

Permit No.: GP1

SOUTHERN UTE INDIAN TRIBE
AIR QUALITY PROGRAM

GENERAL PERMIT TO CONSTRUCT/OPERATE OIL AND GAS MINOR SOURCES
LOCATED ON THE SOUTHERN UTE INDIAN RESERVATION

Southern Ute Indian Tribe
Air Quality Program

By: _____, Air Quality Program Manager

Effective Date: _____

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I. APPLICABILITY.

I.A. Introduction. This general permit is issued by the Southern Ute Indian Tribe in accordance with §5-108 of the Reservation Air Code (RAC). This general permit is a pre-approved permit which applies to a number of similar sources. The purpose of this general permit is to simplify the permit application and issuance process for minor sources wholly comprised of the pollutant emitting units listed in section I.B. of this permit. If a source belongs to the class of sources which qualify for this general permit and the owner or operator of the source applies for coverage and complies with the terms of this general permit, then the source is covered and satisfies the requirement for a permit under RAC §5-103.

- (a) The basic requirements for each of the applicable units are specified in sections III and IV of this permit. If additional requirements are necessary to comply with applicable law, those requirements will be specified in the written notice of approval to operate or construct under this permit, or subsequent letter from the Tribe as the permit issuing authority.
- (b) To be eligible for coverage, all units at the minor source that are required to be permitted must be eligible for coverage under this permit. If one unit at a minor source cannot meet the requirements for coverage under this permit, but is required to be permitted, then the owner or operator must apply for a minor source permit for the source as required in RAC §5-106.

I.B. Eligibility. This permit provides coverage for minor sources, as defined in the Minor Source Program (RAC Part 4), with the potential to emit less than the following source-wide emission limits and are comprised of any combination of the following emission units and no others:

- (a) **Source-Wide Emission Limitation:** Combined emissions of criteria air pollutants from all units subject to the reporting requirements at the same stationary source shall not exceed the following limitations:

Nitrogen Oxides (NO _x):	90.0 tons per year
Carbon Monoxide (CO):	90.0 tons per year
Volatile Organic Compounds (VOC):	90.0 tons per year

- (b) Emissions of hazardous air pollutant(s) (HAPs) from all units subject to the reporting requirements at the same stationary source shall not exceed the following limitations:

Each Individual HAP:	8.0 tons per year
Total of all HAPs:	20.0 tons per year

- (c) Natural gas fired Reciprocating Internal Combustion Engines (RICE) that meet the emission restrictions in section III of this permit,

- (d) Dehydrators, reboilers, heaters, and tanks subject to only the reporting requirements of the Minor Source Program and which meet the requirements in section IV of this permit.

I.C. Exclusions. The following may not be covered by this permit:

- (a) Equipment determined to be a portable source as defined in RAC §1-103(51). A permitted portable source may, however, be located at a source covered by a general permit, provided that the portable source moves from the site within one year. If the portable source is not moved within one year, it will no longer be considered portable, and will be considered to be part of the source at which it has been located. The permit for that portable source will no longer be valid, and the operator must add the formerly-portable source to the general permit, or obtain a permit for the whole source.
- (b) Sources with emission units not authorized in section I.B.(c) and (d) above.
- (c) Sources for which facts were misrepresented or omitted from the application and the applicant knew, or should have known, of such misrepresentations or omissions.
- (d) The requirements in this permit apply only to sources that are required to obtain a permit under the Minor Source Program. Insignificant activities at the same stationary source shall not be subject to any requirement or limitation of this permit. However, emissions from insignificant activities shall be considered to determine the applicability of major source requirements and may be considered as part of an impact analysis. For the purposes of this permit, insignificant activities shall be defined as any activity or emissions point that is exempted from obtaining a permit or reporting under the Minor Source Program.

I.D. Obtaining Coverage. [RAC §5-108(5)]

- (a) In order for a source to be covered under this permit, the owner or operator of the source must submit a complete application for coverage, including the application fee, in accordance with the requirements of RAC §5-117(3), post a prominent notice of the application for coverage under the general permit at the site of the proposed source, and confirm that the Tribe has received the application. Once a complete application for coverage is received by the Tribe and all other applicable requirements are met for coverage under this permit, it shall be the owner or operators obligation to operate the source within the parameters of this permit.
- (b) The owner or operator may commence construction and operation of the source as represented in the application for coverage upon receipt of the completed

application for coverage by the Tribe's Air Quality Program and after posting a prominent notice of the application for coverage under the general permit at the site of the source. In the event the source does not qualify for coverage under this permit or the proposed stationary source or modification causes or contributes to a violation of applicable Environmental Commission or National Ambient Air Quality Standards, the owner or operator accepts the liability of commencing these activities and may be subject to an enforcement action.

- (c) The Tribe will act on the application for coverage under this permit within 30 days of the date of receipt of the application and provide written notification of the final decision to the applicant.
- (d) The permittee shall submit a Notice of Startup (NOS) for new sources within 30 calendar days after the commencement of operation of the source covered by this general permit. The notice of startup shall include the date of startup and any make, model, and serial number information that was not available at the time of the application for coverage. If all required information is available at the time of the application, the NOS may be submitted with the application for coverage.

II. APPLICATION FOR COVERAGE REQUIREMENTS.

II.A. Contents of Application. [RAC §5-107(1)]

A complete application for coverage consists of all general permit application materials required by the Tribe. The application for coverage shall include instructions for completing the form. The application for coverage form shall require information identifying the applicant, the source which will be covered by the general permit, showing that the source is eligible for coverage under the general permit and showing the source will be operated in accordance with the general permit. The application for coverage shall require the applicant to certify the truth and accuracy of the information. The certification shall meet the requirements of RAC §5-104.

II.B. Where to Submit. [RAC §5-106(2)] The completed application for coverage must be submitted to the following address:

Southern Ute Indian Tribe
Air Quality Program – Minor Source Program
P.O. Box 737 MS 84
356 Ouray Drive
Ignacio, Colorado 81137

Application forms can be obtained from the Tribe's Air Quality Program.

III. NATURAL GAS FIRED RECIPROCATING INTERNAL COMBUSTION ENGINES.

III.A. Emission Limitations. [RAC §5-107(1)(b)]

Emissions from natural gas fired reciprocating internal combustion engines covered by this permit shall not exceed the following grams-per-horsepower-hour (g/hp-hr) limitations:

Table 1.

General Permit Emission Limits for Existing¹ Engines

HP	NOx (g/hp-hr)		VOC (g/hp-hr)		CO (g/hp-hr)	
	Rich	Lean	Rich	Lean	Rich	Lean
100≤HP<500	2.0	2.0	1.0	1.0	4.0	4.0
500≤HP<1350	1.5	2.0	1.0	1.0	1.5	1.5
1350≤HP	0.7	1.5	1.0	0.7	1.5	1.5

Table 2.

General Permit Emission Limits for New Engines

HP	Engine Manufacture Date ²	NOx (g/hp-hr)		VOC (g/hp-hr)		CO (g/hp-hr)	
		Rich	Lean	Rich	Lean	Rich	Lean
100≤HP<500	1/1/2011	1.0	1.0	0.7	0.7	2.0	2.0
500≤HP<1350	7/1/2010	0.7	1.0	0.7	0.7	1.5	1.5
1350≤HP		0.7	0.7	0.7	0.7	1.5	1.5

III.B. **Emission Calculations.** Emissions from engines covered by this permit shall be calculated using the methodologies listed in this section. The same emission factors

¹ Emission limits contained in this table are applicable to engines manufactured before the dates listed in Table 2.

² Manufacture date is the date the engine is manufactured or the date that the engine is brought onto the Reservation if the engine was not previously in operation on the Reservation as of the effective date of this program, whichever is later.

(EF), site-rated horsepower, brake-specific fuel consumption (BSFC), and lower fuel heat value (LHV) as specified in the most recent application for coverage approved by the Tribe shall be used in the calculations. LHV shall be based on the most recent fuel analysis (fuel analyses shall be no more than 2 years old). Equations Eq. 1, Eq. 2, Eq. 3 and Eq. 4 represent annual calculations.

- (a) Emission estimates based upon hours of operation shall be calculated using either Eq. 1 or Eq. 2:

$$\text{Eq. 1} \quad \text{Emissions} \left(\frac{\text{tons}}{\text{yr}} \right) = EF \left(\frac{\text{g}}{\text{hp-hr}} \right) * \text{Runtime} \left(\frac{\text{hrs}}{\text{yr}} \right) * \text{Site Rated HP} * \left(\frac{\text{lbs}}{454 \text{ g}} \right) * \left(\frac{\text{ton}}{2000 \text{ lb}} \right)$$

$$\text{Eq. 2} \quad \text{Emissions} \left(\frac{\text{tons}}{\text{yr}} \right) = EF \left(\frac{\text{lb}}{\text{MMBtu}} \right) * \text{Runtime} \left(\frac{\text{hrs}}{\text{yr}} \right) * \text{Site Rated HP} * \text{BSFC} \left(\frac{\text{Btu}}{\text{hp-hr}} \right) * \left(\frac{\text{ton}}{2000 \text{ lb}} \right) * \left(\frac{\text{MMBtu}}{10^6 \text{ Btu}} \right)$$

- (b) Emission estimates based upon fuel consumption shall be calculated using either Eq. 3 or Eq. 4:

$$\text{Eq. 3} \quad \text{Emissions} \left(\frac{\text{tons}}{\text{yr}} \right) = EF \left(\frac{\text{g}}{\text{hp-hr}} \right) * \text{Fuel Use} \left(\frac{\text{scf}}{\text{yr}} \right) * \frac{1}{\text{BSFC}} \left(\frac{\text{hp-hr}}{\text{Btu}} \right) * \text{Fuel Heat Value} \left(\frac{\text{Btu}}{\text{scf}} \right) * \left(\frac{\text{lb}}{454 \text{ g}} \right) * \left(\frac{\text{ton}}{2000 \text{ lb}} \right)$$

$$\text{Eq. 4} \quad \text{Emissions} \left(\frac{\text{tons}}{\text{yr}} \right) = EF \left(\frac{\text{lb}}{\text{MMBtu}} \right) * \text{Fuel Use} \left(\frac{\text{scf}}{\text{yr}} \right) * \text{Fuel Heat Value} \left(\frac{\text{Btu}}{\text{scf}} \right) * \left(\frac{\text{MMBtu}}{10^6 \text{ Btu}} \right) * \left(\frac{\text{ton}}{2000 \text{ lbs}} \right)$$

III.C. Engine Specific Records

- (a) Records of the annual hours of operation and fuel consumption for each engine covered by this permit shall be recorded and made available to the Tribe upon request. Fuel consumption may be individually metered, allocated from a master meter, or estimated using Eq. 5 based upon the site-rated horsepower, BSFC specified in the most recent application for coverage approved by the Tribe, and the most recent LHV.

$$\text{Eq. 5} \quad \text{Fuel Consumption} \left(\frac{\text{scf}}{\text{yr}} \right) = \text{BSFC} \left(\frac{\text{Btu}}{\text{hp-hr}} \right) * \text{Site Rated HP} * \text{Runtime} \left(\frac{\text{hr}}{\text{yr}} \right) * \frac{1}{\text{Fuel Heat Value}} \left(\frac{\text{scf}}{\text{Btu}} \right)$$

- (b) An alternative operating scenario (AOS) modification log containing all details required by any AOS in this permit.
- (c) Results of initial compliance and periodic performance testing required by Section III.D.(b).
- (d) Operating and maintenance records required by Section III.E.

III.D. Compliance Test Requirements.

- (a) Initial compliance test requirements apply to all engines covered under this permit. Unless proven the engine is certified by its manufacturer to meet the emission limits in section III. A. of this permit tests shall be conducted for NO_x, CO, and VOCs.
- (b) Annual compliance test requirements only apply to engines equipped with an emission control device. Tests shall be conducted for NO_x and CO for rich burn engines and CO for lean burn engines. CO shall serve as a surrogate for VOCs.
- (c) All compliance tests required by this section shall meet the following conditions:
 - (i) For new engines, an initial compliance test shall be completed within 180 days of commencement of operation of the subject engine(s). A compliance test performed within one year prior to application for coverage may be used to comply with the initial test requirement provided all other conditions are met.
 - (ii) For existing engines, an initial compliance test shall be completed within 180 days of obtaining coverage for the subject engine(s). A compliance test performed within the previous year prior to application for coverage that meets the testing requirements required in this section may be used to comply with the initial test requirements provided all other conditions are met.
 - (iii) The permittee shall submit a proposed test notification and protocol at least 60 days prior to testing for approval by the Tribe. The test notification shall include the test date(s). If after 30 calendar days, the permittee has not received approval and the Tribe has not requested additional information from the permittee or disapprove the protocol, the protocol will be considered automatically approved after the 30-day period. The Tribe may create a test protocol.
 - (iv) The permittee may request a waiver of the 60-day notification requirement from the Tribe.
 - (v) Results of all compliance tests completed to fulfill the requirements of this section shall be submitted to the Tribe within 60 days of completion of the test.
- (d) The Tribe reserves the right to require a test on any engine covered under this general permit.
- (e) Results from all compliance tests shall be reported in units of parts per million dry volume (ppmv), grams per horsepower hour (g/hp-hr), pounds per million Btu (lb/MMBtu), pounds per hour (lb/hr), and tons per year (tpy).

- (f) For each engine equipped with a catalytic emission control device, periodic performance tests for NO_x and CO using a portable analyzer are required annually or within an 8,760 hour operating period if the engine does not run continuously to indicate continued performance of the catalyst and proper operation of the engine. For engines that do not operate continuously and which do not exceed 8,760 hours of operation within 2 calendar years, a minimum of one performance test shall be completed every two years.
- (g) Each performance test should be performed with the engine operating at the highest load practicable. However, it is not required to artificially load the engine in order to perform the test.
- (h) If there is an annual test indicating noncompliance, thereafter the tests must be conducted every 6 months. Following two consecutive 6-month tests indicating compliance, the source may resume annual testing.

III.E. Engine Operation and Maintenance. These general requirements apply to all subparts of Section III of this permit.

- (a) Each engine and associated control device, if applicable, shall be maintained and operated according to the manufacturer's scheduled maintenance guide or equivalent. A company may establish its own equivalent maintenance schedule providing it achieves efficient engine operation and the performance standards of this permit.
- (b) A copy of maintenance schedules shall be kept.
- (c) Records indicating the date and description of maintenance shall be kept.
- (d) If maintenance activities or actions are dependent upon hours of operation, then engine operating hours shall be tracked and recorded. If a method other than hours of operation is used, then the tracking method must be recorded.
- (e) For each rich burn engine controlled using non-selective catalytic reduction (NSCR) the following conditions must be met:
 - (i) The engine must be equipped with an air-fuel ratio controller (AFRC).
 - (ii) Each AFRC shall be maintained per the manufacturer's recommended maintenance or equivalent, including replacement of the oxygen sensor as necessary for oxygen sensor-based controllers. In the absence of specific manufacturer's recommendations or equivalent, the oxygen sensor shall be replaced quarterly (or within a 2,190 hour operating period if the engine does not run continuously).
- (f) For each lean burn engine equipped with a NO_x sensor the operator shall follow the manufacturer's recommended maintenance schedule or equivalent.
- (g) For each engine equipped with a catalytic emission control device, the following conditions must be met:

- (i) The catalyst shall be cleaned, reconditioned and replaced per the manufacturer's recommended maintenance or equivalent.
- (ii) The catalyst inlet temperature shall be recorded weekly. If the temperature is outside of the range specified in this section, corrective action shall be taken and documented.
- (iii) For a rich burn engine with a NSCR emission control device, the temperature into the catalyst shall be between 750°F and 1250°F.
- (iv) For a lean burn engine with an oxidation catalyst emission control device, the temperature into the catalyst shall be between 450°F and 1350°F.
- (v) The pressure drop across the catalyst bed shall be recorded monthly. The monthly pressure drop values shall not deviate by more than +/- 2 inches of water column of the most recent baseline value established according to this section.
- (vi) The permittee may artificially load the engine to within +/- 10 percent of the most recent baseline load value established. If the pressure drop is then within range, the pressure drop and load values shall be documented and no further corrective action is required.
- (vii) If the pressure drop value is out of range, the permittee shall perform any one or more of the following:
 - (1) Corrective action shall be taken and documented, or
 - (2) The permittee may forego maintenance activities and perform a portable analyzer test to establish a new pressure drop baseline.
- (viii) The baseline pressure drop shall be established by recording the engine load and pressure drop across the catalyst during engine testing. The baseline pressure drop shall be periodically reestablished as follows:
 - (1) During each initial compliance test required by Section III.D(c). If historical compliance test data is used to fulfill Section III.D(c) and the baseline pressure drop was not recorded during the compliance test, the operator may defer establishing the baseline pressure drop until the first periodic performance test required by Section III.D (f).
 - (2) During each periodic performance test required by Section III.D(f).
 - (3) Within the first 30 days of engine operation from the date that the catalyst is reconditioned or replaced.

III.F. Engine Alternative Operating Scenarios. [RAC §5-106(3)(d)(ii) and §5-107(1)(h)(viii)]

- (a) Provided that the emission limits set forth in this permit are still met, the permittee may invoke an AOS for the following modifications to an existing engine covered under this permit without modifying the permit coverage:
- (i) An existing covered engine may be temporarily replaced with a different engine or permanently replaced with a like-kind engine.
 - (ii) A temporary replacement is defined as in the same service for 90 operating days or less in any 12-month period. The 90 days is the total number of days that the equipment is in operation. If the equipment operates only part of a day, that day counts toward the 90 day total.
 - (iii) A like-kind replacement is defined as replacing a piece of equipment with the same make, model, and design capacity as the original piece of equipment.
 - (iv) Routine maintenance, repair, or like-kind replacement of control equipment.
 - (v) Addition of a control device where the operator will not claim federally enforceable credit for the emission reductions achieved.
- (b) Modified or replacement equipment are subject to all requirements set forth in this permit including, but not limited to, recordkeeping, testing, monitoring, operating and maintenance.
- (c) Modifications allowed under an AOS in this permit do not require an application for coverage under this permit to be submitted.
- (d) The permittee shall send a notification of modification to the Tribe within 10 days of the start-up of the engine. The notice of modification shall include the start and stop date of any engine replacement, the manufacturer, manufacture date, model number, serial number, and design rating of both the engine replaced and the replacement engine. The Tribe may develop forms for your use.
- (e) An AOS otherwise allowed by this permit may not be used if the modification will result in a facility classification change from true minor to synthetic minor. In this case, a synthetic minor permit application shall be submitted for review pursuant to RAC § 5-109.
- (f) The permittee shall maintain a log to contemporaneously record a description of all modifications made under the provisions of this AOS. Information recorded for engine replacements shall include: the start and stop date of any engine replacement, the manufacturer, manufacture date, model number, serial number, and design rating of both the engine replaced and the replacement engine. Records for emission control equipment additions shall include the date of installation of new emissions control equipment.

IV. OTHER EQUIPMENT.

IV.A. Glycol Dehydrators

- (a) The permittee shall monitor and record the following parameters for each glycol dehydration unit:
 - (i) Annual hours of operation or may assume 8,760 hrs;
 - (ii) Total volume of gas throughput;
 - (iii) Gas temperature and pressure measured as close to the inlet of the glycol contactor as feasible; and
 - (iv) Annual average glycol recirculation rate.

- (b) The permittee shall calculate emissions of VOC and HAP from glycol dehydration process vents. Estimates of emissions of VOC and HAP from any rich glycol flash tank vents or glycol regenerator still vents shall be calculated using either the GRI-GLYCalc program (Version 4.0 or later), or a process approved by the Tribe. The emission calculations shall be based on both the actual operating parameters (to determine 40 CFR Part 63 subpart HH applicability) and potential to emit by assuming continuous operation using:
 - (i) The maximum design wet gas rate for the dehydrator unit, or
 - (ii) The maximum facility wet gas rate based on an inherent process limitation such as capacity limitations, or
 - (iii) The maximum facility wet gas rate based on an inherent limit on gas production, or
 - (iv) The average wet gas rate for the last 2 years plus a 20% safety factor; and
 - (v) A Representative Extended Wet Gas Analysis; and
 - (vi) The normal process operating temperature and pressure; and
 - (vii) The expected removal efficiency of any glycol still vent condenser at its maximum design temperature; and
 - (viii) The maximum pump rate of the lean glycol circulation pump.

- (c) Emissions from any rich glycol flash tank vent or glycol regenerator still vent that are burned in a combustion device (flare or heater/boiler firebox) or recycled to the process need not be included in the emission calculations. The permittee shall insure that emissions excluded from the calculations in Section IV.A.(b) are burned in a combustion device or recycled to the process.

IV.B. Reboilers & Heaters

- (a) The permittee shall record the fuel gas heating value (BTU/scf) at least annually for fuel gas used in all heaters and reboilers included in this permit.
- (b) The permittee shall record the annual hours of operation or annual fuel usage of each heater and reboiler included in this permit for purposes of actual emissions calculations. The permittee may assume continuous operation in place of monitoring run hours.

IV.C. Tanks

- (a) The permittee shall record the annual flow through volume of material for each tank included in this permit.
- (b) The permittee shall calculate emissions from all tanks included in this permit. The permittee may use EPA's TANKS emission software to calculate working and breathing emissions or another method approved by the Tribe, such as E&P Tanks V.2.0, may be used to estimate flash emissions.

V. SOURCE WIDE REQUIREMENTS

V.A. General Recordkeeping Requirements [RAC §5-107(1)(d)]

- (a) The permittee shall keep records sufficient to assure and verify compliance with the emission limitations and monitoring requirements of this permit, which shall include, but may not be limited to:
 - (i) The location, date, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entities that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and
 - (vi) The operating conditions existing at the time of sampling or measurement.
- [RAC §5-107(1)(d)(i)]
- (b) Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application and shall be kept on site or at a central and disclosed location. Support information includes all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

[RAC §5-107(1)(d)(ii)]

- (c) Records shall be kept in either electronic or hard copy format provided that they can be promptly supplied to the Tribe upon request.
- (d) The following records shall be maintained for the source covered by this permit:
 - (i) The current version of this permit.
 - (ii) A copy of the application for coverage submitted to the Tribe and any subsequent coverage modifications as submitted to the Tribe.
 - (iii) The general permit coverage approval letter.
 - (iv) A copy of the NOS submitted to the Tribe as required under Section I.D.(d).
 - (v) A copy of all reports submitted to the Tribe as required by this permit.
 - (vi) A copy of all monitoring records required to demonstrate compliance with this permit.

V.B. General Reporting Requirements [RAC §5-107(1)(e)]

- (a) The permittee shall submit an annual emissions inventory with the required annual fees, by the date specified in section V.C.(b) of this permit.

[RAC §5-107(1)(e)(ii)]
- (b) With the annual emissions inventory and annual fees required by section V.B.(a), the permittee shall submit annual reports of any monitoring required under this permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with RAC §5-104.

[RAC §5-107(1)(e)(i) and (iii)]

“Deviation” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with this permit. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (1) A situation where emissions exceed an emission limitation or standard;
- (2) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

- (3) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;
- (4) A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

[RAC § 1-103(21)]

- (c) The permittee shall promptly report to the Tribe deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. “Prompt” is defined as follows:
 - (i) Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
 - (ii) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from discovery of the occurrence.
 - (2) For emissions of any criteria air pollutant that continue for more than 2 hours in excess of permit requirements, the report must be made by the close of business the next working day, upon discovery of the occurrence, and in writing within 10 working days from discovery of the occurrence.

[RAC § 5-107(e)]

- (d) All deviations from permit requirements shall be included in the report required in paragraph (b) of this section.

V.C. Annual Fee Payment [RAC §5-117(5)(b)]

- (a) The permittee shall pay a permit application fee in accordance with RAC §5-117(3).
- (b) The permittee shall pay the annual emissions fee each year in accordance with RAC §5-117(5)(e).

- (c) The fee payment shall be in the form of a money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the Southern Ute Indian Tribe, Attn: Air Quality Program – Minor Source Program.

[RAC §5-117(2)]

- (d) The permittee shall send fee payment and completed fee calculation worksheets to:

Southern Ute Indian Tribe
Air Quality Program – Minor Source Program
P.O. Box 737 MS 84
Ignacio, CO 81137

[RAC §5-117(2)]

- (e) The annual emissions fee shall be calculated by multiplying the applicable per ton emissions fee set pursuant to RAC §5-117(5)(a) times the total tons of actual emissions for each fee pollutant, including fugitive emissions, to the extent they are quantifiable.

- (i) “Actual Emissions” means the actual rate of emissions in TPY of any fee pollutant emitted from a source over the preceding calendar year. Actual emissions shall be calculated using all units’ actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year.
- (ii) Actual emissions shall be calculated using methods required by the permit for determining compliance, such as monitoring or source testing data.
- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other procedures recognized by the Tribe.

[RAC §5-117(5)(e)]

VI. ADDITIONAL PROVISIONS.

VI.A. Term. This general permit remains in effect until revised or terminated by the Tribe in accordance with the provisions of the Minor Source Program of the Southern Ute Indian Tribe/State of Colorado Environmental Commission.

VI.B. Compliance Deadline for Existing Sources. Existing sources must be in compliance with the terms and conditions of this permit upon application for coverage under the general permit unless the application for coverage is submitted within the first eighteen months of the effective date of the program. If the application for coverage is submitted

within the first eighteen months of the effective date of the program, the existing source must come into compliance within eighteen months from the date coverage under this permit is obtained.

VI.C. Deadline to Commence Construction. The date by which construction must be commenced in order for coverage under this permit to remain valid is 18 months after the date coverage under this permit is obtained. Coverage under this permit becomes invalid if construction is not commenced within 18 months after the date coverage under this permit is obtained, if you discontinue construction for a period of 18 months or more, or if you do not complete construction within a reasonable time. The Tribe may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; construction of each such phase, however, must be commenced within 18 months of the projected and approved commencement date.

[RAC §5-107(2)]

VI.D. Incorporation by Reference. Coverage under this permit is subject to and hereby incorporates by reference all rules and regulations of the Southern Ute Indian Tribe/State of Colorado Environmental Commission. In the event of a conflict, the terms of the rules and regulations shall govern.

VI.E. No Change to Permit. General permits cannot be customized. Each and every condition of this permit is a material part hereof and is not separable. Any challenge to or appeal of, a condition of this permit shall constitute a rejection of the entire permit and a request for withdrawal of coverage and cancellation of coverage under this general permit and shall be considered an expression of intent to apply for an individual permit.

VI.F. Severability. Whenever possible, each provision of this permit will be interpreted in such manner as to be effective and valid under applicable law. If any provision of this permit is held to be prohibited by or invalid under applicable law, the validity of the remainder of the permit shall not be affected and such provision shall be deemed modified to the minimum extent necessary to make such provision consistent with applicable law, and, in its modified form, such provision shall then be enforceable and enforced.

[RAC §5-107(1)(g)]

VI.G. Penalties for Violations of Permit Terms and Conditions. Once coverage is obtained, compliance with all terms and conditions of this permit is required, including emission limitations that apply to the affected emission units at the covered source. Noncompliance with any permit term or condition is a violation of the permit and may constitute a violation of the program and is grounds for enforcement action and for termination of coverage under this permit.

[RAC §5-107(1)(h)(i)]

VI.H. No Cause or Contribution to NAAQS or PSD Increment Violation. Permitted sources must not cause or contribute to a NAAQS violation or cause or contribute to a PSD increment violation.

[RAC §5-107(1)(h)(ii)]

VI.I No Defense. It is not a defense for a permittee under this permit in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[RAC §5-107(1)(h)(iii)]

VI.J. No Release from Liability. This permit does not release the permittee from any liability for damage to persons or property caused by or resulting from the maintenance or operation of the equipment covered by this permit.

VI.K. Revision, Reopening, Revocation, Reissuance, or Termination. This permit may be revised, reopened, revoked, reissued, or terminated for cause. Cause shall include but not be limited to all or a portion of the Southern Ute Indian Reservation being included in a non-attainment area and nearby areas (e.g., northwest New Mexico) being included in a non-attainment area, or data from the Tribe suggesting that the Reservation may soon be designated as a non-attainment area. The Tribe may deny or revoke approval of coverage under this permit under the circumstances specified in the Minor Source Program of the Southern Ute Indian Tribe/State of Colorado Environmental Commission and require the owner or operator to apply for an individual permit as required by the Minor Source Program.

[RAC §5-107(1)(h)(iv)]

- (a) Coverage under this general permit is voluntary. The permittee may withdraw or cancel coverage under this permit at any time by notifying the Air Quality Program of the Environmental Programs Division of the Southern Ute Indian Tribe in writing and applying for an individual permit as required by the Minor Source Program of the Southern Ute Indian Tribe/State of Colorado Environmental Commission. Coverage under this general permit must be maintained, however, until an individual permit is obtained or until it is demonstrated to the Tribe's satisfaction that no permit is required under the Minor Source Program or else the owner or operator may be subject to an enforcement action for failure to have a permit.
- (b) If the Tribe revises this general permit, it will provide written notice to affected permittees prior to the revision of the general permit. The notice will advise permittees that any existing coverage under the general permit will be automatically converted to coverage under the revised general permit, provided that the permittee continues to meet all requirements of the revised general

permit. Persons not wishing to continue coverage under the revised general permit shall have the option of applying for an individual permit as required by the Minor Source Program.

- (c) If the Tribe terminates this general permit, it will provide written notice to affected permittees prior to the termination of the general permit. The notice will advise permittees that they must apply for an individual permit as required by the Minor Source Program.

VI.L. No Property Rights. This permit does not convey any property rights of any sort or any exclusive privilege.

[RAC §5-107(1)(h)(v)]

VI.M. Reliance Upon Representations. Coverage under this general permit is approved in reliance upon the accuracy and completeness of information supplied by the permittee and is conditioned upon operation of the stationary source in accordance with that information and with representations made by the permittee or permittee's agents. It is valid only for the equipment and operations or activity specifically identified on the application for coverage under the general permit.

VI.N. Compliance with Requests for Information. The permittee shall furnish to the Tribe, within a reasonable time, any information that the Tribe may request in writing to determine whether cause exists for terminating coverage under this permit or to determine compliance with the permit. For any such information claimed to be confidential, the permittee must also submit a claim of confidentiality in accordance with § 5-119 of the Reservation Air Code.

[RAC §5-107(1)(h)(vi)]

VI.O. Duty to Supplement. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in any information submittal, shall promptly submit such supplementary facts or corrected information.

VI.P. Inspection. Upon presentation of proper credentials, the permittee shall allow a representative of the Tribe to:

- (a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

- (c) Inspect, during normal business hours or while the source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
- (e) Record any inspection by use of written, electronic, magnetic and photographic media in accordance with established safe work practices.

[RAC §5-107(1)(h)(vii)]

VI.Q. Compliance with Other Requirements. Owners or operators of these sources shall comply with any New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), and any other applicable requirements that apply to the equipment at the source.

[RAC §5-101(3)(e)]

PROPOSED