number: 323908 Manufacture Date: 01/13/2011	As Required in Permit Sections VI and VII
1-4	Emergency Diesel Fire Pump, Cummins Fire Power, CFP15E-F20 (3.71 MMBtu/hr, 525 hp, fired on fuel oil, installed in August 2014) Serial Number: 79728211 Manufacture Date: July 2014	As Required in Permit Sections VI and VII
1-5	5 Construction Heaters (12.81 MMBtu/hr each, fired on propane)	None (IEU)
DC-1	Coal Terminal Building (Coal distribution facility connecting conveyors 1,2 & 8)	Fabric Filter Dust Collector
DC-2	Coal Silo (Silo for storing and handling coal)	Fabric Filter Dust Collector

DC-3	Coal Silo Reclaim/Transfer (Coal handling area)	Fabric Filter Dust Collector
DC-4	Coal Crushing Building (Receives coal from silo and reclaim)	Fabric Filter Dust Collector
DC-5	5 Coal Bunkers (Coal storage bunkers that feed pulverizer)	Fabric Filter Dust Collector
LDC-1	2 Limestone Receiving Hoppers (Hopper to transfer limestone to the limestone conveyor)	Fabric Filter Dust Collector
LDC-2	2 Limestone Storage Bunkers (Limestone storage bunkers for feeding scrubber)	Fabric Filter Dust Collector
None	2 Fly Ash Silos (Stores fly ash prior to loading on landfill conveyor or truck loadout)	Fabric Filter Dust Collector
None	9 Coal Track Hoppers for Bottom-Dump (Below-track coal car unloading hopper)	Water Sprayers
None	Coal Pile (Coal storage pile, maximum 22 acres, consisting of a long term storage area and active/reclaim area - maximum 11 acres)	Surfactant Sealant
None	3 Coal Conveyors 1,2 & 8 (All covered)	Water Sprayers
None	4 Coal Conveyors 3a, 3b, 4a & 4b (All covered; coal transfer from storage to plant)	As Required in Permit Section XII
None	Limestone Long-Term Storage Pile (Surfactant sealant used as needed for dust control)	As Required in Permit Section XII
None	2 Limestone Conveyors (Covered; transfers limestone from storage area to scrubber)	As Required in Permit Section XII
None	9 Ash/Sludge Landfill Conveyors (Covered; Conveyor from sludge building to landfill; includes “grasshopper” conveyor system, consisting of four uncovered conveyors, at end of regular sludge conveyor system)	None (IEU)
None	Ash/Sludge Landfill Discharge Area (Active discharge area for ash and sludge)	Water Sprayers
None	Ash/Sludge Landfill (Stabilized and inactive)	None (IEU)

None	Access/Haul Roads (Partially paved road from boiler building to landfill and road from SFC discharge to bottom ash landfill; water sprays or chemical treatment as necessary for dust control)	As Required in Permit Section XII
None	Perimeter Road (Unpaved road around the perimeter fence; water sprays or chemical treatment as necessary for dust control)	As Required in Permit Section XII
Tank #1, West	#2 Diesel Fuel Oil Storage Tank #1 (288,000 gallon capacity)	None (IEU)
Tank #2, East	#2 Diesel Fuel Oil Storage Tank #2 (288,000 gallon capacity)	None (IEU)
None	Above-Ground Diesel Storage Tank (10,000 gallon capacity)	None (IEU)
None	Above-Ground Diesel Storage Tank (20,000 gallon capacity)	None (IEU)
None	Vehicle Refueling Equipment for Diesel and Gasoline	None (IEU)
None	Truck-Mounted Vacuum System ("Guzzler") (Mobile truck mounted vacuum equipped with particulate filter to clean up spilled material such as ash)	Particulate Filter
None	Water Treatment and Associated Chemical Storage (Areas for equipment and chemicals to react water used at site)	None (IEU)
None	Bottom Ash Landfill	None (IEU)

*MMBtu/hr = million British thermal units per hour; hp = horsepower; kw = Kilowatt

E. Potential to Emit

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

Director of the Office of Air Quality Planning and Standards titled, “Options for Limiting Potential to Emit of a Stationary Source under section 112 and Title V of the Clean Air Act.”

Deseret reported the controlled emissions unit-specific PTE in their Part 71 permit application. The PTE in Table 2 are based on the applicable legally and practicably enforceable requirements outlined in the draft permit.

Table 2 – Potential-to-Emit with Legally and Practically Enforceable Controls

Emissions Unit Id.	NO_x (tons/yr)	VOC* (tons/yr)	SO₂ (tons/yr)	PM₁₀* (tons/yr)	CO* (tons/yr)	Lead (tons/yr)	CO_{2e}* (tons/yr)	HAPs* (tons/yr)
Main Boiler 1-1 (Coal/Fuel Oil) ¹	5,619.3	60.2	1,957	573.7	6,659.2	0.4	-	25.8
Auxiliary Boiler ² (Fuel Oil)	4.8	0	0	0.2	1.0	0	-	0
Emergency Diesel Generator (Fuel Oil)	0.7	0	0	0	0.3	-	0.4	0
Emergency Diesel Fire Pump (Fuel Oil)	0.6	0.1	0	0	0.1	-	23.2	0
Construction Heaters-per unit 5 Total Units (Propane)	2.5	0.1	0	0.1	0.4	-	-	-
Existing Facility Totals	5,638	61	1,957	574	6,663	0	-	26³

* VOC = volatile organic compound; PM₁₀ = particulate matter; CO = carbon monoxide; CO_{2e} = equivalent CO₂; HAP = hazardous air pollutant.

1- Calculated on boiler heat input (approximately 4,578 MMBtu/hr) and rate limit of 0.28 lb/MMBtu which was based upon a rolling 365 boiler operating day average established by a synthetic MNSR permit (MNSR-UO-000004-2015.004) that also limits mass to 5,700 tons per rolling 12-months

2- Based on voluntary fuel usage and operational limit of 400 kilogallons of #2 fuel oil per 12-month period.

3- Single greatest HAP is Hydrogen Chloride with 9.3 tpy, followed by Hydrogen Fluoride which is 3.9 tpy.

II. Applicable Requirements Review

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

A. 40 CFR Part 51, Appendix M, Methods 201 and 201A

These Methods are applicable because the Federal Prevention of Significant Deterioration (PSD) permit of February 2, 2001 as discussed below, requires Method 201 or 201A to be used for demonstrating compliance with the PM₁₀ emission limit in the PSD permit (except if there is no reasonable way to eliminate liquid drops in the main boiler stack, in which case Method 5, 5A, 5B, 5D, 5E, 5G or 5H may be used). These Methods are referenced in Sections IV and VIII of the draft Part 71 operating permit.

B. 40 CFR 52.21 - Prevention of Significant Deterioration

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

In issuing a PSD permit on February 4, 1981, for initial construction of Bonanza, a new major stationary source, the EPA determined that the plant is subject to Federal PSD permitting under §52.21. The Federal PSD permit was updated and re-issued on February 2, 2001. Provisions from the 2001 Federal PSD permit that currently apply to the main boiler stack are listed in Section VIII of the draft Part 71 operating permit, except for Part 60 provisions, which are incorporated into Section III the draft permit.

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

The Federal Major New Source Review Program for Nonattainment Areas in Indian Country (NNSR Permit Program) at 40 CFR 49.166 (Part 49) is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a “major” stationary source or “major modification” of an existing stationary source in an area that the EPA has designated nonattainment for a National Ambient Air Quality Standard (NAAQS). Similar to the PSD Permit Program, source size is defined in terms of PTE, but a new stationary source or a modification to an existing stationary source is major if the proposed project has the PTE for any pollutant regulated under the Part 49 requirements in amounts equal to or exceeding specified major source thresholds defined in 40 CFR part 51, appendix S.

On April 30, 2018, the EPA designated portions of the Indian country lands within the Uintah and Ouray Indian Reservation as marginal nonattainment for the 2015 ozone NAAQS, effective on August 3, 2018. Bonanza is located within that marginal ozone nonattainment area. Appendix S lists the marginal ozone nonattainment major source threshold for VOC or NO_x emissions as 100 tpy. As such, at the time of construction, Bonanza was considered a major source with respect to the PSD Permit Program as described in Section B of this Statement of Basis and is still considered an existing major source for ozone with respect to the NNSR Permit Program. The preconstruction review requirements of the NNSR Permit Program would apply to any future proposed modification at Bonanza that exceeds 40 tpy of VOC or NO_x emissions.

D. 40 CFR Part 49, Subpart C: General Federal Implementation Plan Provisions – Federal Minor New Source Review Program in Indian Country

The Federal Minor New Source Review (MNSR) Permit Program at 40 CFR 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 Nonattainment New Source Review Permit Program (NNSR) at 40 CFR part 49, subpart C, and above the minor source thresholds in Table 1 of 40 CFR 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 Emissions Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR 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 (O&NG) production and natural gas processing segments that are in Indian country (O&NG FIP).

Bonanza currently holds a synthetic MNSR permit (herein referred to as the MNSR permit) issued by the EPA pursuant to the provisions of 40 CFR part 49 effective on March 13, 2016, containing legally and practicably enforceable emissions requirements and limitations (permit number MNSR-UO-000004-2015.004). The MNSR permit authorized the replacement of the existing low-NO_x burners with new LNBS, along with installation of overfire air (OFA), to reduce NO_x emissions. The permit incorporates the NO_x control requirements and emission limits, as well as a coal consumption cap, from a settlement agreement finalized on December 23, 2015, between Deseret Generation & Transmission Cooperative, Sierra Club, WildEarth Guardians, and the EPA related to air emissions at the facility.

E. Source Determination

At 40 CFR 71.2, a major source is generally defined as any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, are under common control of the same person (or persons under common control)) and belong to a single major industrial grouping.

According to information provided by Deseret, there are no adjacent or contiguous sources under common control within ¼ mile from Bonanza and belong to a single major industrial grouping or Standard Industrial Classification (SIC) code.

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

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

Bonanza was constructed after the date of publication of Subpart Da of Part 60 and is subject to Subpart Da (see below); therefore, Bonanza is subject to requirements of Subpart A of Part 60. Those requirements are listed in Section III of the draft Part 71 operating permit.

G. 40 CFR Part 60, Subpart D: Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971

The requirements of this subpart are not applicable to Bonanza because, as stated in §60.40(e), any facility covered under Subpart Da of Part 60 is not covered by Subpart D. Bonanza is covered under Subpart Da.

H. 40 CFR Part 60, Subpart Da: Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978

The requirements of Subpart Da of Part 60 apply to electric utility steam generating units capable of combusting more than 73 megawatts (250 MMBtu/hr) heat input of fossil fuel (either alone or in combination with any other fuel), and for which construction or modification is commenced after September 18, 1978. Bonanza is a fossil-fuel-fired electric utility steam generating unit rated at approximately 500 megawatts output and with heat input capacity of 4,578 million Btu per hour. Construction commenced after September 18, 1978. Therefore, Bonanza is subject to the requirements of Subpart Da of Part 60. Those requirements are listed in Section IV of the draft Part 71 operating permit.

I. 40 CFR Part 60, Subpart Db: Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

The requirements of this subpart are not applicable to Bonanza because, as stated in §60.40b(e), steam generating units meeting the applicability requirements under Subpart Da of Part 60 are not subject to Subpart Db. Bonanza meets the applicability requirements of Subpart Da.

J. 40 CFR Part 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

The requirements of this subpart are not applicable to Bonanza because, as stated in §60.40c(a), Subpart Dc applies only to steam generating units with maximum design heat input capacity of 29 megawatts (100 MMBtu/hr) or less. Bonanza's capacity is greater than 29 megawatts.

K. 40 CFR Part 60, Subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

As stated in §60.110(c), Subpart K is applicable to petroleum liquid storage vessels for which: (1) construction or modification commenced between March 8, 1974 and May 19, 1978, and have capacity greater than 40,000 gallons, or (2) construction or modification commenced between June 11, 1973 and May 19, 1978, and have capacity greater than 65,000 gallons. As stated in §60.111(b), the term "petroleum liquids" excludes #2-D and #4-D diesel fuel oil and excludes #2 through #6 grade fuel oil. The two 288,000-gallon diesel fuel oil storage tanks at Bonanza were constructed after May 19, 1978 and do not store "petroleum liquids" as defined in Subpart K. The 10,000-gallon gasoline and 20,000-gallon diesel storage tanks at Bonanza were also constructed after May 19, 1978, and are smaller than 40,000 gallons, and diesel is excluded from applicability. Therefore, the requirements of Subpart K are not applicable to Bonanza.

L. 40 CFR Part 60, Subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

As stated in §60.110a(a), Subpart Ka is applicable to petroleum liquid storage vessels for which construction is commenced after May 18, 1978, and have capacity greater than 40,000 gallons. As stated in §60.111a(b), “petroleum liquids” excludes #2-D and #4-D diesel fuel oil and excludes #2 through #6 grade fuel oil. The two 288,000-gallon diesel fuel oil storage tanks at Bonanza do not store “petroleum liquids” as defined in Subpart Ka. The 10,000-gallon gasoline and 20,000-gallon diesel storage tanks at Bonanza are smaller than 40,000 gallons, and diesel is excluded from applicability. Therefore, the requirements of Subpart Ka are not applicable to Bonanza.

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

As stated in §60.110b(a), Subpart Kb is applicable to storage vessels greater or equal to 40 cubic meters capacity (equivalent to 10,567 gallons) that are used to store volatile organic liquids and for which construction, reconstruction or modification commenced after July 23, 1984. The two 288,000-gallon diesel fuel oil storage tanks at Bonanza were constructed prior to July 23, 1984, as were the 10,000-gallon gasoline and 20,000-gallon diesel storage tanks at Bonanza. Therefore, the requirements of Subpart Kb are not applicable to the Bonanza plant.

N. 40 CFR Part 60, Subpart GG: Standards of Performance for Stationary Gas Turbines

The requirements of Subpart GG are not applicable to Bonanza because there are no stationary gas turbines at the plant.

O. 40 CFR Part 60, Subpart Y: Standards of Performance for Coal Preparation Plants

The requirements of Subpart Y of Part 60 apply to coal preparation plants constructed or modified after October 24, 1974 and processing more than 200 tons per day of coal. “Coal preparation plant” is defined in Subpart Y as any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning and thermal drying. Affected facilities at coal preparation plants include the following: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems (except for outdoor storage piles) and coal transfer and loading systems. The following facilities at Bonanza are affected by Subpart Y: coal processing and conveying equipment (including breakers and crushers) and coal storage systems. Those requirements are listed in Section XII.B of the draft Part 71 operating permit.

P. 40 CFR Part 60, Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

The requirements of Subpart IIII of Part 60 apply to owners and operators of 2007 model year and later emergency stationary compression ignition (CI) internal combustion engine (ICE) with a displacement of less than 30 liters per cylinder that are not fire pump engines. This Subpart applies to the Emergency Diesel Generator at Bonanza, which was installed in 2013.

Q. 40 CFR Part 60, Appendix A: Test Methods

All test methods in Appendix A of Part 60 that are necessary to demonstrate compliance with applicable requirements of Subpart Da of Part 60, Appendix F of Part 60, 40 CFR part 75 (Part 75), Appendices A and B of Part 75, or the Federal PSD permit issued on February 2, 2001, are applicable to Bonanza. This includes Methods 1-7, 9 and 19. These Methods are referenced in several sections of the draft Part 71 operating permit and in several sections of Part 75 and Appendices A and B of Part 75.

R. 40 CFR Part 60, Appendix B: Performance Specifications

As required by Subparts A and Da and Appendix F of Part 60, and by Appendices A and B of Part 75, Performance Specifications 1, 2 and 3 for opacity, SO₂, NO_x and diluent (O₂ or CO₂) continuous monitors, respectively, are applicable to the monitoring systems at Bonanza.

S. 40 CFR Part 60, Appendix F: Quality Assurance Procedures (subtitled “Procedure 1: Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determination”)

As stated in 40 CFR 60.13(a), for continuous monitoring systems required under applicable subparts of Part 60, the requirements of Appendix F apply, on and after December 4, 1987, where the continuous monitoring system is used to demonstrate compliance with emission limits in Part 60 on a continuous basis. Since Bonanza is required, under Subpart Da of Part 60, to use gas continuous emission monitoring systems to demonstrate compliance with the SO₂ and NO_x emission limits of Subpart Da on a continuous basis, the SO₂ and NO_x continuous emission monitoring systems at Bonanza are subject to requirements of Appendix F of Part 60.

T. 40 CFR Part 61: National Emission Standards for Hazardous Air Pollutants

40 CFR part 61 (Part 61) is not applicable to Bonanza because the plant is not within any of the industrial categories covered by Part 61, and/or because Bonanza does not have any types of processes or process units covered by Part 61.

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

The requirements of Subpart A of 40 CFR part 63 (Part 63) apply to sources that are subject to the specific subparts of Part 63. For sources subject to Subparts ZZZZ and UUUUU of Part 63, the extent to which the General Provisions apply is laid out in Table 8 to Subpart ZZZZ and in Table 9 to Subpart UUUUU. These requirements are referenced in Section V and Section VI of the draft Part 71 operating permit.

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

The requirements of Subpart ZZZZ of Part 63 apply to stationary reciprocating internal combustion engines (RICE) at a major or area source of HAP emissions. Applicability of specific requirements in Subpart ZZZZ is based on engine type (spark ignition (SI) versus CI), type of use (emergency versus non-emergency), engine size (site brake HP rating), whether the engine is new or existing (based on date of engine startup), and whether the engine is at a major source or an area source of HAPs.

Deseret is a major source of HAP emissions and has two engines that are subject to Subpart ZZZZ: the Emergency Diesel Generator and the Emergency Diesel Fire Pump. The Emergency Diesel Generator started up on January 8, 2013. The Emergency Diesel Fire Pump started up in the mid-1980s. As a new emergency-use stationary CI RICE with a site rating of more than 500 brake HP at a major HAP source, the Emergency Diesel Generator is subject only to an Initial Notification requirement. As an existing emergency-use stationary CI RICE with a site rating of less than 500 brake HP at a major HAP source, the Fire Pump is subject to certain maintenance practices found in section 1 of Table 2c of Subpart ZZZZ. These requirements are listed in Section VI of the draft Part 71 operating permit.

W. 40 CFR Part 63, Subpart UUUUU: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

The requirements of Subpart UUUUU of Part 63 apply to coal-fired and oil-fired electric utility steam generating units (EGUs), defined in 40 CFR 63.10042 as fossil fuel fired units of more than 25 megawatts serving a generator that produces electricity for sale. Since Bonanza Unit 1 is rated at more than 25 MW and produces electricity for sale, the requirements of Subpart UUUUU apply to Unit 1. Those requirements are listed in Section V of the draft Part 71 operating permit.

X. 40 CFR Part 64: Compliance Assurance Monitoring

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

1. CAM Applicability

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

- (a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under 40 CFR 64.2(b)(1);
- (b) The unit uses a control device to achieve compliance with any such limit or standard; and
- (c) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100% of the amount, in tpy, required for a source to be classified as a major Title V source.

2. CAM Plan Submittal Deadlines

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

- (i) On or after April 20, 1998, if by that date, a Part 71 application has either:
 - (A) Not been filed; or
 - (B) Not yet been determined to be complete.
 - (ii) On or after April 20, 1998, if a Part 71 permit application for a significant modification is submitted with respect to those PSEUs for which the requested permit revision is applicable; or
 - (iii) Upon application for a renewed Part 71 permit and a CAM plan has not yet been submitted with an initial or a significant modification application, as specified above.
- (b) Other PSEUs. A CAM Plan must be submitted for all PSEUs that are not large PSEUs, but are subject to this rule, upon application for a Part 71 renewal permit.

Since Bonanza is a Part 71 major source for particulate and for PM₁₀, and since the main boiler at Bonanza (Unit 1) is subject to emission limitations for particulate and PM₁₀, the potential pre-control emissions of particulate matter and PM₁₀ from the main boiler are above the major source threshold, and a control device is used at the main boiler to achieve compliance with the particulate matter and PM₁₀ limits, then Deseret must submit a CAM plan under §64.4 for particulate matter and PM₁₀ at the main boiler (Unit 1) at Bonanza.

The main boiler at Bonanza is a large PSEU with regard to particulate matter, PM₁₀, NO_x and SO₂ emissions. The Part 71 application was not submitted until after April 20, 1998. It was submitted in March of 2000. Therefore, Deseret is subject to the requirement to submit a CAM plan for particulate matter and PM₁₀ emissions. NO_x and SO₂ emissions are exempted from the requirement for a CAM plan, for the reasons explained below.

Under §64.2(b)(1), emission limitations or standards under Acid Rain Program are exempt from the requirements of 40 CFR part 64 (Part 64). Also exempted are emission limitations or standards for which a Part 71 permit specifies a continuous compliance determination method. All SO₂ and NO_x emission limits for Bonanza are exempted from the requirements of Part 64 because: (1) the draft Part 71 permit specifies a continuous compliance determination method for demonstrating compliance with those limits; and (2) the Acid Rain Program contains emission limitations for SO₂ and NO_x at Bonanza.

Deseret submitted a CAM plan on April 3, 2014. As with Bonanza's initial Title V permit, the EPA has used that CAM plan as a basis for the proposed CAM requirements.

Y. 40 CFR Part 68: Chemical Accident Prevention Provisions

As stated in §68.10(a), the requirements of 40 CFR part 68 (Part 68) are applicable to owners and operators of stationary sources that have more than a threshold quantity of a Part 68 listed substance in a process, as determined under §68.115. According to Part 71 permit renewal application for Bonanza, submitted to the EPA, Bonanza has no Part 68 listed substances in any processes that are above the threshold quantities in Part 68. Therefore, the requirements of Part 68 are not applicable to Bonanza.

Under §68.10(a), Bonanza would become subject to the requirement to develop and submit a risk management plan:

- (a) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130, or
- (b) The date on which a regulated substance under Part 68 is first present above a threshold quantity in a process.

Z. 40 CFR Part 72 (Acid Rain Program – Permits regulation)

As provided for in 40 CFR 72.6(a), the main boiler at Bonanza is an affected unit, and the plant is an affected source, under the Acid Rain Program, and therefore is subject to the requirements of 40 CFR parts 72 through 78. As provided for in §72.9(a)(1), the owners and operators of Bonanza are subject to the standard permit requirements in §72.9. Those requirements appear in Section X of the draft Part 71 operating permit.

AA. 40 CFR Part 73 (Acid Rain Program – Sulfur dioxide allowance system)

As provided for in §73.2(a), the requirements of 40 CFR part 73 (Part 73) apply to Bonanza because, under §72.6, it is an affected source, and Bonanza’s main boiler is an affected unit. Requirements of Part 73 appear in Section X of the draft Part 71 operating permit.

AB. 40 CFR Part 75 (Acid rain program – Continuous emission monitoring)

As provided for in §75.2, the requirements of 40 CFR part 75 (Part 75) apply to Bonanza’s main boiler because, under §72.6, it is an affected unit, and is subject to Acid Rain emission limitations or reduction requirements for SO₂ or NO_x. The requirement to comply with Part 75 appears in Section X of the draft Part 71 operating permit.

AC. 40 CFR Part 75, Appendix A: Specifications and Test Procedures

The requirements of Appendix A of Part 75 apply to Bonanza because Part 75 requires all continuous emission monitoring systems (CEMS) that are subject to Part 75 to comply with Appendices A and B of Part 75. The requirement to comply with Part 75 appears in Section X of the draft Part 71 operating permit.

AD. 40 CFR Part 75, Appendix B: Quality Assurance and Quality Control Procedures

The requirements of Appendix B of Part 75 apply to Bonanza because Part 75 requires all CEMS that are subject to Part 75 to comply with Appendices A and B of Part 75. The requirement to comply with Part 75 appears in Section X of the draft Part 71 operating permit.

AE. 40 CFR Part 75, Appendix D: Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Units

The requirements of Appendix D of Part 75 are applicable to emitting units under the Acid Rain Program that are gas-fired or oil-fired and have chosen Appendix D as an option for calculating and

reporting SO₂ emissions. The requirements of Appendix D are not applicable to Bonanza because the plant has no gas-fired or oil-fired emitting units that are subject to Acid Rain Program.

AF. 40 CFR Part 75, Appendix E: Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units

The requirements of Appendix E of Part 75 are applicable to emitting units under the Acid Rain Program that are gas-fired or oil-fired peaking units (“peaking unit” as defined in Part 72). The requirements of Appendix E are not applicable to Bonanza because the plant has no gas-fired or oil-fired emitting units that are subject to Acid Rain Program, nor any peaking units.

AG. 40 CFR Part 75, Appendix F: Conversion Procedures

The requirements of Appendix F of Part 75 apply to Bonanza because Appendix F applies to any monitoring system required under Part 75. The requirement for Bonanza’s monitoring system to comply with Part 75 appears in section X of the draft Part 71 operating permit

AH. 40 CFR Part 75, Appendix G: Determination of CO₂ Emissions

Appendix G is an optional procedure, for sources with Part 75 monitoring systems, for estimating mass emissions of CO₂ as the sum of CO₂ emissions from combustion and, if applicable, CO₂ emissions from sorbent used in a wet flue gas desulfurization system. The option for utilizing Appendix G is available for Bonanza because the plant has a Part 75 monitoring system and uses sorbent in a wet flue gas desulfurization control system.

AI. 40 CFR Part 76 (Acid Rain Program – Acid rain nitrogen oxides emission reduction program)

As provided for in §76.1(a), the requirements of Part 76 apply to Bonanza’s main boiler because it is a coal-fired utility unit that is subject to an Acid Rain emissions limitation or reduction requirement for SO₂ under Phase I or Phase II pursuant to sections 404, 405, or 409 of the CAA. The requirement to comply with 40 CFR part 76 appears in Section X of the draft Part 71 operating permit.

AJ. 40 CFR Part 77 (Acid Rain Program – excess emissions)

As provided for in §77.1(a), the requirements of 40 CFR part 77 (Part 77) apply to the owners and operators and, to the extent applicable, the designated representative of Bonanza because, under §72.6, the plant is an affected source and the main boiler is an affected unit under the Acid Rain Program. The requirement to comply with Part 77 appears in Section X of the draft Part 71 operating permit.

AK. 40 CFR Part 78 (Acid Rain Program – appeal procedures)

As provided for in §78.1(a)(1), the provisions of 40 CFR part 78 (Part 78) are applicable to Bonanza because those provisions govern appeals of any final decision of the EPA Administrator under parts 72 through 77, *provided* that matters listed in §78.3(d), and preliminary, procedural or intermediate decisions, such as draft Acid Rain permits, may not be appealed. Part 78 is referenced in Section X of the draft Part 71 operating permit.

AL. 40 CFR Part 82 (Protection of Stratospheric Ozone), Subparts A, B, C, D, E and G

Subpart A of 40 CFR part 82 (Part 82) pertains to Production and Consumption Controls for producers and importers of ozone-depleting substances. Subpart B of Part 82 pertains to Servicing of Motor Vehicle Air Conditioners. Subpart C of Part 82 pertains to a Ban on Nonessential Products containing ozone-depleting substances. Subpart D of Part 82 pertains to Federal Procurement of ozone-depleting substances. Subpart E of Part 82 pertains to Labeling of Products Using Ozone-Depleting Substances. Subpart G of Part 82 pertains to Significant New Alternatives Policy Program regarding ozone-depleting substances. None of these subparts of Part 82 contain any requirements applicable to stationary sources, and therefore do not contain any requirements applicable to Bonanza.

AM. 40 CFR Part 82, Subpart F (Stratospheric Ozone and Climate Protection, Recycling and Emissions Reduction)

The requirements of Subpart F of Part 82 apply to any air conditioning “appliances” at Bonanza as defined in §82.152. The Part 71 permit application for Bonanza (at page H-9) identifies Subpart F of Part 82 as being applicable to Bonanza. The applicable requirements are included in Section XIII. of the draft Part 71 operating permit.

AN. 40 CFR Part 82, Subpart H (Stratospheric Ozone and Climate Protection, Halon Emissions Reduction)

The requirements of Subpart H of Part 82 are applicable to any fire extinguishers containing Halon 1211, 1301 or 2402. A letter from the permittee to EPA Region 8 on May 30, 2002, stated that there are fire extinguishers at Bonanza containing about 4,000 pounds of Halon 1301; therefore, Subpart H of Part 82 is applicable to Bonanza. An amendment to the updated Part 71 permit application for Bonanza, submitted to the EPA on March 18, 2013, confirmed that Subpart H is applicable. The applicable requirements are included in Section XIII of the draft Part 71 operating permit.

AO. 40 CFR Part 98: Mandatory Greenhouse Gas Reporting Rule

This rule requires sources above certain emission thresholds to calculate, monitor and report greenhouse gas emissions. According to the definition of “applicable requirement” in 40 CFR 71.2, neither 40 CFR part 98 (Part 98), nor CAA section 307(d)(1)(V), the CAA authority under which Part 98 was promulgated, are listed as applicable requirements for the purpose of Title V permitting. Although Part 98 is not an applicable requirement under Part 71 and is not included in the draft Part 71 operating permit, the permittee is not relieved from the requirement to comply with the rule separately from compliance with the Part 71 operating permit. It is the responsibility of each source to determine applicability to Part 98 and to comply if necessary.

III. EPA Authority

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

As described in 40 CFR 71.4(a), the EPA will implement a Part 71 program in areas where a state, local or tribal agency has not developed an approved 40 CFR part 70 (Part 70) program. Unlike states, tribes are not required to develop operating permits programs, though the EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the “Tribal Authority Rule”). Therefore, within Indian country, the EPA will administer and enforce a Part 71 federal operating permit program for stationary sources until a tribe receives approval to administer their own operating permit program. The Ute Tribe has neither been delegated authority to implement the Part 71 program, nor developed an approved Part 70 program; therefore, the EPA administers and enforces the Part 71 program on the Uintah and Ouray Indian Reservation.

IV. Use of All Credible Evidence

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

V. Public Participation

A. Public Notice

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

There will be a 30-day public comment period for actions pertaining to a draft permit. Notification will be given for this draft permit by emailing a copy of the notice to the permit applicant, the affected state, 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 be provided to all persons who have submitted a request to be included on the mailing list.

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

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

B. Opportunity to Comment

Due to the COVID-19 pandemic, you may view an electronic copy of the proposed permit and related documents online at the website cited below. Information is also available by emailing or speaking with the following contacts:

Ute Indian Tribe
Energy and Minerals Department Office

988 South 7500 East, Annex Building
Fort Duchesne, Utah 84026
Contact: Mike Natchees, Director, Air Quality Program, at (435) 725-4974 or miken@utetribe.com

and

U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street (8ARD-PM)
Denver, Colorado 80202-1129
Contact: Lohitaksha (Lo.) Rao, Environmental Scientist, at (303) 312-6241 or rao.lohitaksha@epa.gov

Electronic copies of the draft permit, Statement of Basis and supporting permit record may be accessed for review at:

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

Any interested person may submit written comments on the draft Part 71 operating permit during the public comment period by email using the instructions on the public comment opportunities web site address listed above or through <https://www.regulations.gov> (Docket ID # EPA-R08-OAR-2019-0350). 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 accessible online at: <https://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8>. Anyone may request a copy of the final permit at any time by contacting the Tribal Air Permit Program at (800) 227-8917 or by sending an email to r8airpermitting@epa.gov.

C. Public Hearing

The Ute Tribe has requested a public hearing be scheduled for this permitting action. The EPA will provide a public notice and further information about this hearing in the bulletin and correspondence for this permitting action. In light of the current COVID-19 pandemic, the EPA intends to hold a virtual public hearing. At the virtual public hearing, any person may provide oral testimony or may follow instructions provided in subsection V.B above for submitting written statements and data concerning the draft permit.

D. Appeal of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board (EAB) to

review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30-day period to appeal a permit begins with the EPA's service of the notice of the final permit decision.

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

E. Petition to Reopen a Permit for Cause

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

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