

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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| In the Matter of the Proposed |) | |
| Title V Operating Permit |) | |
| |) | |
| <i>Issued by the</i> |) | |
| |) | |
| Colorado Department of Public Health |) | Permit Number 95OPAR037 |
| and Environment, Air Pollution Control |) | |
| Division |) | |
| |) | |
| <i>to</i> |) | |
| |) | |
| Colorado Interstate Gas Company to operate |) | |
| the Latigo Compressor Station in Arapahoe |) | |
| County, Colorado |) | |

**PETITION FOR OBJECTION TO ISSUANCE OF OPERATING PERMIT
FOR LATIGO COMPRESSOR STATION**

Pursuant to Section 505(b)(2) of the Clean Air Act (“CAA”) and 40 CFR § 70.8(d) and the applicable federal and state regulations, Jeremy Nichols (hereafter “Petitioner”) hereby petitions the Administrator of the U.S. Environmental Protection Agency (“EPA”) to object to the Title V operating permit issued by the Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) for Colorado Interstate Gas Company’s Latigo Compressor Station, Permit Number 95OPAR037.¹

The Division submitted the proposed Title V permit for EPA review on or around April 15, 2005. The EPA’s 45 day review period ended on or around May 30, 2005. To the best of Petitioner’s knowledge, the EPA did not object to the issuance of the Title V permit. This

¹ This permit and the accompanying Revised Technical Review Document are attached as Exhibits 1 and 2, respectively.

petition is thus timely filed within 60 days following the conclusion of EPA's review period and failure to raise objections.

Petitioner Jeremy Nichols is a resident of Denver, Colorado, an avid bicycle rider, and outdoor enthusiast who is deeply concerned about air quality in the Front Range region and its effects to the health and welfare of people, plants, and animals. On March 26, 2005, Petitioner submitted objections in response to the Division's proposal to renew the Title V Operating Permit for the Latigo Compressor Station.²

This petition is based on the objections to the permit raised with reasonable specificity during the public comment period. To the extent the EPA may somehow believe this petition is not based on comments raised with reasonable specificity during the public comment period, Petitioner requests the Administrator also consider this a petition to reopen the Latigo Compressor Station operating permit in accordance with 40 CFR § 70.7(f).³ A permit reopening and revision is mandated in this case because of one or both of the following reasons:

1. Material mistakes or inaccurate statements were made in establishing the terms and conditions in the permit. See, 40 CFR § 70.7(f)(1)(iii). As will be discussed in more detail, the operating permit for the Latigo Compressor Station suffers from material mistakes that render several terms and conditions meaningless, ambiguous, unenforceable as a practical matter, in violation of applicable requirements, etc.; and

² These comments are attached to this Petition as Exhibit 3.

³ To the extent the Administrator may not believe citizens can petition for reopening for cause under 40 CFR § 70.7(f), Petitioner also hereby petitions to reopen for cause in accordance with 40 CFR § 70.7(f) pursuant to 5 USC § 555(b).

2. The permit fails to assure compliance with the applicable requirements. See, 40 CFR § 70.7(f)(1)(iv). As will be discussed in more detail, the operating permit for the Latigo Compressor Station fails to assure compliance with several applicable requirements.

Petitioner request the EPA object to the issuance of Permit Number 95OPAR037for the Latigo Compressor Station and/or find reopening for cause for the reasons set forth below.

I. The Operating Permit Fails to Ensure Compliance With Volatile Organic Compound and Hazardous Air Pollutant Emission Standards for the Dehydrator

Hazardous air pollutant (“HAP”) emission limits for emission unit D001, or the Olman Heath Glycol Dehydration Unit (hereafter “dehydrator”) are set at 4 tons/year for any individual HAP and 14 tons/year for any combined HAPs and volatile organic compound (“VOC”) emission limits are set at 9 tons/year. See, Permit at 8, Section II.4. Unfortunately, the operating permit actually allows these emission limits to be exceeded, rendering them entirely unenforceable. In the alternative, the operating permit fails to ensure compliance with VOC and HAP emission limits.

Indeed, monitoring requirements set forth at Section II, 4.1 are riddled with exceptions and loopholes that, as a practical matter, render VOC and HAP emission limits unenforceable and fail to ensure compliance with VOC and HAP emission limits in violation of 40 CFR § 70.6(a)(3)(i). The permit states that “Compliance with the VOC and HAP emission limits shall be monitored in accordance with the comparison criteria stipulated below,” but the monitoring requirements fail to ensure monitoring in accordance with the comparison criteria stipulated in the table in Section 4.1 and fail to ensure compliance with VOC and HAP emission standards. The specific flaws in the monitoring requirements are as follows.

A. Section II, 4.1.1

Section II, 4.1.1 states that “The cold separator temperature and pressure for the unit shall be measured and recorded daily,” implying a mandatory duty on the permittee to measure and record cold separator temperature and pressure on a daily basis. The section goes on, however, to state, “The circumstances surrounding any day on which the cold separator temperature and pressure values fail to be measured and recorded shall be described in a log to be maintained on site.” This statement implies that it is appropriate for the operator to not measure and record cold separator temperature and pressure daily, so long as “circumstances” are described in a log.

On its face, this monitoring requirement is contradictory and unenforceable. In essence, it implies an exception to a mandatory monitoring requirement that ensures compliance with VOC and HAP emission limits. By extension, this monitoring requirement fails to ensure VOC and HAP emissions will not exceed stated limits and fails to ensure compliance will be achieved.

Even if an exception to mandatory cold separator temperature and pressure monitoring requirements may be allowed, Section II, 4.1.1 still fails to ensure VOC and HAP emissions are enforceable and/or that compliance with VOC and HAP limitations will be achieved. Indeed, Section II, 4.1.1 fails to establish any parameters under which the operator may be excused from cold separator temperature and pressure monitoring requirements. The implied exception is incredibly broad, sets no limits, and essentially allows the operator to avoid monitoring cold temperature and pressure altogether, so long as “circumstances” are described in a log. Adding to this, the permit fails to define “circumstances,” fails to explain in what detail “circumstances” must be described, and fails to explain what circumstances may or may not be appropriate justification for failing to monitor.

B. Section II, 4.1.2

Section II, 4.1.2 states that “Samples of inlet gas shall be collected and analyzed (extended gas analysis) to determine C₁ to C₆, n-hexane, benzene, toluene, ethyl benzene and total xylene (BTEX) composition annually.” The section, however, goes on to state that:

If any of the analysis indicates the BTEX constituents exceed the listed values, frequency of extended gas analyses will increase to twice per recovery period (analyses not less than one month apart). Frequency will remain twice per recovery period until analyses indicates the BTEX constituents meet the comparison criteria for two consecutive tests, at which time required frequency will return to annual.

As is evident, the monitoring requirement allows BTEX concentrations to exceed the listed values, so long as the operator increases the frequency of monitoring in response to the exceedances. This is entirely inappropriate and fails to ensure compliance with HAP emission limits in accordance with 40 CFR § 70.6(3)(i). Simply increasing the frequency of monitoring does nothing to ensure compliance with HAP emission limits, yet this section implies this is the case.

Also of concern is that Section II, 4.1.2 seems to render the requirements of Section II, 4.1 meaningless for all intents and purposes. While Section II, 4.1 requires that compliance “shall” be monitored in accordance with the appropriate comparison criteria listed in the table under the section, Section II, 4.1.2 renders the comparison criteria in the table meaningless in the context of demonstrating compliance. Indeed, while the table sets comparison criteria for benzene content of gas, toluene, ethyl benzene, xylene, and n-hexane in order to demonstrate compliance, the monitoring requirements at Section II, 4.1.2 imply that the operator can demonstrate compliance simply by increasing the frequency of monitoring. This frustrates the whole purpose of monitoring, which is to demonstrate compliance, and by extension renders HAP emission limits unenforceable as a practical matter. See, 40 CFR § 70.6(3)(i)

Finally, even if Section II, 4.1.2 is not flawed due to the aforementioned reasons, the Section appears to fail to require sufficient monitoring to demonstrate compliance with HAP emission standards. Indeed, HAP emission standards are measured based on a rolling twelve month total. Yet, Section II, 4.1.2 only requires that samples of inlet gas be “collected and analyzed...annually,” thus indicating the operator need only monitor for BTEX concentrations once a year. It is difficult to understand how requiring collection and analysis of inlet gas once a year will yield data sufficient to demonstrate compliance with HAP emission standards.

C. Section II, 4.1.3

Section II, 4.1.3 suffers from two deficiencies. To begin with, the section states:

If either a monthly average cold separator temperature, a monthly average cold separator pressure or a concentration for a BTEX constituent do not meet the stipulated comparison criteria, the GRI GlyCalc (Version 4.0 or higher) model shall be used to determine the monthly VOC and HAP emission rates, unless the unit has been operated for ten (10) days or less.

On its face, the monitoring requirement allows cold separator temperature and pressure and BTEX constituent concentrations to exceed the comparison criteria, which are supposedly meant to ensure compliance with VOC and HAP emission limits, so long as the permittee utilizes an alternative monitoring method (i.e., GRI GlyCalc). In essence, Section II, 4.1.3 inappropriately allows *prima facie* evidence of compliance with the comparison criteria listed in Section II, 4.1 and in turn with VOC and HAP emission limits for the dehydrator. In other words, the Section implies that compliance with VOC and HAP emission limits can be demonstrated, so long as the permittee utilizes GRI GlyCalc, even if comparison criteria and/or emission limits are exceeded.

The EPA has dealt with similar *prima facie* evidence of compliance issues for other Title V operating permits. EPA’s stated in its order *In the Matter of TVA Gallatin Power Plant*,

Gallatin, Tennessee and TVA Johnsonville Power Plant, New Johnsonville, Tennessee Electric Power Generation that:

Section 70.6(c)(1) of EPA's Title V regulations requires all Part 70 permits to contain "compliance certification, . . . requirements sufficient to assure compliance with the terms and conditions of the permit." 40 C.F.R. § 70.6(c)(1). The "prima facie evidence of compliance" language in Conditions E3-6 and E3-7 of the permits is inconsistent with 40 C.F.R. § 70.6(c)(1) because the language fails to assure compliance with the permits' opacity standards.

In the Matter of TVA Gallatin Power Plant, Gallatin, Tennessee and TVA Johnsonville Power Plant, New Johnsonville, Tennessee Electric Power Generation, Petition IV-2003-4 (July 29, 2005), at 6. Although monitoring requirements were not at issue in this case, the EPA's order is nevertheless instructive. In essence, the EPA held that compliance with emission standards must be demonstrated on the basis of whether emission standards are, in fact, met. In the case of the dehydrator at issue here, the permit relies upon monitoring protocol (i.e., use of the GlyCalc model) to demonstrate compliance with VOC and HAP emission standards, even if VOC and HAP emission limits are exceeded. On its face, the permit for the Latigo Compressor Station allows the operator to demonstrate compliance without demonstrating whether emission standards are, in fact, met.

Section II, 4.1.3 is further flawed because it relies upon Section II, 4.1.1 to provide input data when running the GRI GlyCalc model. The Section states, "Inputs to the model shall be the recorded average values for cold separator temperature and pressure ." As discussed above, Section II, 4.1.1 allows the operator to not gather cold separator temperature and pressure, so long as "circumstances" are described. By extension, because Section II, 4.1.1 allows the permittee to not measure and record cold separator temperature and pressure, it renders Section

II, 4.1.3 ineffective as a monitoring requirement. If the operator is not required to gather cold separator temperature and pressure data, then the operator cannot possibly comply with Section II, 4.1.3. Thus, as a practical matter, Section II, 4.1.3 is not enforceable and further fails to ensure compliance with VOC and HAP emission standards.

Finally, even supposing Section II, 4.1.3 is not flawed due to the aforementioned reasons, the monitoring requirement set forth in this Section is still incredibly vague and ambiguous. Although the Section requires the operator to run the GRI GlyCalc model, the permit entirely fails to describe how the GRI GlyCalc model is to be used and/or programmed, how inputs are to be entered, who will run the GRI GlyCalc model, and overall fails to describe what the GRI GlyCalc model is. This is problematic in several ways. To begin with, it is unclear whether the GRI GlyCalc model is a straightforward computer program or if it is a complex program that may produce erroneous data if not properly used. Second, it is unclear whether the operator of the GRI GlyCalc model must be trained in its use or whether anyone can use the GRI GlyCalc model. If a certified professional and/or trained individual must use the model, then the permit must specify such a requirement to ensure accurate data that can demonstrate compliance. Finally, because the permit fails to even describe the model, it is unclear what, exactly, the permittee is being required to utilize. As a practical matter, the reference to the GRI GlyCalc model is vague as there is no explanation as to how the model works to provide the data that will demonstrate compliance.

D. Section II, 4.1.4

Section II, 4.1.4 states that “Monthly consumption of ethylene glycol shall be used to determine monthly emissions of ethylene glycol.” This monitoring requirement is vague as it fails to explain how monthly consumptions of ethylene glycol are used to determine monthly

emissions. Indeed, it is unclear, based on the permit, whether there is a one to one ratio between ethylene glycol consumption and emissions, or whether some emission factor and/or model is used to determine emissions based on consumption. The permit needs to explain how ethylene glycol consumption is used to determine ethylene glycol emissions for the purpose of ensuring compliance with HAP emission standards.

E. Section II, 4.1.5

Section II, 4.1.5 states that:

If the twelve month rolling total of VOC, single HAP and combined HAP emissions exceeds the annual VOC, single HAP and combined HAPS emission limits, VOC, single HAP and combined HAP emissions must be calculated with GLYCalc using the parameters described in Condition 4.1.3 until the rolling twelve month total is in compliance with the annual VOC, single HAP and combined HAP limitations.

Again, this monitoring requirement inappropriately allows the operator to exceed VOC and HAP emission standards set forth in the operating permit and allows the permittee to use monitoring protocol to demonstrate compliance with standards.

Indeed, this Section explicitly allows the operator to exceed VOC and HAP emission standards, so long as the operator calculates emissions using GLYCalc. By logical extension, the permittee could demonstrate compliance with VOC and HAP emission standards simply by using GLYCalc, even if VOC and HAP emission standards are exceeded. This monitoring requirement renders VOC and HAP emission limits unenforceable as a practical matter and fails to ensure compliance with these limits.

Furthermore, this Section relies on Sections II, 4.1.1, 4.1.2, 4.1.3, and 4.1.4 to ensure compliance with VOC and HAP emission standards. Because these standards are deficient for

the reasons set forth above, Section II, 4.1.5 is also deficient and fails to ensure compliance with all applicable requirements.

F. Because Monitoring Requirements Fail to Ensure Compliance with VOC Emission Standards, the Division Erred in Concluding the Dehydrator is not Subject to VOC Emission Reduction Standards

In response to the Petitioner's concerns that the dehydrator should be subject to VOC emission reduction standards for glycol dehydrators set forth at Colorado Regulation No. 7, Section XII.C, the Division stated:

The provisions for glycol dehydrators in Regulation No. 7 Section XII.C do not apply to any single natural gas dehydrator with uncontrolled actual emissions of less than 15 tons/yr of VOC. Since the permit limits the actual VOC emissions from this unit to nine tons/yr, the glycol dehydrator control provisions do not apply.

Response to Comments at 5.⁴ Unfortunately, because the monitoring requirements set forth in Section II, 4.1 actually allow VOC emission standards to be exceeded as a practical matter, the Division erred in concluding the permit limits actual VOC emissions to less than 15 tons/year and thus that Regulation No. 7, Section XII.C does not apply.

II. The Operating Permit Fails to Require Opacity Monitoring

In comments on the proposed permit, Petitioner requested the Division require monitoring of opacity at the Latigo Compressor Station. This request was rejected. As the Division asserted, "It has been the Division's experience that opacity emissions from natural gas-fired internal combustion engines are well below the 20% limitation. Therefore, the Title V operating permit does not require any intermittent Method 9 visible emission observations."

⁴ The Division's Response to Comments is attached as Exhibit 4.

Response to Comments at 3. Unfortunately, the monitoring of opacity is not only clearly required by the CAA, but the Division's rationale for not requiring opacity monitoring is contradictory and unsupported.

A. The CAA and Applicable Requirements Clearly Require Monitoring of Opacity

Section 504(a) of the CAA is clear that emission limitations and standards set forth in Title V permits must be enforceable and that permits must demonstrate compliance. To be enforceable and demonstrate compliance under the CAA, Title V permits must require monitoring of emissions to ensure that limitations and standards are met. See, Section 504(b) of the CAA. Indeed, the failure to monitor emissions would render any limitation or standard or limitation entirely superfluous and unenforceable as a practical matter. Furthermore, it would be impossible to demonstrate compliance with any standard, such as opacity, without explicit monitoring.

In the case of Latigo Compressor Station's Title V permit, the Division failed to require any opacity monitoring whatsoever, despite the fact that several terms and conditions clearly place limits on opacity. See, Section II, 1.3; Section II, 2.3; Section II, 3.3; and Section IV, 16. Furthermore, although the Division states that "when the Division inspects a facility, the inspector look for visible emissions and would conduct a Method 9 reading if he/she believed that opacity from a given emission unit would exceed the applicable standard" (see, Response to Comments at 3), there is no indication that Method 9 observations will in fact occur and/or whether they will be undertaken periodically to demonstrate compliance. Additionally, it is not the Division's responsibility to demonstrate compliance. It is difficult to believe that opacity standards, as a practical matter, can possibly be enforceable and/or that the operator can

demonstrate compliance with opacity standards if no opacity monitoring is explicitly required of the permittee.

A recent order by the EPA is instructive in this case. The agency similarly found the failure of an operating permit to require monitoring of specific emissions to violate several applicable requirements. The order, which dealt with the failure of an operating permit to require monitoring of carbon monoxide, stated:

Such language, on its face, is not consistent with part 70, which requires permits to contain “testing, monitoring, reporting and recordkeeping requirements” and to have “periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance”. 40 C.F.R. § 70.6(c)(1) and (a)(3)(i)(B). In essence, the Note in Section 7.1.12(d) could be read as eliminating the need for any of the compliance requirements (testing, monitoring, recordkeeping, and reporting) of part 70 to determine whether the facility is complying with the CO emission limits in the permit. In addition, the language in the note is not in compliance with the annual compliance certification requirements under part 70. Compliance certifications must be based, among other things, on the monitoring data described in 40 C.F.R. § 70.6(c)(5)(iii)(B) and (C). Every source’s annual compliance certification must be based on its own evaluation of its data. The permit may not authorize the facility to certify compliance based on something else, such as an assumption that compliance is inherent.

See, In the Matter of Midwest Generation Station, LCC Fisk Generating Station, Petition V-2004-1 (March 25, 2005), at 9 (emphasis added). Similar to this case, the EPA must object to the Latigo Compressor Station operating permit because the permit assumes that compliance with opacity standards is inherent. By failing to require any opacity monitoring whatsoever, the operating permit suffers from the same deficiencies identified by the EPA in its order *In the Matter of Midwest Generation Station, LCC Fisk Generating Station.*

B. The Division’s Experience Seems to Indicate that Opacity Standards Can and Have Been Exceeded Despite the Use of Pipeline Quality Natural Gas as Fuel

Although the Division presumes that combustion of pipeline quality natural gas automatically assures compliance with opacity standards at the Latigo Compressor Station, the

Division has also noted opacity violations where pipeline quality natural gas has been burned at other facilities in Colorado. Indeed, at Public Service Company's Zuni Station, an electric services facility in Denver Colorado consisting of three steam boilers fueled by pipeline quality natural gas, the Division has noted recent opacity violations. In the 1998 Technical Review Document for Operating Permit 96OPDE134 for the Zuni Station, the Division states:

Typically, the Divisions presumes that compliance with the opacity requirements are being met when burning natural gas fuel. However, since the Division read an opacity violation (32% on November 18, 1997) on one of the boilers at Zuni, when burning natural gas, and both state and local inspectors have seen visible emissions at the facility, the Division believes that periodic monitoring for opacity is necessary.

Technical Review Document at Section III(A)(3).⁵ Based on this information, the Division has required periodic opacity monitoring for the Zuni Station.⁶ See, 2004 Operating Permit for Zuni Station, Section II, 2.8. This report and permit seem to indicate that, in the Division's experience, opacity standards can and have been exceeded even when pipeline quality natural gas is burned. While the Division states multiple times in the Latigo Compressor Station Operating permit that, "In the absence of credible evidence to the contrary, compliance with the 20% opacity limit shall be presumed whenever natural gas is used as fuel for these engines," clearly credible evidence to the contrary exists and indicates a clear need to periodically monitor opacity to demonstrate compliance. It clearly appears that, in the Division's experience, compliance with opacity standards at facilities that burn natural gas cannot be assumed simply because of the fact that pipeline quality natural gas is used.

⁵ This Technical Review Document for Zuni Station is attached to this petition as Exhibit 5.

⁶ The Title V Operating Permit for Zuni Station is attached to this petition as Exhibit 6.

III. The Operating Permit Fails to Appropriately Control VOC Emissions from Internal Combustion Engines

Early action ozone compact requirements adopted for emission units E001, E002, E003, and E004 (hereafter “emission units E001-E004”) fail to ensure compliance with all applicable requirements related to the control of VOC emissions and the reduction in ozone. These applicable requirements include attainment of the 8-hour ozone National Ambient Air Quality Standard, Colorado Regulations, and the EPA’s proposed approval of Colorado’s state implementation plan revision related to VOC emissions reductions under Section 110 of the CAA. See, 70 Fed. Reg. 28239-28252.⁷

A. The Permit Fails to Establish VOC Emission Limits for Emission Units E001-E004

To begin with, the permit entirely fails to establish any VOC emission limits for units E001-E004, despite the fact that air pollution control technology will be used to control emissions. In fact, the permit sets no parameters whatsoever for VOC emissions from units E001, E002, and E003. It is difficult, if not impossible, to believe that VOC emissions can or will be controlled if limits are not established in the permit. At the least, monitoring of VOC emissions from units E001-E004 must be required to ensure that such emissions actually will be controlled with the non-selective catalytic reduction and air fuel controllers that should be installed on the units. As it stands, no monitoring of VOC emission is explicitly required for emission units E001-E004.

⁷The EPA’s proposed approval of Colorado’s state implementation plan revision related to VOC emissions reductions is attached to this petition as Exhibit 7.

B. Section II, 7.1.3 is Vague and Fails to Ensure Compliance With Applicable Requirements

Section II, 7.1.3 is vague in several regards and fails to ensure compliance with applicable state requirements regarding the control of VOC emissions in accordance with the early action ozone compact for emission units E001-E004.

The Section begins by stating, “The emission control equipment required by Condition 7.1.2 shall be appropriately sized for the engine and shall be operated and maintained according to manufacturer specifications.” This requirement is incredibly vague. Not only does it fail to describe what size (or sizes) is appropriate for emission control equipment on emission units E001-E004, it fails to specify exactly how these controls will be operated and maintained. The Section fails to discuss what manufacturer specifications apply to the control equipment and fails and how the operator will ensure the control equipment are, in fact, operated and maintained according to these standards. In effect, this Section defers to unknown and undisclosed standards (e.g., manufacturer specifications) to ensure compliance. Because the Section lacks specificity, it gives the operator excessively broad discretion and renders the Section, in addition to Sections II, 1.5 and 2.4, unenforceable as a practical matter.

Section II, 7.1.3 further states, “The permittee shall operate and maintain the engines, catalysts and air fuel controllers in accordance with manufacturer’s recommendations and good engineering practices.” Again, this requirement is vague and is not enforceable as a practical matter. The Section does not explain what “manufacturer’s recommendations” will be relied upon to ensure compliance and fails to explain what “good engineering practices” are. The statement “good engineering practices” is also incredibly vague and seems to give infinite discretion to the permittee in terms of demonstrating compliance. Furthermore, this statement does not seem to be derived from any applicable state requirement. As a practical matter, this

Section fails to ensure that engines, catalysts, and air fuel controllers will be properly maintained to ensure control of VOC emissions and compliance with state regulations.

Finally, Section II, 7.1.3 goes on to state:

Recorded values of the following parameters shall be used to verify that the catalyst and air fuel controller are operated in accordance with manufacturer's recommendations

The pressure differential across the catalyst will be monitored and recorded monthly to assess engine and catalyst operating condition.

The catalyst inlet temperature shall be monitored and recorded monthly and shall be kept within the manufacturer's recommended range.

The millivolt reading (air fuel controller) will be monitored and recorded monthly to assess the air to fuel ratio controller operating condition.

This part of Section II, 7.1.3 is flawed in several regards. To begin with, while three "parameters" are to be used to verify proper operation of the catalyst and air fuel controller, the permit fails to explain how monitoring of these parameters actually verifies proper operation. For example, while "pressure differential" is required to be monitored, there are no limits and/or thresholds defined that would provide a context for determining proper and improper operation of the catalyst and air fuel controller. Similarly, the permit fails to define acceptable millivolt readings that would demonstrate compliance with proper operation of the fuel controller. Second, this part of Section II, 7.1.3 again fails to explain what manufacturer's recommendations will be used and what these recommendations actually are. As a practical matter, standards for operation of the catalyst and fuel controller are unenforceable as the permit fails to define acceptable limits (i.e., manufacturer recommendations). Finally, because manufacturer recommendations are not specified, the monitoring fails to ensure compliance with applicable state requirements.

C. The Division Failed to Subject Emission Units E001-E004 to CAM Requirements

Emission units E001-E004 use a control device to achieve compliance with emission limitations or standards and have pre-control emissions that exceed or are equivalent to the major source threshold and are therefore subject to Compliance Assurance Monitoring (“CAM”) requirements in accordance with 40 CFR § 64.2, contrary to the Division’s statement otherwise at Section I, 5.1 of the permit.

Indeed, Section II, 7.1.1 clearly states that “air pollution control technology” will be installed on units E001-E005 for the purposes of reducing VOC emissions in accordance with Colorado Regulations and the early action ozone compact. According to Section II, 1 and 2, nonselective catalytic reduction and air fuel controllers must be installed to control VOC emissions by May 1, 2005. Clearly, CAM requirements apply to emission units E001-E004.

Conclusion

For the foregoing reasons, Petitioner requests the Administrator object to the operating permit issued by the Division for the Latigo Compressor Station. As we have thoroughly explained, the proposed permit fails to comply with the requirements of the CAA, as well as applicable state requirements. The Administrator thus has a nondiscretionary duty to issue an objection to the proposed permit within 60 days in accordance with Section 505(b)(2) of the CAA.

Dated this _____ day of June, 2005.

Respectfully Submitted,

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cc: EPA, Region 8
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Colorado Interstate Gas Company

EXHIBITS TO PETITION

1. July 2005 Operating Permit for Colorado Interstate Gas, Latigo Compressor Station
2. July 2005 Revised Technical Review Document for Latigo Compressor Station
3. March 26, 2005 Comments on Draft Operating Permit for Latigo Compressor Station
4. April 15, 2005 Colorado Air Pollution Control Division Response to Comments
5. 1998 Technical Review Document for Public Service Company, Zuni Station, Denver, Colorado Operating Permit
6. April 2004 Operating Permit for Public Service Company, Zuni Station, Permit Number 96OPDE134
7. May 17, 2005 Federal Register Notice Regarding EPA's Proposed Approval of Colorado's State Implementation Plan Related to VOC Emissions Reductions, 70 Fed. Reg. 28239-28252.