



Public Notice: Request for Comments

The EPA proposes to issue an Air Quality Permit for Red Cedar Gathering Company, Carbon Dioxide (CO₂) Capture Facility on the Southern Ute Indian Reservation

Notice issued: September 9, 2024

The purpose of this notice is to invite you to submit written comments on this proposed permit through the processes described in this notice. Any person may submit written comments, a written request for a public hearing or both.

The facility is located on the Southern Ute Indian Reservation in southwest Colorado. The Southern Ute Indian Tribe was delegated authority by the EPA to implement the Clean Air Act Federal Minor New Source Review Program in Indian country (Tribal Minor NSR Program) at 40 CFR part 49, within the Tribe's reservation, effective on June 11, 2024. As part of the delegation, the EPA has retained responsibility as the reviewing authority to take action on minor source air permit applications submitted before the delegation was effective, and is, therefore, taking action on this permit.

When are written comments due?

The comment period closes on October 9, 2024, 5:00 p.m. MT.

What is being proposed?

The EPA proposes to issue a new federal Clean Air Act permit to construct in accordance with the Federal Minor New Source Review Program in Indian country, 40 Code of Federal Regulations, Part 49, for:

Red Cedar Gather Co.,
CO₂ Capture Facility:

Southern Ute Indian Reservation
La Plata County, Colorado
Latitude 37.053195,
Longitude -107.785518

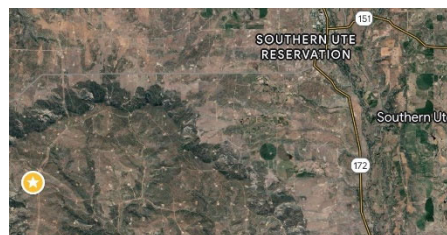
Contact: Ethan Hinkley, (970) 764-6495

This is a Carbon Dioxide (CO₂) Capture Facility that will treat and compress

emissions into pipeline quality CO₂. It will receive CO₂ from the Arkansas Loop and Simpson facilities. Equipment includes a natural gas-powered turbine, generator engine, triethylene glycol dehydrator, and ancillary equipment. This permitting action would establish this facility as a new source and establish emission restrictions for it.

The permitted source is a true minor source, as defined at 40 CFR 49.152(d), because it has the potential to emit regulated New Source Review (NSR) pollutants in amounts that are more than the minor source thresholds but less than major source thresholds under the Prevention of Significant Deterioration (PSD) program. The permit contains enforceable emission limitations ensuring that each affected emission unit will comply with all applicable requirements of 40 CFR parts 60, 61 and 63. The proposed permit contains emission limitations and associated testing, monitoring, recordkeeping and reporting requirements for various equipment and activities at the facility.

Where is the source located?



What is the current air quality in the area?

The EPA has developed standards for specific air pollutants. These standards are called the National Ambient Air Quality Standards (NAAQS). There are NAAQS for sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), particulate matter less than or equal to

10 microns (PM₁₀), particulate matter less than or equal to 2.5 microns (PM_{2.5}), ozone (O₃) and lead. The NAAQS set the maximum concentration of each pollutant in the ambient (outdoor) air that protects the health of the most sensitive individuals. This includes those with heart, respiratory, neurological and asthma problems.

The air quality of this area is classified as "attainment" with respect to the NAAQS for all criteria pollutants.

Will the facility meet air quality requirements?

The emissions being produced from the facility include nitrogen oxides (NO_x), volatile organic compounds (VOC), PM_{2.5}, SO₂ and CO. The proposed permit designates the new construction as a new minor source and separate from the existing major source at the adjacent Arkansas Loop and Simpson Treating Plants. This would result in construction of new emission units and localized increases in regulated pollutant emissions. However, the applicant conducted an Air Quality Impacts Analysis including modeling showing that estimated potential emission increases from the project would not cause or contribute to a NAAQS violation.

Permit Number:

TMNSR-SU-000496-2023.001

Is the EPA seeking comment on anything else?

The EPA is also seeking comment on our determination that this project will meet section 106 of the National Historic Preservation Act and impacts under section 7 of the Endangered Species Act. Our analysis can be found in our technical support document.

How can I review documents and learn more?

You can review the draft permit, technical support document, permit application and other supporting materials, including all data submitted by the applicant, at the following locations:

U.S. EPA Region 8 Office
1595 Wynkoop Street
Denver, Colorado 80202
Contact: Matthew Pollard,
Environmental Engineer,
at (303) 312-6878 or
pollard.matthew@epa.gov
Hours: 8:00 a.m.- 4:00 p.m.
excluding federal holidays

Southern Ute Indian Tribe
71 Mike Frost Way
Ignacio, Colorado 81137
Attn: Danny Powers, Air Quality Program
Manager, at (970) 563-2265
dpowers@southernute-nsn.gov

Electronic copies may also be accessed and viewed at:
<http://www.epa.gov/caa-permitting/caa-permit-public-comment-opportunities-region-8>

For TTY users: please call the Federal Relay Service at 1-800-877-8339.

How can I submit comments?

The EPA will accept written comments, preferably by email, to pollard.matthew@epa.gov (include Red Cedar CO₂ Treatment Facility in the subject line) and through <https://www.regulations.gov> ([EPA-R08-OAR-2022-0404](#)). The comments must raise any reasonably ascertainable issue with supporting arguments by the end of the comment period (and any public hearing). For other submission methods, please contact the EPA contact for this action listed below.

Who do I contact for additional information or a reasonable accommodation?

The EPA contact for this action is:
Mathew Pollard
Environmental Engineer
U.S. EPA, Region 8
8ARD-PM
Denver, Colorado 80202
(303) 312-6878
pollard.matthew@epa.gov

Will there be a public hearing?

No public hearing has been scheduled; however, you may request a public hearing. A request for a hearing must be submitted by the end of the comment period listed above and must include the nature of the issues to be raised at the hearing. The EPA will base its decision on whether a hearing will be held upon the showing of a significant degree of public interest. The EPA may also hold a public hearing at its discretion. The EPA will provide at least 30 days' notice prior to the date of the hearing. The public comment period will be extended to the close of any public hearing.

What happens next?

The EPA will review and consider all comments received during the comment period, including during any public hearing. Following this review, the EPA may issue the permit, issue the permit with revisions or deny the permit. The final permit decision will include a response to all comments received during the public comment period.

What happens if I disagree with EPA's final permit decision?

If you submitted written comments or participated in a public hearing, you will have the opportunity to petition the EPA's Environmental Appeals Board (EAB) to review the permit decision. A petition to the EAB is required before you can seek judicial review of the permit decision. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. If a petition is filed with the EAB, the permit decision will not become effective until the EAB completes its review.

A final permit becomes effective 30 days after service of notice of the final permit decision, unless:

- (1) A later effective date is specified in the permit; or
- (2) Review of the final permit is requested under paragraph (d) of 40 CFR

49.159 (in which case the specific terms and conditions of the permit that are the subject of the request for review must be stayed); or

(3) The reviewing authority may make the permit effective immediately upon issuance if no comments requested a change in the draft permit or a denial of the permit.

Other important information:

All comments will be included in the public docket without change and will be available to the public, including any personal information provided, unless the comments include Confidential Business Information (CBI) or other information of which disclosure is restricted by statute. Information that is considered to be CBI or otherwise protected should be clearly identified as such and should be submitted **ONLY** through a non-electronic delivery method; such information should not be submitted through www.regulations.gov or email.

An email or postal address must be provided with comments if the commenter wishes to receive direct notification of the EPA's final decision following the public comment period. For information about CBI or multimedia submissions and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

Please bring the foregoing notice to the attention of all persons who would be interested in this matter.