



**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION 8**

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State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

**Department of
Environmental Quality**

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Ref: 8ENF-AT

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Mr. Justin Foraie
Vice President, Engineering and EH&S
Crescent Point Energy U.S. Corp.
555 17th Street, Suite 1800
Denver, Colorado 80202

CT Corporation System
1108 East South Union Avenue
Midvale, Utah 84047

Re: Notice of Violation to Crescent Point Energy U.S. Corp. and CH4-Finley Operating, LLC

Dear Mr. Foraie and Registered Agent:

The U.S. Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality, Division of Air Quality (UDAQ) issue the enclosed Notice of Violation to Crescent Point Energy U.S. Corp. (Crescent Point) and CH4-Finley Operating, LLC (CH4-Finley) (jointly the Respondents), for alleged violations at oil and natural gas production operations located in the Uinta Basin.

The EPA and UDAQ jointly allege violations of Standards of Performance for Crude Oil and Natural Gas Production, Transmission, and Distribution for which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015, 40 C.F.R. part 60, subpart OOOO (NSPS OOOO); or, Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015, 40 C.F.R. part 60, subpart OOOOa (NSPS OOOOa), or provisions of approval orders issued by the State of Utah pursuant to an EPA-approved permitting program at the facilities listed on Table 1 of Appendix B to the Notice of Violation.

The EPA separately alleges violations of NSPS OOOOa and of synthetic minor source permits issued under the Federal Indian Country Minor New Source Review Rule, 40 C.F.R. part 49, subpart C, at facilities located on the Uintah and Ouray Reservation and listed on Table 2 of Appendix B to the Notice

of Violation. Also, separately, the UDAQ alleges violations of the state-enforceable air quality regulations for the oil and gas industry at facilities under the State of Utah's jurisdiction listed on Table 3 of Appendix B to the Notice of Violation.

We are offering Respondents an opportunity to confer with the EPA and the UDAQ about the violations alleged in this Notice of Violation. The conference will provide an opportunity to present information on the specific alleged violations and any efforts Crescent Point or CH4-Finley has taken to comply or prevent future noncompliance. Within 20 days of receipt of this Notice, please provide a written response to this Notice of Violation to Lauren Hammond, Senior Assistant Regional Counsel, at Hammond.lauren@epa.gov. If Crescent Point would like to schedule a meeting, please contact Lauren Hammond within 20 days of receipt of this Notice at (303) 312-7081 or Hammond.lauren@epa.gov.

Sincerely,



07/23/2020

SUZANNE BOHAN Digitally signed by SUZANNE BOHAN
Date: 2020.07.24 10:51:40 -06'00'

Bryce C. Bird, Director
Utah Department of Environmental Quality
Division of Air Quality

DATE

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division
EPA Region 8

DATE

Enclosures

Ecc (w/Encl.): Justin Foraie, Vice President, Engineering and EH&S, Crescent Point Energy U.S. Corp.

Jay Morris, Manager, Compliance Branch, Utah Division of Air Quality, UDEQ
Rik Ombach, Minor Source Compliance Branch Manager, Utah Division of Air Quality, UDEQ
Luke Duncan, Chairman, Ute Indian Tribe
Tony Small, Vice-Chairman, Ute Indian Tribe Vice-Chairman
Shaun Chappoose, Councilman, Ute Indian Tribe
Edred Secakuku, Councilman, Ute Indian Tribe
Ronald Wopsock, Councilman, Ute Indian Tribe
Sal Wopsock, Councilman, Ute Indian Tribe
Bruce Pargeets, Director, Ute Indian Tribe Energy & Minerals Department
Mike Natchees, Air Quality Program Director, Ute Tribe Energy & Minerals Department
Jeremy Patterson, Tribal Attorney, Fredericks Peebles & Morgan LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

and

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH DIVISION OF AIR QUALITY**

July 27, 2020
7:00 AM

IN THE MATTER OF:)
)
Crescent Point Energy U.S. Corp.)
555 17th Street, Suite 1800)
Denver, Colorado 80202)
)
and)
)
CH4 – Finley Operating, LLC)
1408 Lake Street)
Fort Worth, Texas 76102)
_____)

NOTICE OF VIOLATION

Received by
EPA Region VIII
Hearing Clerk

EPA Docket No. CAA-08-2020-0009

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401-7671q,
and Utah Code, Title 19, Chapter 2

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality, Division of Air Quality (UDAQ), jointly allege that Crescent Point Energy U.S. Corp. (Crescent Point) and CH4-Finley Operating, LLC (CH4-Finley) (jointly the “Respondents”) have violated or are violating the Clean Air Act at oil and natural gas production operations located in the Uinta Basin. Specifically, the EPA and the UDAQ jointly allege Respondents have violated or are violating Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015, 40 C.F.R. part 60, subpart OOOO (NSPS OOOO); or, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015, 40 C.F.R. part 60, subpart OOOOa (NSPS OOOOa). The EPA and the UDAQ further jointly allege Respondents have violated or are violating federally enforceable provisions of approval orders issued by the State of Utah pursuant to an EPA-approved permitting program.

Separately, the UDAQ alleges violations of State-enforceable air quality regulations for the oil and gas industry at facilities under the State of Utah’s jurisdiction, and the EPA alleges violations of NSPS OOOOa and provisions of federally-enforceable synthetic minor New Source Review permits at facilities located on the Uintah and Ouray Indian Reservation.

I. STATUTORY AND REGULATORY BACKGROUND

1. The Clean Air Act's purpose is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. § 7401(b)(1).

New Source Performance Standards

2. Section 111(b) of the Clean Air Act authorizes the Administrator of the EPA to promulgate standards of performance applicable to "new sources" within categories of sources that cause "air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b).

3. A "new source" is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will apply to such source. 42 U.S.C. § 7411(a)(2).

4. A "stationary source" is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).

5. In 1979, the EPA listed "Crude Oil and Natural Gas Production" as a source category that contributes significantly to air pollution and for which standards of performance would be established. 44 Fed. Reg. 49,222 (Aug. 21, 1979).

6. It is unlawful for owners or operators of any new source to operate in violation of applicable standards of performance after the standards have gone into effect. 42 U.S.C. § 7411(e).

40 C.F.R. Part 60, Subpart OOOO (NSPS OOOO)

7. In 2012, the EPA promulgated "Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution" under section 111 of the Clean Air Act. 77 Fed. Reg. 49,542 (Aug. 16, 2012). These standards are set forth in 40 C.F.R. part 60, subpart OOOO, which includes 40 C.F.R. §§ 60.5360–5430.

8. Each of these standards is a "standard of performance" within the meaning of section 111(a)(1) of the Clean Air Act, 42 U.S.C. § 7411(a)(1), or a "design, equipment, work practice, or operational standard, or combination thereof" under section 111(h) of the Clean Air Act, 42 U.S.C. § 7411(h).

9. NSPS OOOO applies to "affected facilities" for which owners or operators commence construction, modification, or reconstruction after August 23, 2011, and on or before September 18, 2015. 40 C.F.R. § 60.5365.

10. A “storage vessel affected facility” under NSPS OOOO includes a single storage vessel located in the natural gas production segment that has the potential for volatile organic compounds (VOC) emissions equal to or greater than 6 tons per year, as determined according to 40 C.F.R. § 60.5365(e).

11. NSPS OOOO requires “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.” 40 C.F.R. § 60.5370(b).

12. For storage vessels constructed, modified, or reconstructed after August 23, 2011, and on or before April 12, 2013, owners and operators were required to submit a notification identifying each storage vessel affected facility in an initial annual report by July 14, 2015. The initial report must include documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5410(h)(4), 60.5420(b), 60.5420(c)(5)(iii).

13. For storage vessels constructed, modified, or reconstructed after April 12, 2013, and on or before September 18, 2015, owners and operators must demonstrate initial compliance by April 15, 2014, or within 60 days after startup, whichever is later. Within 90 days after the end of the initial compliance period, owners and operators must submit an initial annual report that identifies the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period and includes documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5410(h)(4), 60.5420(b), 60.5420(c)(5)(iii).

14. After the initial report, owners and operators must submit annual reports identifying the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period. Annual reports must include documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5420(b)(6), 60.5420(c)(5)(iii).

40 C.F.R. Part 60, Subpart OOOOa (NSPS OOOOa)

15. In 2016, the EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015” under section 111 of the Clean Air Act. 81 Fed. Reg. 35,824 (June 3, 2016). These standards are set forth in 40 C.F.R. part 60, subpart OOOOa, which includes 40 C.F.R. §§ 60.5360a–5432a (NSPS OOOOa).¹

¹ Following promulgation of the 2016 final rule, the EPA granted reconsideration of fugitive emission requirements at well sites and compressor stations, well-site pneumatic pump standards, and the requirements for professional engineer certification of closed vent systems. 82 Fed. Reg. 25,730 (June 5, 2017); 83 Fed. Reg. 52,056 (Oct. 15, 2018). This reconsideration does not affect the allegations in this Notice of Violation.

16. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the Clean Air Act, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the Clean Air Act, 42 U.S.C. § 7411(h).

17. NSPS OOOOa applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after September 18, 2015. 40 C.F.R. § 60.5365a.

18. A “storage vessel affected facility” under NSPS OOOOa includes a single storage vessel that has the potential for VOC emissions equal to or greater than 6 tpy, as determined according to 40 C.F.R. § 60.5365a(e).

19. NSPS OOOOa requires “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.” 40 C.F.R. § 60.5370a(b).

20. NSPS OOOOa requires storage vessel affected facilities that utilize a control device to be equipped with a cover that meets the requirements of 40 C.F.R. § 60.5411a(b) and is connected through a closed vent system that meets the requirements of § 60.5411a(c) and (d), and emissions must be routed to a control device that meets the conditions specified in § 60.5412(c) and (d). 40 C.F.R. § 60.5395a(b)(1).

21. Owners and operators must comply with the following requirements for covers on storage vessel affected facilities under NSPS OOOOa:

a. The cover and all openings on the cover (e.g., access hatches and pressure relief valves) shall form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel. 40 C.F.R. § 60.5411a(b)(1).

b. Each cover opening must be secured in a closed, sealed position whenever material is in the unit, except during those times specified in 40 C.F.R. § 60.5411(b)(2)(i)–(iv). 40 C.F.R. § 60.5411a(b)(2).

c. Each storage vessel thief hatch must be equipped, maintained and operated with a weighted mechanism or equivalent, to ensure that the lid remains properly seated and sealed under normal operating conditions, including such times when working, standing/breathing, and flash emissions may be generated. 40 C.F.R. § 60.5411a(b)(3).

22. Owners and operators must comply with the following requirements for closed vent systems associated with storage vessel affected facilities under NSPS OOOOa:

a. Design the closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412(c) and (d), or to a process. 40 C.F.R. § 60.5411a(c)(1).

b. Design and operate a closed vent system with no detectable emissions, as determined using olfactory, visual and auditory inspections. 40 C.F.R. § 60.5411a(c)(2).

23. Owners and operators must comply with the following requirements for control devices to reduce emissions from storage vessel affected facilities under NSPS OOOOa:

a. Reduce VOC emissions from storage vessel affected facilities by 95%. 40 C.F.R. § 60.5395a(a)(2).

b. Ensure each enclosed combustion device is maintained in a leak free condition. 40 C.F.R. §§ 60.5412a(d)(1)(i), 60.5413a(e)(7).

c. Install and operate a continuous burning pilot flame. 40 C.F.R. §§ 60.5412a(d)(1)(ii), 60.5413a(e)(2).

d. Design and operate a flare in accordance with the requirements of 40 C.F.R. § 60.18. 40 C.F.R. §§ 60.5412a(d)(3), 60.5425a.

e. Operate the control device with no visible emissions, except for periods not to exceed a total of one minute during any fifteen-minute period, as determined using EPA Method 22, 40 C.F.R. part 60, appendix A. 40 C.F.R. §§ 60.5412a(d)(1)(iii), 60.5413a(e)(3), 60.5417a(h)(1)(ii).

f. Operate each control device used to comply with NSPS OOOOa at all times when gases, vapors, and fumes are vented from storage vessel affected facilities through the closed vent system to the control device. 40 C.F.R. § 5412a(d)(4).

24. For each storage vessel affected facility, owners and operators must demonstrate initial compliance by August 2, 2016, or within 60 days after startup, whichever is later. Within 90 days after the end of the initial compliance period, owners and operators must submit an initial annual report that identifies the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period, storage vessels removed from or returned to service during the reporting period, and includes documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395a, 60.5411a, 60.5412a, and 60.5413a, as applicable. Subsequent annual reports are due no later than same date each year as the initial annual report. 40 C.F.R. §§ 60.5410a(h)(5), 60.5420a(b), 60.5420a(c)(5)(iii).

New Source Review

25. Section 110(a)(2)(C) of the Clean Air Act requires that every state implementation for national primary and secondary ambient air quality standards include a program to regulate the construction and modification of stationary sources, this includes a permitting program as required by parts C and D of Title I of the Act. 42 U.S.C. § 7410(a)(2)(C).

26. Sections 301(a) and 301(d)(4) of the Clean Air Act, as implemented through the Tribal Authority Rule, provide the EPA with broad discretion to develop a program to regulate new and modified minor sources in Indian Country. *See* 42 U.S.C. §§ 7601(a), 7601(d).

27. The EPA published the “Review of New Sources and Modifications in Indian Country,” effective July 1, 2011. 76 Fed. Reg. 38,748 (July 1, 2011). This rule created two New Source Review (“NSR”) regulations for the protection of air quality in Indian Country, including the “federal Indian country minor NSR rule.”

28. The federal Indian country minor NSR rule is codified at 40 C.F.R. §§ 49.151-49.161.

29. The purpose of the program is to establish a preconstruction permitting program for all new and modified minor sources and minor modifications at major sources located in Indian country. *See* 40 C.F.R. § 49.151(b)(1).

30. A “minor source” means a source with a potential to emit (“PTE”) regulated NSR pollutants in amounts that are less than the major source thresholds in 49.167, section 52.21, or section 71.2 of chapter 40, as applicable, but equal to or greater than the minor NSR thresholds in § 49.153. 40 C.F.R. § 49.152.

31. A “synthetic minor source” is defined as a source that otherwise has the PTE “regulated NSR pollutants in amounts that are at or above those for major sources in section 49.167, section 52.21, or section 71.2 of chapter 40, as applicable but that have taken a restriction such that its PTE is less than such amounts for major sources. Such restrictions must be enforceable as a practicable matter.” 40 C.F.R. § 49.152.

32. A “synthetic minor HAP source” means a source that otherwise has the potential to emit HAPs in amounts that are at or above those for major sources of HAP in 40 C.F.R. § 63.2, but that has taken a restriction so that its potential to emit is less than such amounts for major sources. *Id.*

33. “Volatile Organic Compounds” (“VOCs”) are among the regulated NSR pollutants. *See* Table 1, *Id.* at § 49.153.

34. “Hazardous Air Pollutants” (“HAPs”) under 40 C.F.R. § 63.2 are defined as any air pollutant listed under section 112(b) of the Clean Air Act. Section 112(b) of the Act includes, amongst other air pollutants, benzene. 42 U.S.C. § 7412(b).

35. A “stationary source” means any building, structure, facility, installation which emits or may emit a regulated NSR pollutant. 40 C.F.R. § 51, Appendix S, para. II(A)(1).

36. A “building, structure, facility or installation” means all of the pollutant-emitting activities which belong to the same industrial group, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control).” *Id.* at para. II(A)(2)(i).

37. A “building, structure, facility or installation” means for onshore activities under SIC Major Group 13: Oil and Gas Extraction, “all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are within ¼ mile of one another . . . and they share equipment.” *Id.*, at para. II(A)(2)(ii).

38. Construction of a new synthetic minor source/synthetic minor HAP source or modification to an existing synthetic minor source and/or synthetic minor HAP source on or after August 30, 2011, requires a permit to be obtained pursuant to 40 C.F.R. § 49.158. 40 C.F.R. § 49.151(c)(ii).

39. If an existing synthetic minor source and/or synthetic minor HAP source was established under a permit with enforceable emissions limitation issued pursuant to 40 C.F.R. part 71, the reviewing authority has the discretion to require an owner/operator to submit a permit application for a synthetic minor source permit under this program by September 4, 2012, and pursuant to 40 C.F.R. § 49.158. *Id.* at § 49.151(c)(ii)(C).

40. Amongst other requirements, all synthetic minor source permits must contain the emissions limits set by the EPA for each NSR pollutant, monitoring to ensure compliance with emission limitations, periodic testing of emissions monitoring, and recordkeeping and reporting requirements. *See* 40 C.F.R. §§ 49.155(a)(2)-(4).

Ute Tribal 20-02 Compressor Station

41. On August 21, 2019, the EPA issued a Synthetic Minor Source Permit to Construct (SMNSR-UO-008008-2017.001) to Crescent Point for the Ute Tribal 20-02 Compressor Station. The permit became effective September 20, 2019.

42. The Synthetic Minor Source Permit for Ute Tribal 20-02 Compressor Station sets emission limits for the HAP, benzene, at 1.0 ton in any consecutive 12-month period. *See* Condition I.C.2, permit SMNSR-UO-008008-2017.001.

43. Condition I.C.8 of permit SMNSR-UO-008008-2017.001 requires, among other things:

a. The Permittee shall perform monthly auditory, visual, and olfactory (AVO) inspections of the closed-vent system associated with the TEG dehydrator to ensure proper condition and functioning. If any components are not in good working condition, they must be repaired within 30 days of identification of the deficient condition and monthly visual inspections of the enclosed combustor used to control emissions from the TEG dehydrator. *See* Condition I.C.8(a) of permit SMNSR-UO-008008-2017.001.

b. The Permittee shall perform, at minimum, monthly visual inspections of the enclosed combustor used to control emissions from the TEG dehydrator. The monthly inspections shall include: (i) verification that the pilot light on the enclosed combustor is lit and if the enclosed combustor is being bypassed at the time of inspection, (ii) inspection of the thermocouple, and the malfunction alarm and notification system if the pilot flame fails or the electronically controlled automatic ignition device, as applicable, to ensure proper operation, (iii) inspection of the parameter monitoring system and recorded measurements to ensure proper operation of the enclosed combustor and monitoring system, and (iv) a response to any malfunction alarm or other indication of improper enclosed combustor or monitoring system operation by following the manufacturer's, vendor's, or Permittee's instructions to identify the cause of the deficiency and make any necessary repairs within 30 days of identifying the deficient condition to return the enclosed combustor and monitoring system to compliant operation. All repairs and maintenance activities shall be recorded in a maintenance and repair log and shall be made available for inspection. *See* Condition I.C.8(b) of permit SMNSR-UO-008008-2017.001.

c. The Permittee shall perform, at minimum, monthly visual inspections of the enclosed combustor to ensure it operates with no visible smoke emissions. If any visible smoke emissions are detected, the Permittee shall take actions as required by Conditions I.C.8(c)(i) through (iv), as applicable. *See* Condition I.C.8(c) of permit SMNSR-UO-008008-2017.001.

44. Condition I.C.9 of permit SMNSR-UO-008008-2017.001 requires, among other things, that the Permittee document and maintain records of all inspections for the closed-vent system, as well as all enclosed combustor inspections and testing. *See* Condition I.C.9(c) of permit SMNSR-UO-008008-2017.001.

45. Condition I.E.1 of permit SMNSR-UO-008008-2017.001 requires the Permittee to submit a written annual report summarizing compliance with the requirements for all emissions units at the Ute Tribal 20-02 Compressor Station each year no later than April 1st. The annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the person responsible for Clean Air Act compliance for the Permittee.

Federal 10-22-6-20 Well Production Facility

46. On July 18, 2019, the EPA issued a Synthetic Minor Source Permit to Construct (SMNSR-UO-001835-2017.002) to Crescent Point for the Federal 10-22-6-20 well production facility. The permit became effective August 19, 2019.

47. Condition I.C.1 of permit SMNSR-UO-001835-2017.002 requires, among other things, that the Permittee shall, at minimum, route all produced natural gas emissions from the 3-phase heater treater separator at the Federal 10-22-6-20 facility through a closed-vent system to a flare designed and operated according to requirements as specified in the permit. *See* Condition I.C.1(b) of permit SMNSR-UO-001835-2017.002.

48. Condition I.C.3 of permit SMNSR-UO-001835-2017.002 requires, among other things, that the flare described in Paragraph 47 be equipped with a monitoring system for continuous measuring and recording of the parameters that indicate proper operation of the flare and the continuous burning pilot flame or automatically controlled automatic ignition system (such as a chart recorder, data logger or similar device). Where sufficient to meet the monitoring requirements in this permit, the Permittee may use a Supervisory Control and Data Acquisition (SCADA) system to monitor and record the required data. *See* Condition I.C.3(c)(iv) of permit SMNSR-UO-001835-2017.002.

49. Condition I.C.4 of permit SMNSR-UO-001835-2017.002 requires, among other things:

a. The Permittee shall at minimum, perform monthly visual inspections of the flare and closed-vent system, including: (i) inspection of any thermocouple, malfunction alarm, and notification system that is activated if the pilot flame fails, or electronically controlled automatic ignition device that reignites the pilot flame if it goes out, as applicable, to ensure proper operation, (ii) performing an AVO inspection of the closed-vent system to ensure proper condition and functioning, (iii) inspection of the parameter monitoring system and recorded measurements to ensure proper operation of the flare and monitoring system, and (iv) a response to any malfunction alarm or other indication of improper flare, closed-vent system or monitoring system operation by following the manufacturer's, vendor's, or Permittee's instructions to identify the cause of the deficiency and make any necessary repairs within 30 days of identifying the deficient condition to return the enclosed combustor and monitoring system to compliant operation. *See* Condition I.C.4(a) of permit SMNSR-UO-001835-2017.002.

b. The Permittee shall perform, at minimum, monthly visual inspections of the flare to ensure it operates with no visible smoke emissions. If any visible smoke emissions are detected, the Permittee shall take actions as required by Conditions I.C.4(b)(i) through (iv), as applicable. *See* Condition I.C.4(b) of permit SMNSR-UO-001835-2017.002.

50. Condition I.C.5 of permit SMNSR-UO-001835-2017.002 requires that the Permittee document and maintain records of all inspections and testing for the closed-vent system and flare.

51. Condition I.D.1 of permit SMNSR-UO-001835-2017.002 requires, among other things, that the Permittee shall, at minimum, route all emissions from working, standing, breathing, and flashing losses from the crude oil and produced water storage tanks at the Federal 10-22-6-20 facility through a closed-vent system to an enclosed combustor designed and operated according to requirements as specified in the permit. *See* Condition I.D.1(b) of permit SMNSR-UO-001835-2017.002.

52. Condition I.D.3 of permit SMNSR-UO-001835-2017.002 requires, among other things, that the enclosed combustor described in Paragraph 51 be equipped with a monitoring system for continuous measuring and recording of the parameters that indicate proper operation of the enclosed combustor and the continuous burning pilot flame or automatically controlled automatic ignition system (such as a chart recorder, data logger or similar device). Where sufficient to meet the monitoring requirements in this permit, the Permittee may use a Supervisory Control and Data Acquisition (SCADA) system to monitor and record the required data. *See* Condition I.D.3(c)(iv) of permit SMNSR-UO-001835-2017.002.

53. Condition I.D.4 of permit SMNSR-UO-001835-2017.002 requires, among other things:

a. The Permittee shall perform monthly AVO inspections of tank thief hatches, covers, seals, pressure relief valves, and the closed-vent system, to ensure proper condition and functioning. If any of the components are not in good working condition, they must be repaired within 30 days of identification of the deficient condition. *See* Condition I.D.4(a) of permit SMNSR-UO-001835-2017.002.

b. The Permittee shall perform, at minimum, monthly visual inspections of the enclosed combustor used to control emissions from crude oil and produced water storage tanks. The monthly inspections shall include: (i) verification that the pilot light on the enclosed combustor is lit, (ii) notation if the enclosed combustor is being bypassed at the time of inspection, (iii) inspection of the thermocouple, malfunction alarm, and notification system if the pilot flame fails or the electronically controlled automatic ignition device, as applicable, to ensure proper operation, (iv) inspection of the parameter monitoring system and recorded measurements to ensure proper operation of the enclosed combustor and monitoring system, and (v) a response to any malfunction alarm or other indication of improper enclosed combustor or monitoring system operation by following the manufacturer's, vendor's, or Permittee's instructions to identify the cause of the deficiency and make any necessary repairs within 30 days of identifying the deficient condition to return the enclosed combustor and monitoring system to compliant operation. *See* Condition I.D.4(b) of permit SMNSR-UO-001835-2017.002.

c. The Permittee shall perform, at minimum, monthly visual inspections of the enclosed combustor to ensure it operates with no visible smoke emissions. If any visible smoke emissions are detected, the Permittee shall take actions as required by Conditions I.D.4(c)(i) through (iv), as applicable. *See* Condition I.D.4(c) of permit SMNSR-UO-001835-2017.002

54. Condition I.D.5 of permit SMNSR-UO-001835-2017.002 requires that the Permittee document and maintain records of inspections for all oil and produced water storage tanks and the closed-vent system, as well as all enclosed combustor inspections and testing.

55. Condition I.F.1 of permit SMNSR-UO-001835-2017.002 requires the Permittee to submit a written annual report summarizing compliance with the requirements for all emissions units at the Federal 10-22-6-20 facility each year no later than April 1st. The annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the person responsible for Clean Air Act compliance for the Permittee.

Approval Orders

56. All potential sources of air pollution subject to the State of Utah's regulations must submit a notice of intent and receive an approval order from the State prior to initiation of construction, modification, or relocation, unless exempt under the regulations. U.A.C. R307-401.

57. The EPA approved the State of Utah's notice of intent and approval order requirements into Utah's State Implementation Plan minor new source review program. 79 Fed. Reg. 7072 (Feb. 6, 2014). Requirements in approval orders (AOs) are therefore federally enforceable. *See* 40 C.F.R. § 52.23.

58. The UDAQ issued AOs to Crescent Point for several oil and natural gas production facilities in Utah. Relevant AO numbers are listed in Appendix B, Table 1, and were in effect at all times pertinent to this NOV.

59. CH4-Finley purchased the oil and natural gas production facilities referenced in Paragraph 58 from Crescent Point on October 18, 2019.

60. The AOs identified in Appendix B, Table 1, for Coleman Tribal 7-18-4-2E, Kendall 13-7-3-1E, Marsh 12-35-3-1E, and ULT 12-34-3-1E require owners or operators of oil and natural gas production facilities to keep storage tank thief hatches closed and latched except during tank unloading or other maintenance activities. *See* Condition II.B.2.c of AO Nos. DAQE-AN145880002-15, DAQE-AN147100002-14, DAQE-AN147270002-15, and DAQE-AN147610001-13.

61. The AOs identified in Appendix B, Table 1, for Coleman Cordova 13.5-28-3-1E-H1², Coleman Cordova 14-28-3-1E-H1, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Kendall

² Coleman Cordova 13.5-28-3-1E-H1 is the new and current name for Coleman Tribal 3-33-3-1E-1H. The name change was requested and approved by UDAQ on September 14, 2017 (Name Change letter DAQE-GN157330002-17). This facility is regulated by the joint AO issued to Coleman Cordova 14-28-3-1E-H1 and Coleman Tribal 3-33-3-1E-1H—old name for Coleman Cordova 13.5-28-3-1E-H1 on May 25, 2017 (DAQE-AN157330001-17).

Tribal 1-13-3-1W-H1, and Merritt 1-18-3-1E-H1³ require an owner or operator to keep storage tank thief hatches and other tank openings closed and sealed except during tank unloading or other maintenance activities. *See* Condition II.B.2.c of AO Nos. DAQE-AN157330001-17, DAQE-AN146590002-18, and DAQE-AN146650002-18, and Condition II.B.3.c of AO Nos. DAQE-AN146800003-17 and DAQE-AN146670003-18.

62. The AOs identified in Appendix B, Table 1, for Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Deep Creek 7-16-4-2E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Merritt 1-18-3-1E-H1, and Ute Energy 14-27-3-1E require an owner or operator to route all exhaust/gases/vapors/fumes from oil storage tanks and produced water storage tanks to an operating combustor at all times after startup of production. *See* Condition II.B.2.b of AO Nos. DAQE-AN157330001-17, DAQE-AN154950002-17, DAQE-AN146590002-18, and DAQE-AN146650002-18, Condition II.B.3.a of AO Nos. DAQE-AN146680003-16, DAQE-AN155340001-16, and DAQE-AN146240004-16, and Condition II.B.3.b of AO Nos. DAQE-AN146800003-17 and DAQE-AN146670003-18.

63. The AOs identified in Appendix B, Table 1, for Kendall 13-7-3-1E and ULT 12-34-3-1E, require an owner or operator to route all exhaust gas/vapors from oil storage tanks to an operating combustor/flare. *See* Condition II.B.3.a of AO Nos. DAQE-AN147100002-14 and DAQE-AN147610001-13.

64. The AOs identified in Appendix B, Table 1, for Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, and Ute Energy 14-27-3-1E require that each combustor shall operate with a continuous pilot flame and be equipped with an auto-igniter. *See* Condition II.B.4.a of AO Nos. DAQE-AN157330001-17 and DAQE-AN154950002-17 and Condition II.B.3.b of AO No. DAQE-AN146240004-16.

65. The AO identified in Appendix B, Table, 1, for ULT 12-34-3-1E, lists the approved installation as consisting of two (2) oil storage tanks, with a capacity of 400 barrels each. *See* Condition II.A.2 of AO No. DAQE-AN147610001-13.

66. The AOs identified in Appendix B, Table 1, require owners/operators of oil and natural gas production facilities to operate equipment approved under an AO, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. *See* Condition I.5 of AOs identified in Appendix B, Table 1.

³ Merritt 1-18-3-1E-H1 facility is the new name for Merritt 1.5-18-3-1E-H1. The name was changed with the Utah Division of Oil, Gas and Mining and mentioned in the UDAQ's Partial Compliance Evaluations dated November 1, 2018 (DAQC #2399-18). However, no formal name change request was submitted by the source to UDAQ to change the name to Merritt 1-18-3-1E-H1 and the AO the source currently operates under still has the old name of the facility. *See* DAQE-AN146670003-18 (Feb. 8, 2018).

State of Utah Air Quality Regulations for the Oil & Gas Industry

General Provisions

67. Effective December 2014, under Utah regulations, all oil and natural gas exploration, production, and transmission operations, and all well production facilities, must comply with general provisions for prevention of emissions and use of good air pollution control practices. U.A.C. R307-501.

68. “Well production facilities” include “all equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for production, extraction, recovery, lifting, stabilization, storage, separation, treating, dehydration, combustion, compression, pumping, metering, monitoring, and flowline.” U.A.C. R307-501-2(2).

69. Utah’s general provisions require the following:

a. “All crude oil, condensate, and intermediate hydrocarbon liquids collection, storage, processing and handling operations, regardless of size, shall be designed, operated and maintained so as to minimize emission of volatile organic compounds to the atmosphere to the extent reasonably practicable.” U.A.C. R307-501-4(1)(a).

b. “At all times, including periods of start-up, shutdown, and malfunction, the installation and air pollution control equipment shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions.” U.A.C. R307-501-4(1)(b).

c. “All air pollution control equipment shall be operated and maintained pursuant to the manufacturing specifications or equivalent to the extent practicable and consistent with technological limitations and good engineering and maintenance practices.” U.A.C. R307-501-4(2)(a).

70. “Installation” means a “discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.” U.A.C. R307-101-2.

71. The provisions referenced in Paragraphs 68-70 are enforceable only by the State of Utah.

II. FACTUAL BACKGROUND & FINDINGS OF VIOLATION

Factual Background

72. Crescent Point owned and operated oil and natural gas production facilities located on the Uintah and Ouray Indian Reservation and in the State of Utah.

73. Crescent Point owned and operated oil and natural gas production facilities listed on Appendix A of this NOV when inspections were conducted by the EPA on June 26, 2018, July 29, 2018, August 1, 2018, May 22, 2019, August 13, 2019, and August 14, 2019, as described in Paragraphs 87-104, below.

74. Crescent Point is a corporation incorporated in the State of Delaware and at all relevant times to this NOV was doing business in Utah.

75. Crescent Point is a “person” within the meaning of section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e)

76. Crescent Point was the previous owner and operator of the oil and natural gas production facilities listed on Appendices A and B.

77. On October 18, 2019, CH4-Finley acquired Crescent Point’s oil and natural gas production facilities listed on Appendices A and B, located on the Uintah and Ouray Indian Reservation and in the State of Utah.

78. CH4-Finley is a company incorporated in the State of Delaware and doing business in the State of Utah.

79. CH4-Finley is a “person” within the meaning of section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e).

80. CH4-Finley is the current owner and operator of oil and natural gas production facilities on Appendices A and B.

81. Oil and water produced from these facilities are stored in produced oil and produced water storage vessels. Produced oil and produced water storage vessels are kept at or near atmospheric pressure.

82. When pressurized oil is transferred to atmospheric storage vessels, some of the hydrocarbons in the oil, including VOC and hazardous air pollutants, vaporize in a process commonly known as “flashing.” After flashing occurs, the oil continues to emit vapors due to liquid level changes and temperature fluctuations (commonly known as “working,” “standing,” or “breathing” losses).

83. Vapors from storage vessels are captured and controlled through a series of pipes or vent lines that route vapors to a combustion device.

84. Based on well production data reported to the Utah Division of Oil, Gas and Mining (UDOGM), the EPA believes that storage vessels at the following CH4-Finley oil and natural gas production facilities are subject to requirements for storage vessel affected facilities in NSPS OOOO: Deep Creek 15-24-3-1E, Deep Creek 16-24-3-1E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Marsh 12-35-3-1E, Merritt 3-18-3-1E, ULT 12-34-3-1E, and ULT 3-35-3-1E.

85. Based on information reported by Crescent Point in its annual NSPS OOOOa reports, storage vessels at the following CH4-Finley oil and natural gas production facilities are subject to requirements for storage vessel affected facilities in NSPS OOOOa: Four Star Federal 6-27-7-20E, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Ute Tribal 2-13-4-2E-H1, Ute Tribal 2-22-27-3-2E-H1, Ute Tribal 3-24-3-1W-H1, Ute Tribal 3-35-2-3-2E-H1, Ute Tribal 4-23-3-1W-H1, Ute Tribal 4-7-18-4-3E-H1, and Ute Tribal 9-1-12-4-2E-H1.

86. Based on well production data reported to the UDOGM, the EPA believes that storage vessels at the following CH4-Finley oil and natural gas production facilities are subject to requirements for storage vessel affected facilities in NSPS OOOOa: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Kendall Tribal 1-13-3-1W-H1, and Kendall Tribal 13-7-6-3-1E-H4.

87. On June 26, 2018, the EPA conducted onsite inspections at six Crescent Point oil and natural gas production facilities in the Uinta Basin. Inspections were conducted jointly with the Ute Indian Tribal Air Program. Using OVA observations and an optical gas-imaging infrared camera (IR camera), the EPA observed vapors being emitted directly to the atmosphere from storage vessels at three of the six oil and natural gas production facilities inspected: Four Star Federal 6-27-7-20E, Ute Tribal 3-24-3-1W-H1, and Ute Tribal 4-23-3-1W-H1. These facilities are currently owned and operated by CH4-Finley. *See* Appendix A.

88. At all three of the facilities with observed emissions referenced in Paragraph 87, emissions were detected from storage vessels that Crescent Point reported are subject to the requirements for storage vessel affected facilities in NSPS OOOOa.

89. During the June 26, 2018 inspections, EPA inspectors noted that the combustors at Ute Tribal 3-24-3-1W-H1 and Ute Tribal 4-23-3-1W-H1 were not operating. No pilot flame was present in the combustors, and no heat signature was observed from the combustors at either facility using the IR camera. *See* Appendix A. The combustors at both facilities are subject to requirements of NSPS OOOOa.

90. The EPA provided Crescent Point with the inspection report from the June 26, 2018 inspections via email on August 24, 2018.

91. On July 29, 2018, and August 1, 2018, the EPA conducted inspections at twenty Crescent Point oil and natural gas production facilities in the Uinta Basin.⁴ Using OVA observations and an IR camera, the EPA observed vapors being emitted directly to the atmosphere from storage vessels at three of the twenty oil and natural gas production facilities inspected: 5-25-36 BTR, Marsh 12-35-3-1E, and Marsh 13-35-3-1E. These facilities are currently owned and operated by CH4-Finley. *See* Appendix A.

⁴ Six of the facilities inspected on August 1, 2018 were erroneously reported in an inspection report to Bill Barrett Corporation although the facilities were owned by Crescent Point at the time: 5-25-36 BTR, 4-26-36 BTR, 13-16D-36 BTR, 5-10D-36 BTW, 14-8D-36 BTR, 5-16-36 BTR.

92. At two of the three facilities with observed emissions referenced in Paragraph 91, emissions were detected from storage vessels subject to requirements of NSPS OOOO or State of Utah AOs: Marsh 12-35-3-1E and Marsh 13-35-3-1E.

93. During the July 29, 2018 and August 1, 2018 inspections, EPA inspectors noted that the combustors at six facilities appeared to not be operating, as evidenced by the absence of a heat signature on the combustor when observed using an IR camera: 14-8D-36 BTR, 4-26-36 BTR, 5-10D-36 BTR, Deep Creek 16-24-3-1E, Marsh 13-35-3-1E, and ULT 6-26-3-1E. These facilities are currently owned and operated by CH4-Finley. *See* Appendix A.

94. The EPA provided Crescent Point and Bill Barrett Corporation⁵ with the inspection reports from the July 29, 2018, and August 1, 2018 inspections via email on March 4, 2019.

95. On May 22, 2019, the EPA conducted inspections at sixteen Crescent Point oil and natural gas production facilities in the Uinta Basin. Inspections were conducted jointly with the UDAQ for facilities under state jurisdiction. Using OVA observations and an IR camera, the EPA observed vapors being emitted directly to the atmosphere from storage vessels at six of the sixteen oil and natural gas production facilities inspected: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Coleman Tribal 7-18-4-2E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, and ULT 12-34-3-1E. These facilities are currently owned and operated by CH4-Finley. *See* Appendix A.

96. At all of the facilities with observed emissions referenced in Paragraph 95, emissions were from storage vessels subject to requirements of NSPS OOOO, NSPS OOOOa, or State of Utah AOs.

97. During the May 22, 2019 inspections, EPA inspectors noted that the combustors at five facilities were not operating, as evidenced by the absence of a pilot flame: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, Deep Creek 7-16-4-2E, and Ute Energy 14-27-3-1E. *See* Appendix A. The combustors at all five facilities are currently owned and operated by CH4-Finley and are subject to requirements of NSPS OOOO, NSPS OOOOa, or State of Utah AOs.

98. The EPA provided Crescent Point with the inspection report from the May 22, 2019 inspections via email on June 24, 2019.

99. On August 13 and 15, 2019, the EPA conducted inspections at twelve Crescent Point oil and natural gas production facilities in the Uinta Basin. Inspections were conducted jointly with the UDAQ. Using OVA observations and an IR camera, the EPA observed vapors being emitted directly to the atmosphere from storage vessels at ten of the twelve oil and natural gas production facilities inspected: Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Merritt 1-

⁵ Bill Barrett Corporation was provided with an inspection report because six of the facilities inspected on August 1, 2018 were erroneously reported to Bill Barrett Corporation instead of Crescent Point.

18-3-1E-H1, Merritt 3-18-3-1E, Ute Tribal 2-13-4-2E-H1, Ute Tribal 2-22-27-3-2E-H1, and Ute Tribal 3-35-2-3-2E-H1. *See* Appendix A.

100. At all ten of the facilities with observed emissions referenced in Paragraph 99, emissions were from storage vessels subject to requirements of NSPS OOOO, NSPS OOOOa, or State of Utah AOs.

101. During the August 13 and 15, 2019 inspections, EPA inspectors noted that the combustors at three facilities were not operating, as evidenced by the absence of a pilot flame: Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, and Merritt 3-18-3-1E. *See* Appendix A. The combustors at Kendall 13-7-3-1E and Kendall Tribal 1-13-3-1W are subject to requirements of State of Utah AOs.

102. During the August 13 and 15, 2019 inspections, EPA inspectors observed no heat signature on the combustors at six facilities: Kendall Tribal 1-13-3-1W-H1, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Merritt 1-18-3-1E-H1, Ute Tribal 2-13-4-2E-H1, and Ute Tribal 2-22-27-3-2E-H1. The ABB XRC Total Flow Box on the combustor at Ute Tribal 2-22-27-3-2E-H1 displayed “Combustor Status Stop.” *See* Appendix A. The combustors at all six facilities are subject to requirements of NSPS OOOOa or State of Utah AOs.

103. During the August 13, 2019 inspections, EPA inspectors detected emissions from the combustors at six facilities using the IR camera: Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Merritt 1-18-3-1E-H1, Ute Tribal 2-13-4-2E-H1, Ute Tribal 4-7-18-4-3E-H1, and Ute Tribal 9-1-12-4-2E-H1. *See* Appendix A. The combustors at all six facilities are subject to requirements of NSPS OOOOa or State of Utah AOs.

104. The EPA provided Crescent Point with the inspection report from the August 13 and 15, 2019 inspections via email on September 16, 2019.

105. On April 1, 2020, CH4-Finley submitted to the EPA an annual compliance report for the Ute Tribal 20-02 Compressor Station, as required by Condition I.E.1 of permit SMNSR-UO-008008-2017.001. The report covered the period of September 2019 through December 2019 and was certified to truth and accuracy.

106. In the annual compliance report for the Ute Tribal 20-02 Compressor Station, CH4-Finley reported partial compliance with permit Conditions I.C.8 and I.C.9. In the report, CH4-Finley indicated that the monthly AVO inspections of the closed-vent system and enclosed combustor were not recorded during the reporting period, as required. CH4-Finley indicated that SCADA data indicates the enclosed combustor was operational at all times during the reporting period.

107. On April 1, 2020, CH4-Finley submitted to the EPA an annual compliance report for the Federal 10-22-6-20 well production facility, as required by Condition I.F.1 of permit SMNSR-UO-001835-2017.002. The report covered the period of August 2019 through December 2019 and was certified to truth and accuracy.

108. In the annual compliance report for the Federal 10-22-6-20 well production facility, CH4-Finley reported partial compliance with permit Condition I.C.3. In the report, CH4-

Finley indicated that the monitoring system for presence of a pilot light had not been installed on the flare, as required. Condition I.C.3(c)(iv) of permit SMNSR-UO-001835-2017.002 requires that the flare used to control emissions from the 3-phase heater treater separator be equipped with a monitoring system for continuous measuring and recording of the parameters that indicate proper operation of the flare and the continuous burning pilot flame or automatically controlled automatic ignition system.

109. In the annual compliance report for the Federal 10-22-6-20 well production facility, CH4-Finley reported partial compliance with permit Conditions I.C.4 and I.C.5. In the report, CH4-Finley indicated that the monthly AVO inspections of the closed-vent system and flare were recorded for the month of September 2019 only, and that records were not available for the months of October through December 2019, as required.

110. In the annual compliance report for the Federal 10-22-6-20 well production facility, CH4-Finley reported partial compliance with permit Condition I.D.3. In the report, CH4-Finley indicated that the monitoring system for presence of a pilot light had not been installed on the enclosed combustor, as required. Condition I.D.3(c)(iv) of permit SMNSR-UO-001835-2017.002 requires that the enclosed combustor used to control emissions from the crude oil and produced water storage tanks be equipped with a monitoring system for continuous measuring and recording of the parameters that indicate proper operation of the enclosed combustor and the continuous burning pilot flame or automatically controlled automatic ignition system.

111. In the annual compliance report for the Federal 10-22-6-20 well production facility, CH4-Finley reported partial compliance with permit Conditions I.D.4 and I.D.5. In the report, CH4-Finley indicated that the monthly AVO inspections of the closed-vent system and enclosed combustor were recorded for the month of September 2019 only, and that records were not available for the months of October through December 2019, as required.

Joint Alleged Violations by EPA and UDAQ

NSPS 0000

112. Based on inspection findings, at the following five facilities, identified in Appendix B, Table 1, Respondents failed or continue to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370(b): Kendall 13-7-3-1E, Marsh 12-35-3-1E, Merritt 3-18-3-1E, and ULT 12-34-3-1E.

113. Respondents failed to submit initial or annual reports containing the required information for storage vessel affected facilities at the following eight facilities, in violation of 40 C.F.R. § 60.5420(b): Deep Creek 15-24-3-1E, Deep Creek 16-24-3-1E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Marsh 12-35-3-1E, Merritt 3-18-3-1E, ULT 12-34-3-1E, and ULT 3-35-3-1E.

114. Each of the violations alleged in Paragraphs 112-113 are violations of section 111 of the Clean Air Act, 42 U.S.C. § 7411(e).

NSPS 0000a

115. Based on inspection findings, at the following three facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411a(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411a(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains properly seated and sealed, including such times when working, standing/breathing, and flash emissions are generated, as required by 40 C.F.R. § 60.5411a(b)(3): Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, and Kendall Tribal 1-13-3-1W-H1.

116. Based on inspection findings, at the following two facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411a(c)(1), or the closed vent systems are not designed and operated with no detectable emissions as determined using OVA inspections, as required by 40 C.F.R. § 60.5411a(c)(2): Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, and Kendall Tribal 1-13-3-1W-H1.

117. By failing to comply with the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c)(2), Respondents have violated or continue to violate the VOC standards for storage vessel affected facilities at 40 C.F.R. § 60.5395a(b)(1). *See* Appendix B, Table 1.

118. Based on inspection findings, Respondents failed to operate a continuous burning pilot flame in the combustors at the Coleman Cordova 13.5-28-3-1E-H1 and Coleman Cordova 14-28-3-1E-H1 facilities, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. § 60.5412a(d)(1)(ii) or the continuous compliance for combustion devices tested by the manufacturer at 40 C.F.R. § 60.5413a(e)(2). *See* Appendix B, Table 1.

119. Based on inspection findings, at the following three facilities, identified in Appendix B, Table 1, Respondents failed or continue to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370a(b): Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, and Kendall Tribal 1-13-3-1W-H1.

120. Respondents failed to submit initial or annual reports containing the required information for storage vessel affected facilities at the following three facilities, in violation of 40 C.F.R. § 60.5420a(b): Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, and Kendall Tribal 1-13-3-1W-H1.

121. Each of the violations alleged in Paragraphs 115-120 are violations of section 111 of the Clean Air Act, 42 U.S.C. § 7411(e).

Utah Approval Orders

122. Based on inspection findings, at the following ten facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate Condition II.B.2.c or II.B.3.c of AOs issued for those facilities, by failing to keep storage tank thief hatches closed and latched or sealed except during tank unloading or other maintenance activities: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Coleman Tribal 7-18-4-2E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W-H1, Marsh 12-35-3-1E, Merritt 1-18-3-1E-H1, and ULT 12-34-3-1E.

123. Based on inspection findings, at the following ten facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate Condition II.B.2.b, II.B.3.a or II.B.3.b of AOs issued for those facilities, by failing to route all exhaust/gases/vapors/fumes from oil storage tanks or produced water storage tanks to an operating combustor: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Deep Creek 7-16-4-2E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Merritt 1-18-3-1E-H1, and Ute Energy 14-27-3-1E.

124. Based on inspection findings, at the following two facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate Condition II.B.3.a of AOs issued for those facilities, by failing to route all exhaust gas/vapors from oil storage tanks to an operating combustor/flare: Kendall 13-7-3-1E and ULT 12-34-3-1E.

125. Based on inspection findings, at the following four facilities, identified in Appendix B, Table 1, Respondents violated or continues to violate Conditions II.B.3.b or II.B.4.a of AOs issued for those facilities, by failing to operate the combustor with a continuous pilot flame: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, and Ute Energy 14-27-3-1E.

126. Based on inspection findings, at the ULT 12-34-3-1E facility, Respondents violated or continue to violate Condition II.A.2 of the AO issued for the facility, by installing and operating three 400-bbl oil storage tanks at the facility, in excess of the two 400-bbl storage tanks allowed in the AO. *See* Appendix B, Table 1.

127. Based on inspection findings, at the following sixteen facilities, identified in Appendix B, Table 1, Respondents violated or continue to violate Condition I.5 of the AOs issued for those facilities, by failing to operate equipment approved under an AO (oil storage tanks, produced water storage tanks, heaters), including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Coleman Tribal 7-18-4-2E, Cox 13-31-3-1E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Marsh 12-35-3-1E, Marsh 13-35-3-1E, Merritt 1-18-3-1E-H1, Merritt 3-18-3-1E, ULT 12-34-3-1E, and Ute Energy 14-27-3-1E.

EPA-Only Alleged Violations – Facilities Located in Indian Country

NSPS 0000a

128. Based on inspection findings, at the following eight facilities, identified in Appendix B, Table 2, Respondents violated or continue to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411a(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411a(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains properly seated and sealed, including such times when working, standing/breathing, and flash emissions are generated, as required by 40 C.F.R. § 60.5411a(b)(3): Four Star Federal 6-27-7-20E, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Ute Tribal 2-13-4-2E-H1, Ute Tribal 2-22-27-3-2E-H1, Ute Tribal 3-24-3-1W-H1, Ute Tribal 3-35-2-3-2E-H1, and Ute Tribal 4-23-3-1W-H1.

129. Based on inspection findings, at the following eight facilities, identified in Appendix B, Table 2, Respondents violated or continue to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in 40 C.F.R. § 60.5412a(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411a(c)(1), or the closed vent systems are not designed and operated with no detectable emissions as determined using OVA inspections, as required by 40 C.F.R. § 60.5411a(c)(2): Four Star Federal 6-27-7-20E, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Ute Tribal 2-13-4-2E-H1, Ute Tribal 2-22-27-3-2E-H1, Ute Tribal 3-24-3-1W-H1, Ute Tribal 3-35-2-3-2E-H1, and Ute Tribal 4-23-3-1W-H1.

130. By failing to comply with the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c)(2), Respondents violated or continue to violate the VOC standards for storage vessel affected facilities at 40 C.F.R. § 60.5395a(b)(1). *See* Appendix B, Table 2.

131. Based on inspection findings, Respondents failed to operate a continuous burning pilot flame in the combustors at the at Ute Tribal 3-24-3-1W-H1 and Ute Tribal 4-23-3-1W-H1 facilities, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. §§ 60.5412a(d)(1)(ii) or 60.5413a(e)(2). *See* Appendix B, Table 2.

132. Based on inspection findings, at the following two facilities, Respondents failed to operate each control device at all times when gases, vapors, and fumes are vented to it from storage vessel affected facility through a closed vent system, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. § 60.5412a(d)(4): Ute Tribal 2-13-4-2E-H1 and Ute Tribal 2-22-27-3-2E-H1.

133. Based on inspection findings, at the following eight facilities, identified in Appendix B, Table 2, Respondents failed or continue to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the

requirements at 40 C.F.R. § 60.5370a(b): Four Star Federal 6-27-7-20E, Kendall Tribal 13-7-6-3-1E-H4, Kendall Tribal 4-18-3-1E-H3, Ute Tribal 2-13-4-2E-H1, Ute Tribal 2-22-27-3-2E-H1, Ute Tribal 3-24-3-1W-H1, Ute Tribal 3-35-2-3-2E-H1, and Ute Tribal 4-23-3-1W-H1.

134. CH4-Finley failed to submit initial or annual reports containing the required information for storage vessel affected facilities at the Kendall Tribal 13-7-6-3-1E-H4 facility, in violation of 40 C.F.R. § 60.5420a(b). *See* Appendix B, Table 2.

135. Each of the violations alleged in Paragraphs 128-134 are violations of section 111 of the Clean Air Act, 42 U.S.C. § 7411(e).

Tribal Synthetic Minor New Source Review Permits

136. Based on information reported by CH4-Finley in its April 1, 2020 annual compliance report for the Ute Tribal 20-02 Compressor Station, Respondents violated or continue to violate Conditions I.C.8(a)-(c) and I.C.9(c) of permit SMNSR-UO-008008-2017.001 by failing to conduct and record required monthly inspections on the closed-vent system and combustor used to control emissions from the TEG dehydrator at the Ute Tribal 20-02 Compressor Station.

137. Based on information reported by CH4-Finley in its April 1, 2020 annual compliance report for the Federal 10-22-6-20 well production facility, Respondents violated or continue to violate Condition I.C.3(c)(iv) of permit SMNSR-UO-001835-2017.002 by failing to install a monitoring system for presence of a pilot light on the flare used to control emissions from the 3-phase heater treater separator at the Federal 10-22-6-20 well production facility.

138. Based on information reported by CH4-Finley in its April 1, 2020 annual compliance report for the Federal 10-22-6-20 well production facility, Respondents violated or continue to violate Conditions I.C.4(a) and (b) and I.C.5 of permit SMNSR-UO-001835-2017.002 by failing to conduct and record required monthly inspections on the closed-vent system and flare used to control emissions from the 3-phase heater treater separator at the Federal 10-22-6-20 well production facility.

139. Based on information reported by CH4-Finley in its April 1, 2020 annual compliance report for the Federal 10-22-6-20 well production facility, Respondents violated or continue to violate Condition I.D.3(c)(iv) of permit SMNSR-UO-001835-2017.002 by failing to install a monitoring system for presence of a pilot light on the enclosed combustor used to control emissions from the crude oil and produced water storage tanks at the Federal 10-22-6-20 well production facility.

140. Based on information reported by CH4-Finley in its April 1, 2020 annual compliance report for the Federal 10-22-6-20 well production facility, Respondents violated or continue to violate Conditions I.D.4(a) – (c) and I.D.5 of permit SMNSR-UO-001835-2017.002 by failing to conduct and record required monthly inspections on the cover, closed-vent system and enclosed combustor used to control emissions from the crude oil and produced water storage tanks at the Federal 10-22-6-20 well production facility.

UDAQ-Only Alleged Violations

Utah Air Quality Regulations for the Oil and Gas Industry

141. The following CH₄-Finley facilities, identified in Appendix B, Table 3, are considered well production facilities, as defined at U.A.C. R307-501-2(2) and are subject to U.A.C. R307-501-1 through R307-501-4: 5-25-36 BTR, Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Coleman Tribal 7-18-4-2E, Cox 13-31-3-1E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Marsh 12-35-3-1E, Marsh 13-35-3-1E, Merritt 1-18-3-1E-H1, Merritt 3-18-3-1E, ULT 12-34-3-1E, and Ute Energy 14-27-3-1E.

142. Based on inspection findings, at the following twelve facilities, identified in Appendix B, Table 3, Respondents violated or continue to violate U.A.C. R307-501-4(1)(a), by failing to minimize emissions of VOC to the atmosphere to the extent reasonably practicable: 5-25-36 BTR, Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Marsh 12-35-3-1E, Marsh 13-35-3-1E, Merritt 1-18-3-1E-H1, Merritt 3-18-3-1E, and ULT 12-34-3-1E.

143. Based on inspection findings, at the following seventeen facilities, identified in Appendix B, Table 3, Respondents violated or continue to violate U.A.C. R307-501-4(1)(b), by failing to maintain and operate the installation or air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions: 5-25-36 BTR, Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Coleman Tribal 7-18-4-2E, Cox 13-31-3-1E, Deep Creek 2-16-4-2E, Deep Creek 6-16-4-2E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, Kendall Tribal 1-13-3-1W-H1, Marsh 12-35-3-1E, Marsh 13-35-3-1E, Merritt 1-18-3-1E-H1, Merritt 3-18-3-1E, ULT 12-34-3-1E, and Ute Energy 14-27-3-1E.

144. Based on inspection findings, at the following seven facilities, identified in Appendix B, Table 3, Respondents violated or continue to violate U.A.C. R307-501-4(2)(a), by failing to operate and maintain air pollution control equipment pursuant to manufacturing specifications or equivalent to the extent practicable and consistent with technological limitations and good engineering and maintenance practices: Coleman Cordova 13.5-28-3-1E-H1, Coleman Cordova 14-28-3-1E-H1, Cox 13-31-3-1E, Deep Creek 7-16-4-2E, Kendall 13-7-3-1E, Kendall Tribal 1-13-3-1W, and Ute Energy 14-27-3-1E.

III. ENFORCEMENT AUTHORITY

145. Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3), provides that whenever, on the basis of any information available to the EPA Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement or prohibition of an applicable implementation plan or permit issued under subchapter I of the Act, the Administrator may issue an order requiring such person comply with the requirements or prohibition of such plan, issue an administrative penalty order in accordance with section 113(d) of the Act, or bring a civil action in accordance with section 113(b) of the Act for injunctive relief or civil penalties.

146. Section 19-2-107(a)(xiii) of the Utah Code authorizes the Director of the UDAQ (subject to the provisions of the Utah Air Conservation Act) to enforce rules through the issuance of orders, including: (A) prohibiting or abating discharges of wastes affecting ambient air; (B) requiring the construction of new control facilities or any parts of new control facilities or the modification, extension, or alteration of existing control facilities or any parts of new control facilities; or (C) adopting other remedial measures to prevent, control, or abate air pollution.

a. Section 19-2-110(1) of the Utah Code provides that whenever the Director “has reason to believe that a violation of any provision of this chapter [Utah Air Conservation Act, Title 19, Chapter 2] or any rule issued under it has occurred, the director may serve a written notice of the violation upon the alleged violator.”

b. For the UDAQ-only alleged violations, civil penalties may be imposed under Section 19-2-115(2)(a) of the Utah Code. Declaratory and injunctive relief may be sought under Section 19-2-116 of the Utah Code.

147. The issuance of this Notice of Violation does not in any way limit or preclude the EPA or the UDAQ from pursuing additional enforcement options concerning inspections or review referenced in this Notice of Violation. Also, this Notice of Violation does not preclude enforcement action for violations not specifically addressed in this Notice of Violation.

Date Issued: 07/24/2020

SUZANNE BOHAN

Digitally signed by SUZANNE
BOHAN
Date: 2020.07.24 10:53:57 -06'00'

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance
Division

Date Issued: 07/23/2020



Bryce Bird, Director
Utah Division of Air Quality
Utah Department of Environmental Quality

Appendix A: 2018 - 2019 Inspection Observations at Crescent Point/CH4-Finley Oil and Gas Production Facilities

Facility Name	Latitude	Longitude	UDAQ Site ID	Storage Vessel Emissions Observed	Control Device Not Operating	Visible Emissions from Control Device	Other Emissions Observed
14-8D-36 BTR	40.22787463	-110.588318	N/A ^b		August 2018		
4-26-36 BTR	40.1979183	-110.534688	N/A ^a		August 2018		
5-10D-36 BTR	40.23455601	-110.555937	N/A ^b		August 2018		
5-25-36 BTR	40.19475996	-110.518056	N/A ^a	August 2018			
Coleman Cordova 13.5-28-3-1E-H1	40.184568	-109.887418	15733	May 2019	May 2019		
Coleman Cordova 14-28-3-1E-H1	40.185086	-109.887731	15733	May 2019	May 2019		
Coleman Tribal 7-18-4-2E	40.137008	-109.809678	14588	May 2019			
Cox 13-31-3-1E	40.175	-109.931	15495		May 2019		
Deep Creek 16-24-3-1E	40.20202319	-109.824593	14696		July 2018		
Deep Creek 2-16-4-2E	40.142064	-109.770655	14659	May 2019			
Deep Creek 6-16-4-2E	40.138353	-109.775612	14665	May 2019			
Deep Creek 7-16-4-2E	40.138208	-109.770219	14668		May 2019		
Four Star Federal 6-27-7-20E	40.18208	-109.65445	N/A ^b	June 2018			
Kendall 13-7-3-1E	40.2313103	-109.933703	14710	August 2019	August 2019		August 2019
Kendall Tribal 1-13-3-1W	40.2277513	-109.937303	15534	August 2019	August 2019		August 2019
Kendall Tribal 1-13-3-1W-H1	40.2290902	-109.940503	14680	August 2019			
Kendall Tribal 13-7-6-3-1E-H4	40.2245884	-109.933203	N/A ^b	August 2019			
Kendall Tribal 4-18-3-1E-H3	40.2283123	-109.933003	N/A ^b	August 2019			
Marsh 12-35-3-1E	40.17630257	-109.856178	14727	July 2018			
Marsh 13-35-3-1E	40.17323926	-109.856602	14563	July 2018	July 2018		
Merritt 1-18-3-1E-H1	40.2285604	-109.922502	14667	August 2019			August 2019
Merritt 3-18-3-1E	40.2277014	-109.928603	14782	August 2019	August 2019		
ULT 12-34-3-1E	40.177306	-109.876706	14761	May 2019			
ULT 6-26-3-1E	40.19457222	-109.851487	14556		July 2018		
Ute Energy 14-27-3-1E	40.188115	-109.870891	14624		May 2019		
Ute Tribal 2-13-4-2E-H1	40.14208	-109.7148	N/A ^b	August 2019			August 2019
Ute Tribal 2-22-27-3-2E-H1	40.21282	-109.7538	N/A ^b	August 2019			
Ute Tribal 3-24-3-1W-H1	40.21463	-109.94917	N/A ^b	June 2018	June 2018		
Ute Tribal 3-35-2-3-2E-H1	40.18376	-109.7402	N/A ^b	August 2019			
Ute Tribal 4-23-3-1W-H1	40.21311	-109.97022	N/A ^b	June 2018	June 2018		
Ute Tribal 4-7-18-4-3E-H1	40.1666117	-109.711496	N/A ^b				August 2019
Ute Tribal 9-1-12-4-2E-H1	40.1627317	-109.710596	N/A ^b				August 2019

^a Not applicable – facility registered under Utah’s Permit-By-Rule.

^b Not applicable – facility in Indian country.

Appendix B: Alleged Violations at Crescent Point/CH4-Finley Oil and Gas Production Facilities

Table 1: Joint Alleged Violations by EPA and UDAQ

Facility Name	NSPS OOOO		NSPS OOOOa				State of Utah AOs	
	Good Air Pollution Control Practice [40 C.F.R. § 60.5370(b)]	Reporting Requirements for Storage Vessel Affected Facilities [40 C.F.R. § 60.5420(b)]	Cover and CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411a(b) and (c); 60.5395a(b)(1)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.5412a(d); 60.5413a(e); 60.5417a(h)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370a(b)]	Reporting Requirements for Storage Vessel Affected Facilities [40 C.F.R. § 60.5420s(b)]	AO Number	AO ¶
Coleman Cordova 13.5-28-3-1E-H1 ¹			X	X	X	X	DAQE-AN157330001-17	I.5, II.B.2.b, II.B.2.c, II.B.4.a
Coleman Cordova 14-28-3-1E-H1			X	X	X	X	DAQE-AN157330001-17	I.5, II.B.2.b, II.B.2.c, II.B.4.a
Coleman Tribal 7-18-4-2E							DAQE-AN145880002-15	I.5, II.B.2.c
Cox 13-31-3-1E							DAQE-AN154950002-17	I.5, II.B.2.b, II.B.4.a
Deep Creek 15-24-3-1E		X					DAQE-AN146920001-13	
Deep Creek 16-24-3-1E		X					DAQE-AN146960002-15	
Deep Creek 2-16-4-2E							DAQE-AN146590002-18	I.5, II.B.2.b, II.B.2.c
Deep Creek 6-16-4-2E							DAQE-AN146650002-18	I.5, II.B.2.b, II.B.2.c
Deep Creek 7-16-4-2E		X					DAQE-AN146680003-16	I.5, II.B.3.a
Kendall 13-7-3-1E	X	X					DAQE-AN147100002-14	I.5, II.B.2.c, II.B.3.a
Kendall Tribal 1-13-3-1W							DAQE-AN155340001-16	I.5, II.B.3.a
Kendall Tribal 1-13-3-1W-H1			X		X	X	DAQE-AN146800003-17	I.5, II.B.3.b, II.B.3.c
Marsh 12-35-3-1E	X	X					DAQE-AN147270002-15	I.5, II.B.2.c
Marsh 13-35-3-1E							DAQE-AN145630004-15	I.5
Merritt 1-18-3-1E-H1 ²							DAQE-AN146670003-18	I.5, II.B.3.b, II.B.3.c
Merritt 3-18-3-1E	X	X					DAQE-AN147820002-15	I.5
ULT 12-34-3-1E	X	X					DAQE-AN147610001-13	I.5, II.A.2, II.B.2.c, II.B.3.a
ULT 3-35-3-1E		X					DAQE-AN147420002-15	
Ute Energy 14-27-3-1E							DAQE-AN146240004-16	I.5, II.B.3.a, II.B.3.b

¹ Coleman Cordova 13.5-28-3-1E-H1 is the new and current name for Coleman Tribal 3-33-3-1E-1H. The name change was requested and approved by UDAQ on September 14, 2017 (Name Change letter DAQE-GN157330002-17). This facility is regulated by the joint AO issued to Coleman Cordova 14-28-3-1E-H1 and Coleman Tribal 3-33-3-1E-1H—old name for Coleman Cordova 13.5-28-3-1E-H1 on May 25, 2017 (DAQE-AN157330001-17).

² Merritt 1-18-3-1E-H1 was previously called Merritt 1.5-18-3-1E-H1 and is still registered with UDAQ under AO # DAQE-AN146670003-18 as Merritt 1.5-18-3-1E-H1.

Appendix B: Alleged Violations at CH4-Finley Oil and Gas Production Facilities

Table 2: EPA-Only Alleged Violations

Facility Name	NSPS OOOOa				Tribal SMNSR Permits	
	Cover and CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411a(b) and (c); 60.5395a(b)(1)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.5412a(d); 60.5413a(e); 60.5417a(h)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370a(b)]	Reporting Requirements for Storage Vessel Affected Facilities [40 C.F.R. § 60.5420a(b)]	Permit Number	Permit Conditions
Four Star Federal 6-27-7-20E	X		X			
Kendall Tribal 13-7-6-3-1E-H4	X		X	X		
Kendall Tribal 4-18-3-1E-H3	X		X			
Ute Tribal 2-13-4-2E-H1	X		X			
Ute Tribal 2-22-27-3-2E-H1	X		X			
Ute Tribal 3-24-3-1W-H1	X	X	X			
Ute Tribal 3-35-2-3-2E-H1	X		X			
Ute Tribal 4-23-3-1W-H1	X	X	X			
Ute Tribal 20-02 Compressor Station					SMNSR-UO-008008-2017.001	I.C.8(a) – (c); I.C.9(c)
Federal 10-22-6-20					SMNSR-UO-001835-2017.002	I.C.3(c)(iv); I.C.4(a); I.C.4(b); I.C.5; I.D.3(c)(iv); I.D.4(a) – (c); I.D.5

Appendix B: Alleged Violations at CH4-Finley Oil and Gas Production Facilities

Table 3: UDAQ-Only Alleged Violations

Facility Name	PBR Registration Number	R307-501-4(1)(a)	R307-501-4(1)(b)	R307-501-4(2)(a)
5-25-36 BTR	PBR4538	X	X	
Coleman Cordova 13.5-28-3-1E-H1 ³	N/A	X	X	X
Coleman Cordova 14-28-3-1E-H1	N/A	X	X	X
Coleman Tribal 7-18-4-2E	N/A		X	
Cox 13-31-3-1E	N/A		X	X
Deep Creek 2-16-4-2E	N/A	X	X	
Deep Creek 6-16-4-2E	N/A	X	X	
Deep Creek 7-16-4-2E	N/A		X	X
Kendall 13-7-3-1E	N/A	X	X	X
Kendall Tribal 1-13-3-1W	N/A	X	X	X
Kendall Tribal 1-13-3-1W-H1	N/A		X	
Marsh 12-35-3-1E	N/A	X	X	
Marsh 13-35-3-1E	N/A	X	X	
Merritt 1-18-3-1E-H1	N/A	X	X	
Merritt 3-18-3-1E	N/A	X	X	
ULT 12-34-3-1E	N/A	X	X	
Ute Energy 14-27-3-1E	N/A		X	X

³ Former Coleman Tribal 3-33-3-1E-1H with the name changed on September 14, 2017 by DAQE-GN157330002-17.