

U.S. EPA Environmental Appeals Board: Compressor Station Operator Challenges Certain Clean Air Act Permit Conditions



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Tesoro Logistics, LP-Rockies (“TLLP”) filed a December 30th Petition for Review (“Petition”) before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) on behalf of QEP Field Services, LLC (“QEPFS”) challenging portions of its EPA issued air permit titled:

. . .Final Synthetic Minor New Source Review Permit (“air permit”) SMNSR-U0-002178-2015.002.

The air permit was issued to TLLP as the operator of the Ponderosa Compressor Station (“station”) located on the Uintah & Ouray Indian Reservation in Uintah County, Utah.

Two of the challenged conditions allege an incorrect air permit effective date and mistake in the identification of the station’s location.

The other challenged condition involves a testing requirement.

The Petition references condition I.E.4.a of the air permit and states that:

This condition is not appropriate for the enclosed combustion device. This is a testing requirement under the “Emissions Control Systems” heading which states:

(a) The Permittee shall ensure that the enclosed device is:

- i. A model demonstrated by a manufacturer to meet the total VOC and total HAP control efficiency requirements of this permit using the procedures specified in 40 C.F.R. part 63, subpart HH for combustion control devices by the due date of the first annual report as specified in the Reporting Requirements section of this permit; or
- ii. Demonstrated by the Permittee to meet the VOC and total HAP control efficiency requirements of this permit by using the procedures specified in this section by the due date of the first annual report specified in Reporting Requirements section of this permit.

TLLP argues that the enclosed combustion device referenced in the permit condition is for emissions control of storage tank vapors. The company further states that:

These storage tanks are not subject to the requirements of 40 CFR Part 63, Subpart HH (MACT HH), so this requirement is not relevant. Since the storage tanks have uncontrolled VOC emissions less than 6 tons per year (tpy) per tank, they are also not subject to the New Source Performance Standards of 40 CFR Part 60, Subparts OOOO and OOOOa; so again this permit condition is not relevant. Condition I.E.4.a would be

appropriate if the storage tanks were subject to MACT or NSPS, since these regulations include such requirements; however, neither regulation applies.

As a result, TLLP requests that the referenced condition be deleted from the air permit.

[A copy of the Petition can be downloaded here.](#)