



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

**SENT BY ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 19, 2024

Ray Smalts
DCP Operating Company, LP
C/O Phillips 66
2331 CityWest Blvd
HQ-08N-N860-03
Houston TX 77042-2862
Sent by electronic mail to: Raymond.A.Smalts@p66.com

**Air Quality Bureau
NOTICE OF VIOLATION
AQB Case File DCP-0595-2101**

Dear Ray Smalts,

Please find attached Notice of Violation regarding the Eunice Gas Plant owned and operated by DCP Operating Company, LP (DCP). Pursuant to the New Mexico Environment Department (Department) Delegation Order dated March 24, 2023, the Cabinet Secretary ("Secretary") has delegated to the Air Quality Bureau (AQB) Chief the authority to seek administrative enforcement for alleged violations of the Act, the Air Quality Control Regulations, and the air quality permits issued thereunder.

The NOV describes violations of the following requirements.

Violation 1: Title V (TV) Permit P086R3, Specific Conditions A106.A, A107.A, and A207.B(2): Failure to limit emissions to permitted emission limits.

Violation 2: TV Permit P086R3, General Condition B1120.C(1) and 20.2.7.110.A(1) and (2): Failure to submit initial or final excess emissions reports by required deadlines.

Violation 3: TV Permit P086R3, Specific Condition A107.C: Failure to limit flare operating during maintenance activity to 14.4 hours in a single event.

Violation 4: TV Permit P086R3, Specific Condition A107.D and General Condition B109.E: Failure to keep required records of startup, shutdown, and maintenance (SSM) events.

Violation 5: TV Permit P086R3, Specific Condition A201.C: Failure to record inspections of Revolutions Per Minute (RPM) limiting device.

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Violation 6: TV Permit P086R3, Specific Condition A203.C: Failure to conduct VRU inspections and keep all required records.

Violation 7: TV Permit P086R3, Specific Condition A203.D: Failure to load condensate to pipeline, using the truck rack for 100% of loading instead of only for back-up.

Violation 8: TV Permit P086R3, Specific Condition A207.A and 20.2.35 NMAC: Failure to meet state sulfur emission limits.

Violation 9: TV Permit P086R3, Specific Condition A207.B: Failure to calibrate the sulfur recovery unit (SRU) continuous emissions monitoring system (CEMS) three times per week.

Violation 10: TV Permit P086R3, Specific Conditions A210.A and A210.B; 40 CFR § 64.7, and § 64.9: Failure to maintain catalytic converter differential pressure within indicator range, to restore control to normal, and to report the cause of excursions and corrective actions.

Violation 11: TV Permit P086R3, Specific Conditions A210.A and A210.B; 40 CFR § 64.7, and § 64.9: Failure to maintain catalytic converter inlet temperature within the indicator range, to record inlet temperature, and to report the cause of excursions and corrective actions.

Violation 12: TV Permit P086R3, Specific Conditions A210.A and A210.C; 40 CFR § 64.3(b): Failure to complete a semiannual quality assurance test on the thermocouple and alarm system.

Violation 13: Construction Permit 44M11, General Condition B110.C(1): Failure to notify the Department of an engine replacement within 15 days.

The above violations have been evaluated in accordance with U.S. Environmental Protection Agency (EPA) Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (September 2014) and Timely and Appropriate Enforcement Response to High Priority Violations (August 2014). The policies can be downloaded at <http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources> and <http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs>. The Department determined that one or more of the violations meet the criteria for designation as a Federally-Reportable Violation (FRV) and will be processed accordingly.

After we have reviewed your response to the NOV, you will receive a settlement offer or administrative compliance order outlining the penalties associated with each of the above violations.

Please respond to the NOV as follows:

1. All correspondence pertaining to the NOV must be submitted under cover of a properly completed Reporting Submittal Form, emailed to the Enforcement Specialist (contact information below). A copy of the form can be found online at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/#>.
2. Submit requested information by the deadlines specified in the NOV.
3. Any documents claimed as Confidential Business Information (CBI) pursuant to 20.2.1.115 NMAC must be submitted in separate electronic files from non-CBI documents and identified as CBI.

4. If files cannot be submitted by electronic mail, contact the Enforcement Specialist to request a link to a file transfer platform, or submit records on a thumb drive mailed to the Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505 to the attention of the Enforcement Specialist.
5. If you have any facts, information, or documentation to refute the alleged violations, please include it with the requested information.

If you have questions or believe any statement in this notice is erroneous, please contact Cember Hardison, Enforcement Specialist, at 505-629-6688 or cember.hardison@env.nm.gov, or Teresa McDill, Enforcement Manager at (505) 629-8732 or at Teresa.mcdill@env.nm.gov. If you are represented by counsel, please contact Chris Vigil, Assistant General Counsel, at (505) 469-4696 or ChristopherJ.Vigil@env.nm.gov.

You may obtain a copy of the AQB's Civil Penalty Policy located on the Compliance and Enforcement website at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/>.

Please note the NOV will appear on the Department's Enforcement Watch (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department may issue a press release to local media highlighting your facilities as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

Thank you for your prompt attention to this matter.

Sincerely,

Elizabeth
Kuehn
Liz Bisbey-Kuehn
Bureau Chief
Air Quality Bureau

Digitally signed by
Elizabeth Kuehn
Date: 2024.02.19
10:35:16 -07'00'



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Air Quality Bureau
NOTICE OF VIOLATION

TRACKING NUMBER:	DCP-0595-2101	ICIS CASE NUMBER:	NM000A101005
COMPANY NAME:	DCP Operating Company, LP	FACILITY NAME:	Eunice Gas Plant
PERMIT(S):	P086-R3	SOURCE CLASS:	Major TV and Major PSD
INSPECTION DATE:	October 30, 2020	EARLIEST DISCOVERY:	June 22, 2020
SELF-REPORTED:	No	*NRV, FRV OR HPV:	FRV
FACILITY LOCATION:	7 miles Northwest of Eunice, NM, latitude 32° 30' 31" longitude -103° 17' 8"	CONTACT PERSON:	Ray Smalts (575) 234-6405 Raymond.A.Smalts@p66.com
MAILING ADDRESS:	2331 CityWest Blvd, HQ-08N-N860-03, Houston, TX 77042-2862	COUNTY:	Lea
AGENCY INTEREST:	0595	AQB AIRS #:	350250044

This Notice of Violation (NOV) is a written record of the AIR QUALITY BUREAU'S ("AQB") finding that a violation of AIR QUALITY CONTROL REGULATIONS OR AIR QUALITY PERMIT CONDITIONS has occurred. A Notice is issued each time a violation is observed or discovered. This Notice may subject you to monetary penalties through administrative, civil, or criminal prosecution.

Each violation set forth in this NOV has been evaluated in accordance with EPA's Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (September 2014) and Timely and Appropriate Enforcement Response to High Priority Violations (August 2014). The overall assessment of this enforcement case reflects the highest level determined.

NRV: Non-Reportable Violation
FRV: Federally-Reportable Violation
HPV: High Priority Violation

If you have questions or believe any statement in this notice is erroneous, please contact Cember Hardison, Enforcement Specialist, at 505-629-6688 or ceMBER.hardison@env.nm.gov. If you are represented by counsel, please contact Chris Vigil, Assistant General Counsel, at (505) 469-4696 or ChristopherJ.Vigil@env.nm.gov.

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Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation to the Air Quality Bureau Chief.

Please note that your facility will appear on the Department’s Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department may issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

Elizabeth Kuehn Digitally signed by Elizabeth Kuehn
Date: 2024.02.19 12:33:30 -07'00'

Air Quality Bureau Official

_____ **Date**

Company:	DCP Operating Company, LP	Inspection By:	Jeremy Cahn & Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	June 22, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

Title V Permit P086R3, Specific Condition A106.A and Table 106.A *Allowable Emissions*;

VIOLATION 1:

Specific Condition A107.A *Allowable Startup, Shutdown, & Maintenance (SSM) and Malfunction Emissions* and Table 107.A

Specific Condition A207.B(2) – *SO₂ Continuous Emissions Monitor and SO₂ monitoring requirements (Unit 31, SRU)*

Claims: 73,651.2 total pounds of excess emissions

Requirement:

Specific Condition A106.A states in relevant part, “The following Section lists the emission units, and their allowable emission limits ...”

“Table 106.A: Allowable Emissions [Relevant parts.]

Unit No.	¹ NO _x pph	NO _x tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO ₂ pph	SO ₂ tpy	H ₂ S pph	H ₂ S tpy
31	3.6	15.8	4.0	17.7	0.2	0.87	629.7 ⁶	2758	6.8	29.9
111 ³	0.082	0.36	0.45	2.0	-	-	0.0087	0.038	8.6E-06	3.8E-05
112 A ³	0.43	1.9	2.3	10.2	-	-	0.45	0.2	4.5E-05	2.0E-04
113 ³	0.1	0.36	0.45	2.0	-	-	0.0087	0.038	8.6E-06	3.8E-05
114 A ³	0.1	0.46	0.57	2.5	-	-	0.011	0.048	1.1E-05	4.8E-05

3 Compliance with emergency flare emission limits is demonstrated by limiting combustion to pilot and/or purge gas only.

6 SO₂ emissions shall not exceed 629.7 pounds based on a hourly rolling 3-hour average.”

Specific Condition A107.A states, “The maximum allowable SSM and Malfunction emission limits for this facility are listed in Table 107.A and were relied upon by the Department to determine compliance with applicable regulations.”

“Table 107.A: Allowable SSM and Malfunction Units, Activities, and Emission Limits [Relevant parts.]

Unit No.	NO _x pph	NO _x tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO ₂ pph	SO ₂ tpy	H ₂ S pph	H ₂ S tpy
SSM-111	1.19	0.42	6.47	2.3	0.8	0.019	562.7	13.9	6.1	0.15
SSM-112A	252.8	8.7	1375.7	47.4	865.3	23.4	3819.5	105.6	41.4	1.1
SSM-113	8.57	0.92	46.7	5.0	5.9	0.18	4233.9	128.8	52.9	1.37
SSM-114A	40.79	0.93	222.0	5.1	238.6	2.78	752.2	9.0	8.2	0.10
Malf ³	-	-	-	-	*	10.0	<	<	-	-

- 1 Venting of Gas due to Malfunctions that does not include VOC combustion emissions.
 - 3 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110.E
- “-” indicates the application represented emissions are not expected for this pollutant.
- “*” indicates hourly emission limits are not appropriate for this operating situation.
- “<” indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant. The Department determined that allowable mass emission limits were not required for this unit and this pollutant.”

Specific Condition A207.B, states in relevant part, “Requirement: “... (2) To demonstrate compliance with allowable emissions in Table 106.A, the SO₂ emission rate for Unit 31, SRU shall not exceed 629.7 pounds per hour averaged over an hourly rolling 3-hour period.”

New Mexico Administrative Code (NMAC) 20.2.7.111 *Affirmative Defense for an Excess Emissions During Malfunction*, states “A. The owner or operator of a source subject to this part may claim an affirmative defense for an excess emission during malfunction for a civil penalty in an administrative or judicial enforcement action, except for an action to enforce a federal new source performance standard... The owner or operator claiming an affirmative defense for an excess emission during malfunction shall bear the burden of proof to demonstrate the following criteria...

“(2) The excess emission:

“(a) did not stem from any activity or event that could have been foreseen and avoided, or planned...”

Description:

Between June 22, 2020 to July 29, 2021, DCP submitted a total of forty-three final excess emissions reports (EERs), including twenty-seven for four Facility flare units 111, 112A, 113, and 114A and fifteen for the sulfur recovery unit incinerator, unit 31. DCP categorized 20 events as malfunctions, 8 events as scheduled maintenance, and 3 events as emergencies. DCP reported 17 events as “other,” failing to categorize them as malfunctions, emergencies or as routine or predictable startup, shutdown, or maintenance pursuant to 20.2.7.110.B(14) NMAC.

Based on review of the EERs, the Department determined that there was a total of 73,651.2 pounds of excess emissions, consisting of 6,757.3 pounds of carbon monoxide (CO), 1,339.8 pounds of nitrogen oxides (NO_x), 61,739.7 pounds of sulfur dioxide (SO₂), 3,237.6 pounds of volatile organic compounds (VOC), and 576.8 pounds of hydrogen sulfide (H₂S).

DCP submitted an affirmative defense demonstration (ADD) pursuant to 20.2.7.111 NMAC, for one EER # 000595-07072020-01. The AQB rejected DCP’s ADD pursuant to 20.2.7.111(2)(a) NMAC. Attachment B includes the AQB’s ADD evaluation.

Conclusion:

The failure of DCP to limit emissions to permitted emission limits is in violation of P086R3, Specific Conditions A106.A, A107.A, and A207.B.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to operate the facility according permitted emission limits.

Company:	DCP Operating	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 29, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 2: Title V Permit P086R3, General Condition B110.C(1) *General Reporting Requirements*
 NMAC 20.2.7.110.A(1) and (2) *Notification*

Number of Claims: 6

Requirement:

General Condition B110.C(1) states in relevant part,
 "C. The permittee shall submit reports of all deviations from permit requirements... These reports shall be submitted as follows:

"(1) Deviations resulting in excess emissions as defined in 20.2.7.7 NMAC (including those classified as emergencies as defined in section B114.A) shall be reported in accordance with the timelines specified by 20.2.7.110 NMAC..."

NMAC 20.2.7.110 states in relevant part,

"A. The owner or operator of a source having an excess emission shall report the following information to the department ...

"(1) Initial report: the owner or operator shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission ...

"(2) Final report: the owner or operator shall file a final report ..., no later than ten (10) days after the end of the excess emission."

Description:

Based on review of 5 excess emissions reports (EERs) submitted by DCP Operating Company, LP (DCP), the Department determined that DCP submitted three initial EERs and three final EERs past the deadlines required by NMAC 20.2.7.110.A. The submittal dates of the late EERs are summarized in the table below.

EER Number	Date Discovered	Event End Date	Initial EER Due	Initial EER Submitted	Final EER Due	Final EER Submitted
000595-12092020-01	12/8/2020	12/9/2020	12/9/2020	12/9/2020	12/23/2020	12/30/2020
000595-10302020-01	10/30/2020	8/31/2020	11/2/2020	10/30/2020	9/16/2020	10/30/2020
000595-10292020-02	10/27/2020	10/27/2020	10/28/2020	10/29/2020	11/10/2020	10/29/2020
000595-05102021-01	1/14/2021	2/14/2021	1/19/2021	5/10/2021	2/26/2021	5/10/2021
000595-01072021-02	1/6/2021	1/6/2021	1/7/2021	1/20/2021	1/22/2021	1/20/2021

Conclusion:

The failure to DCP to submit initial or final EERs according to regulatory deadlines is in violation of Title V Permit P086R3, General Condition B110.C(1) and NMAC 20.2.7.110.A(1) and (2) NMAC. Submitting 6 initial or final EERs late represents 6 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to meet the reporting deadlines in 20.2.7 NMAC.

Company:	DCP Operating Company, LP	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	August 24, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 3: Title V Permit P086R3, Specific Condition A107.C *Facility: Allowable Startup, Shutdown, & Maintenance (SSM) and Malfunction Emissions*

Number of Claims: 30

Requirement:

Specific Condition A107.C states "The four flares, Units 111, 112A, 113, and 114A during startup, shutdown, and maintenance shall not operate more than 14.4 hours in a single event or any given 24-hour period. This requirement ensures compliance with the 3-hour and 24-hour SO₂ National Ambient Air Quality Standards."

Description:

DCP operated flare unit 113 for more than 14.4 consecutive hours during a maintenance event. On August 24, 2020, the Department received the final excess emission report ("EER") number 000595-08192020-01 from DCP. DCP reported that Acid Gas Flare 4, unit 113 operated from August 17, 2020 to August 19, 2020 for a total of 44 hours and reported in the EER that flaring was to complete maintenance on the reactor vessel.

DCP exceeded the flaring time limit by 29.6 hours. DCP did not include an affirmative defense demonstration with this EER.

Conclusion:

The failure of DCP to limit flare operation during a maintenance activity to no more than 14.4 hours in a single event is in violation of Title V Permit P086-R3, Specific Condition A107.C. DCP exceeded the operating hour limit by 29.6 hours resulting in 30 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to operate flare unit 113 according to its permit.

Company:	DCP Operating Company, LP	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #	0595	AQB AIRS #:	350250044

VIOLATION 4: Title V Permit P086R3, Specific Condition A107.D *SSM Emissions of NO_x, CO, VOC, SO₂, and H₂S* and General Condition B109.E *General Recordkeeping Requirements*

Number of Claims: 12

Requirement:

Specific Condition A107.D states in relevant part, "*Recordkeeping*:"

"... (3) Records shall include flow meter readings, or any parameter needed to measure or calculate the NO_x, CO, VOC, SO₂ and H₂S emissions from a particular SSM event..."

"(4) The permittee shall record the demonstrated compliance in accordance with Condition B109, except the requirement in B109.E to record the start and end times of SSM events shall not apply to the venting of known quantities of VOC. Exemption to record start & end times applies only to venting of fixed quantities of VOCs. Other SSM, e.g. flaring, must record start and end times."

General Condition B109.E states in relevant part, "Unless otherwise indicated by Specific Conditions, the permittee shall keep the following records for malfunction emissions and routine and predictable emissions during startup, shutdown, and scheduled maintenance (SSM):

"... (2) If the facility has allowable SSM emission limits in this permit, the permittee shall record all SSM events, including the date, the start time, the end time, a description of the event, and a description of the cause of the event..."

Description:

DCP failed to keep required SSM records used to demonstrate compliance.

The Department received the following reports from DCP for the Eunice Gas Processing Plant:

- October 15, 2020 Title V (TV) semiannual monitoring report for operations from March 1, 2020 through August 31, 2020;
- April 2, 2021 TV semiannual monitoring report for operations from September 1, 2020 to February 2021; and
- April 23, 2021 DCP's response to AQB's records request.

The Department determined from a review of DCP's records submitted with the TV semiannual monitoring reports and response to AQB's records request that it failed to include all required SSM records over the 12-month period. Missing were the dates of SSM events, description and cause of SSM events, and parameters needed to calculate NO_x, CO, VOC, SO₂ and H₂S pound per hour (pph) emissions from SSM events.

Conclusion:

The failure of DCP to keep required records for SSM event emissions is in violation of P086-R3, Specific Condition A107.D. Twelve months of missing records represents 12 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to keep the required records.

Company:	DCP Operating Company,	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #	0595	AQB AIRS #:	350250044

VIOLATION 5: Title V Permit P086R3, Specific Condition A201.C *RPM governor or RPM limit switch (Units C-1, C-2, or C-3)*

Number of Claims: 2

Requirement:

Title V Permit P086-R3, Specific Condition A201.C states "Monitoring: The permittee shall manually document the proper function of the governor or limit switch every 12 months by recording the device is working, the RPM of each engine and that the seal is still in place."

Description:

DCP failed to record the inspections of the engine RPM (revolutions per minute) governor or limit switch.

On October 15, 2020, the Department received DCP's TV semiannual monitoring report for operations from March 1, 2020 through August 31, 2020. DCP reported deviations from condition A201.A for failing to record the RPM governor check on engine units C-2 and C-3 during 2019 inspections. Limiting the RPM of an engine reduces engine capacity and emission rates.

On November 10, 2020, in response to the Department's inquiry regarding why these records were not kept, DCP confirmed that the "RPM check during PM was recorded in 2020 for both units on 5/6/2020, DCP did not record this PM activity during the 2019 PMs."

Conclusion:

The failure of DCP to document the inspection results of the RPM limit switch for engine Units C-2 and C-3 is in violation of P086-R3, Specific Condition A201.C. Missing records for two engines represents two claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to keep required records.

Company:	DCP Operating Company,	Inspection By:	Leigh Barr & Jeremy Cahan
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 6: Title V Permit P086R3, Specific Condition A203.C *Emissions Control for Truck Loading Rack – Condensate (Unit LOAD)*

Number of Claims: 299

Requirement:

Specific Condition A203.C states, "Monitoring: The permittee shall monitor the VRU [Vapor Recovery Unit] and the pipelines from the loading/unloading operation going to the VRU for proper operation daily and visually inspected weekly for corrosion, damage, and/or gas leaks. VRU maintenance shall be completed per manufacturer's instructions. All periods of down time for the truck loading rack VRU shall be monitored.

"Recordkeeping: The permittee shall maintain records of the operating and visual inspections, VRU maintenance, and the date, duration, and reason for VRU down time. If VRU maintenance or repair was performed, the record shall include a description of actions taken."

Description:

Based on review of DCP records submitted with TV semiannual monitoring reports and in response received on September 20, 2021 to a Department records request, the Department determined that DCP failed to keep records for the following VRU inspections summarized in the table below.

Received date	Document Received	Missing Records
October 15, 2020	TV semiannual report for March 1, 2020 to August 31, 2020	No Inspection Records for March 1 to 14, 2020 and March 17 to July 31, 2020
April 2, 2021	TV semiannual report for September 1, 2020 to February 28, 2021	No inspection records for November 18, 2020 and December 11, 2020
September 20, 2021	VRU inspection records from August 17, 2019 to September 13, 2021 in response to AQB records request	No inspection records for March 1, 2021 to June 23, 2021 and missing inspections already listed. No record of downtime duration for October 31, 2020; January 7, 29, 30, and 31, 2021 No record of the reason for downtime on January 7, 29, 30, and 31 2021

Conclusion:

The failure of DCP to conduct inspections and keep all required records is in violation of P086R3, Specific Condition A203.C. Missing 290 records of VRU inspections, 5 records of VRU downtime duration, and 4 records of reasons for VRU downtime represents 299 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to complete VRU inspections and/or keep required records.

Company:	DCP Operating Company,	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 7: Title V Permit P086R3, Specific Condition A203.D *Truck Loading – Condensate Loadout (Unit LOAD)*

Number of Claims: 92

Requirement:

Specific Condition A203.D states, "... The loading/unloading operation shall be equipped and operated 1) using vapor balancing of tank truck loading, and 2) with a fully functioning vapor recovery unit (VRU) that captures and recovers 100% of emissions. The recovered vapors shall be routed back to the inlet stream to eliminate VOC emissions except during times when the VRU is undergoing maintenance and/or repair."

"Monitoring: The permittee shall monitor the condensate truck loadout volume on a daily basis. Monitoring shall be suspended when the new pipeline is in operation, **at which time the truck loading rack shall only be used as a backup. This shall occur no later than 12/31/2011. Monitoring shall resume any time the Unit is used.**" [Emphasis added.]

Description:

On December 31, 2011 DCP was required to start loading condensate using a pipeline and only use the truck loading rack as a backup to pipeline loading, pursuant to Specific Condition A203.D.

According to deviations DCP reported in two TV semiannual monitoring reports covering operations from March 1, 2020 to February 28, 2021, DCP used the truck loading rack for 100% of its condensate loading, but reported that emissions were controlled 100%.

In DCP's TV semiannual monitoring report received on October 15, 2020, DCP stated, "During this reporting period, Eunice Plant trucked 66 loads of stabilized condensate via returned piping resulting in no emissions to atmosphere. This activity was outside of permit regulations and therefore is a deviation to Eunice Plant."

In DCP's TV semiannual monitoring report received April 2, 2021, DCP stated, "...There were 21 condensate truck loads in September 2020 and 5 condensate truck loads in October 2020. The VRU was active during this time, therefore 100% emissions were recovered. A deviation will be reported for the violation of the truck hauling, as it was not used as a back up situation."

Conclusion:

The failure of DCP to load condensate using the pipeline, and instead using the truck rack for 100% of loading is in violation of P086-R3, Specific Condition A203.D. DCP reported a total of 92 incidences of this violation, representing 92 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP used the truck rack for more than a year to load condensate in violation of its permit.

Company:	DCP Operating Company, LP	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	July 27, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 8: Title V P086R3, Specific Condition A207.A *Sulfur Monitoring (Amine-01, 112A, 114A, 31, 113)*; and
20.2.35 New Mexico Administrative Code (NMAC) *Natural Gas Processing Plant - Sulfur*

Number of Claims: 9

Requirement:

Specific Condition A207.A states "Requirement: The permittee shall comply with all applicable requirements of 20.2.35.109.A and B NMAC.

"Monitoring: ... Calculations demonstrating compliance with the requirements of 20.2.35.109.A or B NMAC shall be based on a 24-hour period, midnight to midnight."

NMAC 20.2.35.109 *Existing Natural Gas Processing Plants*, states, "A. The owner or operator of an existing natural gas processing plant that releases an average of ten tons a day or greater of sulfur in plant processes and that has an off-gas stream that undiluted contains greater than 20 mole percent hydrogen sulfide **shall not permit, cause, suffer or allow at any time sulfur emissions to the atmosphere in excess of 10 pounds of sulfur for every 100 pounds of sulfur released in plant processes.** [Bold added.]

"B. The owner or operator of an existing natural gas processing plant that releases an average of ten tons a day or greater of sulfur in plant processes and that has an off-gas stream that undiluted contains less than or equal to 20 mole percent hydrogen sulfide **shall not permit, cause, suffer or allow at any time sulfur emissions to the atmosphere in excess of 12 pounds of sulfur for every 100 pounds of sulfur released in plant processes.** [Bold added.]"

Description:

Pursuant to 20.2.35.109.A or B NMAC, an existing gas processing plant must limit sulfur emissions from gas processes by 88% or 90% as follows:

- Process gas with >20 mole % sulfur - No more than 10 pounds of sulfur for every 100 pounds of sulfur released, or 90% reduction
- Process gas with ≤20 mole % sulfur - No more than 12 pounds of sulfur for every 100 pounds of sulfur released, or 88% reduction

Based on review of DCP quarterly reports of daily percent sulfur reduction from the sulfur recovery unit (SRU) which controls H₂S in amine unit emissions, the Department determined that DCP failed to limit sulfur per 20.2.35.109 NMAC on the following days.

Report Receipt Date	Operating Period	Date	Mole % Sulfur	Required Reduction	Actual Reduction
July 27, 2020	April 1 to June 30, 2020	4/1/2020	16.16	88%	86.4%
		4/22/2020	15.09	88%	87.1%
		5/8/2020	20.2	90%	87.5%
		5/10/2020	18.2	88%	83.4%
		5/11/2020	20.1	90%	86.9%
		6/1/2020	25.52	90%	86%
December 11, 2020	July 1 to September 30, 2020	7/14/2020	12.7	88%	87.4%
		8/18/2020	17.2	88%	87.9%
		9/8/2020*	18.55	88%	85.6%
		9/12/2020*	18.57	88%	86.2%
February 2, 2021	October 1 to December 31, 2020	12/25/2020*	16.4	88%	85.5%
April 30, 2021	January 1 to March 31, 2021	1/6/2021	0.15	88%	80.1%

* Control efficiency violations on September 8 and 12 and December 25, 2020 are included under excess emissions violation 1 and so are not also included as claims under this violation.

Conclusion:

The failure of DCP to meet the sulfur emission limits is in violation of 20.2.35.109.A and B NMAC and Title V permit P086-R3, Specific Condition A207.A. Control efficiency violations on September 8 and 12 and December 25, 2020 are included under excess emissions violation 1 and so are not also included as claims under this violation. Failing to meet limits on 12 days, less 3 days included under violation 1, represents 9 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to meet sulfur limits required by State regulation 20.2.35 NMAC.

Company:	DCP Operating	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	July 27, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 9: Title V Permit P086R3, Specific Condition A207.B *SO₂ Continuous Emissions Monitor and SO₂ monitoring requirements (Unit 31, SRU)*

Number of Claims: 9

Requirement:

Specific Condition A207.B states in relevant part,

“Requirement:

(1) The permittee shall monitor the appropriate parameters necessary to comply with the requirements of 40 CFR 60, Subpart A.

Monitoring:

... 2 ... The permittee shall calibrate the CEMS in accordance with the requirements of 40 CFR 60, Subpart A, 60.13(d)(1), except that the required CEMS calibration frequency is no less than three (3) times per week instead of daily calibration...”

Description:

DCP submitted to the Department quarterly sulfur reports for the following monitoring periods:

- April 1 – June 30, 2020 (received July 27, 2020);
- July 1 – September 30, 2020 (revised report dated December 11, 2020); and
- January 1 – March 31, 2021 (received April 30, 2021).

From review of the reports the Department determined that during nine weeks, DCP failed to calibrate the Sulfur Recovery Unit (SRU) Continuous Emissions Monitoring System (CEMS) at least three times per week as follows:

Sunday of the Week	1 st calibration date	2 nd calibration date	3 rd calibration date
March 22, 2020	March 23, 2020 (Mon)	March 25, 2020 (Wed)	none
March 29, 2020	none	April 1, 2020 (Wed)	April 3, 2020 (Fri)
May 3, 2020	none	May 6, 2020 (Wed)	none
May 10, 2020	none	none	none
May 17, 2020	none	none	none
May 24, 2020	none	none	none
July 5, 2020	none	July 8, 2020 (Wed)	July 10, 2020 (Fri)
August 9, 2020	August 10, 2020 (Mon)	August 12, 2020 (Wed)	none
January 24, 2021	January 25, 2021 (Mon)	none	none

The CEMS was not calibrated for three consecutive weeks during May 2020.

Conclusion:

The failure of DCP to calibrate the SRU CEMS at least three times each week is in violation of Title V Permit P086R3, Specific Condition A207.B(1). Failure to meet the three times/week calibration requirement during nine weeks represents nine claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to calibrate the SRU CEMS according to permit requirements for over two months.

Company:	DCP Operating	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 10: Title V P086R3, Specific Condition A210.A 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plan*

Title V P086R3, Specific Condition A210.B 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plant (Units 16, 20, 21, 22)*

40 CFR § 64.7 *Operation of approved monitoring (d) Response to excursions or exceedances (1)*

40 CFR § 64.9 *Reporting and recordkeeping requirements, (a)(2)(i)*

Number of Claims: 35

Requirement:

Specific Condition A210.A states in relevant part,

“Monitoring: The permittee shall monitor the following indicators according to the approved CAM Plan in Condition A210.B and pursuant to 40 CFR 64.3(a) and (b): for the White Superior 8G825 Units: ... the pressure differential between the inlet and outlet of the catalyst is measured with a differential pressure gauge...

The permittee shall respond to any excursion of indicator range or condition in accordance with the CAM Plan and 40 CFR 64.7(d).

Reporting: The permittee shall meet the reporting requirements in 40 CFR 64.9(a)...

40 CFR § 64.7 states in relevant part, “(d)(1) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device ...) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include ... taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance...”

40 CFR § 64.9 states in relevant part, “(a) General reporting requirements. (2) A report for monitoring under this part shall include... the following information, as applicable: (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;”

Specific Condition A210.B states in relevant part,

III. Response to Excursion

“Excursions of the ... pressure differential across the catalyst ... will trigger an inspection, corrective action, and reporting...

Indicator No. 2, Pressure Differential across Catalyst, II. Indicator Range... states, “An excursion is defined as a pressure differential change of more than 2 inches of water as compared to the pressure differential measured during the most recent NOx emission measurement that showed compliance with limits.” Below is the relevant part of the Monitoring Approach table from Specific Condition A210.B.

Monitoring Approach: Eunice Gas Plant Units 16, 20, 21, 22

	Indicator No. 1	Indicator No. 2
I. Indicator	Catalyst Inlet Temperature	Pressure Differential across Catalyst
Measurement Approach	The inlet ...	The pressure differential ...
II. Indicator Range	Normal ...	An excursion is defined as a pressure differential change of more than 2 inches of water as compared to the pressure differential measured during the most recent NOx emission measurement that showed compliance with limits.
III. Performance Criteria ... a to f		

Description:

The Eunice Gas Plant had four reciprocating internal combustion engines (RICE) that required nitrogen oxide (NOx) emissions control using a catalytic converter that was subject to a 40 CFR § 64, CAM Plan. Alleged violations are related to multiple excursions of the catalyst differential pressure (DP) used as an indicator of control device performance.

On October 15, 2020 and April 2, 2021, the Department received two TV semiannual reports covering operations from March 1, 2020 to February 28, 2021. On June 19, 2020 the Department received additional CAM records from DCP during review of the two semiannual reports. Based on review of the reports and additional records, the Department determined that DCP failed to maintain the catalyst DP of no more than 2 inches of water as compared to the DP measured during the most recent NOx emissions test for engine unit 16. DCP also failed to report the cause of excursions and the corrective actions taken.

The table below summarizes the dates of each of the 35 DP excursions that occurred during 2020, including the NOx emissions test date and the DP reading measured on that date. If the periodic DP readings are more than 2 inches above the DP read during the most recent test it is an excursion of the indicator range.

Basis of DP Used for Indicator Range	Unit 16 DP for Comparison	Unit 16 (West) dates of DP excursions
DCP 6-19-20 response	0.46 + 2	Mar 1, 2, 3, 2020
7-29-20 test	0.6 + 2	Oct 16, 17, 18, 2020

Basis of DP Used for Indicator Range	Unit 16 DP for Comparison	Unit 16 (West) dates of DP excursions
7-29-20 test	0.6 + 2	Nov 25, 26, 27, 28, 29, 30, 2020
7-29-20 test	0.6 + 2	Dec 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 2020
7-29-20 test 2-8-21 test	0.6 + 2 4.66 + 2	Feb 1, 2, 3, 4, 5, 6, 7, 2021

Conclusion: The failure of DCP to maintain the catalytic converter DP within the normal indicator range, to restore the catalytic converter controls to normal as expeditiously as possible, and to report the cause of excursions and the corrective actions taken is in violation of TV Permit P086R3, Specific Conditions A210.A and B, 40 CFR § 64.7(d)(1), and § 64.9(2)(i). DCP reported 35 DP excursions representing 35 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to inspect the reasons for, make corrections to, and report 35 excursions.

Company:	DCP Operating	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	October 15, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 11: Title V P086R3, Specific Condition A210.A 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plan*
Title V P086R3, Specific Condition A210.B 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plant (Units 16, 20, 21, 22)*
40 CFR § 64.7 *Operation of approved monitoring (d) Response to excursions or exceedances (1)*
40 CFR § 64.9 *Reporting and recordkeeping requirements, (a)(2)(i)*

Number of Claims: 7

Requirement:

Specific Condition A210.A states in relevant part,

“Monitoring: The permittee shall monitor the following indicators according to the approved CAM Plan in Condition A210.B and pursuant to 40 CFR 64.3(a) and (b): for the White Superior 8G825 units: The inlet to the catalyst bed is equipped with a thermocouple...

“Reporting: The permittee shall meet the reporting requirements in 40 CFR 64.9(a)...”

40 CFR § 64.9 states in relevant part, “(a) General reporting requirements. (2) A report for monitoring under this part shall include... the following information, as applicable: (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;”

Specific Condition A210.B states in relevant part,

III. Response to Excursion

“Excursions of the inlet temperature ... will trigger an inspection, corrective action, and reporting.”

Indicator No. 1, Catalyst Inlet Temperature, II. Indicator Range... states, “Normal operating range for Catalyst Inlet T: $750^{\circ} \text{F} \leq T \leq 1250^{\circ} \text{F}$.”

Indicator No. 1, Catalyst Inlet Temperature, III. Performance Criteria e. Data Collection Procedures ... states, “Catalyst inlet temperature recorded once daily”. Below is the relevant part of the Monitoring Approach table from Specific Condition A210.B.

Monitoring Approach: Eunice Gas Plant Units 16, 20, 21, 22

	Indicator No. 1	Indicator No. 2
I. Indicator	Catalyst Inlet Temperature	Pressure Differential across Catalyst
Measurement Approach	The inlet to the catalyst bed is equipped with a thermocouple.	The pressure ...
II. Indicator Range	Normal operating range for Catalyst Inlet T: $750^{\circ}\text{F} \leq T \leq 1250^{\circ}\text{F}$	An excursion ...
III. Performance Criteria	Temperature is measured at the inlet of the catalyst ...	Pressure differential ...
a....d		
e. Data Collection Procedures	Catalyst inlet temperature recorded once daily	Pressure differential ...
f...		

Description:

On October 15, 2020 and April 2, 2021, the Department received two TV semiannual reports covering operations from March 1, 2020 to February 28, 2021. On June 19, 2020 the Department received additional CAM records from DCP during review of the two semiannual reports. Based on review of the reports and additional records, the Department determined that for RICE units 16 and 20, DCP failed to maintain the catalyst inlet temperature within the indicator range of 750°F to 1250°F, failed to report the cause of excursions and corrective actions taken, and/or failed to measure the inlet temperature each day.

The table below summarizes the dates of each of the 7 temperature excursions or dates of missing temperature readings.

Unit 20 (East) Missing Temperature Record	Unit 16 (West) Missing Temperature Records	Unit 16 (West) dates of Temperature Excursions
Mar 9, 2020		
	Apr 16, 2020	Apr 2, 29, 2020
	May 6, 2020	
		Jun 18, 2020
	Aug 13, 2020	

Conclusion: The failure of DCP to record the catalyst inlet temperature, to maintain the catalyst inlet temperature within the normal indicator range, and to report the cause of excursions and the corrective actions taken is in violation of TV Permit P086R3, Specific Conditions A210.A and B, and 40 CFR § 64.9(2)(i). DCP reported 3 temperature excursions and missed keeping 4 temperature records representing 7 claims.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to keep records, maintain catalyst inlet temperature within the indicator range, and to report the causes of excursions and corrective actions taken.

Company:	DCP Operating	Inspection By:	Leigh Barr
Facility:	Eunice Gas Plant	Date of Discovery:	June 22, 2020
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	P086-R3	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 12: Title V P086R3, Specific Condition A210.A 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plan*
 Title V P086R3, Specific Condition A210.C 40 CFR 64, *Compliance Assurance Monitoring (CAM) Plan for Amine Treater*
 40 CFR § 64.3 *Monitoring design criteria* (b)

Number of Claims: 1

Requirement:

Specific Condition A210.A states in relevant part, "Compliance Assurance Monitoring (CAM) contained in 40 CFR 64 applies to ... Amine Treater Controlled by SRU (Unit 31) and SRU Acid Gas Flare #2 (Unit 113). The permittee shall meet the requirements of the Provisions in Subparts 64.3(a) and (b)..."

40 CFR § 64.3 *Monitoring design criteria* states in relevant part, "(b) Performance criteria. The owner or operator shall design the monitoring to meet the following performance criteria:

... (3) Quality assurance and control practices that are adequate to ensure the continuing validity of the data...

(4) Specifications for the frequency of conducting the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred."

Specific Condition A210.C *Monitoring Approach: Eunice Gas Plant Acid Gas Flare, Indicator No. 1, III. Performance Criteria C. Monitoring Frequency* states in relevant part, "The thermocouple and alarm system will be tested once in January and once in July of each year by turning off the thermocouples and recording the time required the alarm to respond..." Below are the relevant parts of the Monitoring Approach table from Specific Condition A210.B.

Monitoring Approach: Eunice Gas Plant Acid Gas Flare

	Indicator No. 1	Indicator No. 2	Indicator No. 3
I. Indicator	Presence of combustion in the flare.	Presence of Visible Emissions.	Totalized flow volume.
Measurement Approach	The presence of combustion in the flare shall be monitored by a well-maintained thermocouple with alarm that signals non-combustion of gas	...	...

Monitoring Approach: Eunice Gas Plant Acid Gas Flare

	Indicator No. 1	Indicator No. 2	Indicator No. 3
I. Indicator	Presence of combustion in the flare.	Presence of Visible Emissions.	Totalized flow volume.
	and an infrared camera with an alarm that signals non-combustion.		
II. Indicator Range ... III. Performance Criteria B. QA/QC Practices and Criteria	...	...	...
III. Performance Criteria C. Monitoring Frequency	The thermocouple and alarm system will be tested once in January and once in July of each year by turning off the thermocouples and recording the time required the alarm to respond. The infrared camera will also be tested twice a year by turning off the infrared camera and recording the time required for the alarm to respond.	...	...
III. D ... E	...	...	...

Description:

DCP completed a semiannual quality assurance test on the thermocouple and alarm system late for CAM indicator number 1.

On March 30, 2020, the Department received TV semiannual monitoring report covering operations from September 1, 2019 to February 29, 2020. On June 22, 2020 DCP provided additional information of the thermocouple and alarm system tests. Based on a review of the report and additional information, the Department determined that DCP failed to complete a semiannual test of the thermocouple alarm system. The CAM plan requires a thermocouple and alarm system test every January and July of each year, or twice per year. According to DCP's response received June 22, 2020, they historically complete the tests every April and October, did not complete a test in April 2019, and rescheduled the test for July 2019.

Conclusion: The failure of DCP to complete the semiannual quality assurance test on indicator 1's thermocouple and alarm system at the required frequency is in violation of TV Permit P086R3, Specific Conditions A210.A and C; and 40 CFR 64.3(b). Failing to complete one semiannual test on time represents one claim.

Additional Information Required:

Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to complete the quality assurance test at the required frequency.

Company:	DCP Operating	Inspection By:	Jeremy Cahn
Facility:	Eunice Gas Plant	Date of Discovery:	August 19, 2021
Case #:	DCP-0595-2101	NOV Prepared By:	Cember Hardison
Permit #:	44M11	NRV, FRV or HPV:	FRV
Agency Interest #:	0595	AQB AIRS #:	350250044

VIOLATION 13: Construction Permit 44M11, General Condition B110.C(1) *General Reporting Requirements*

Number of Claims: 2

Requirement:

General Condition B110.C(1) states, "The permittee shall notify the Department's Permitting Program Manager, in writing of, or provide the Department with (20.2.72.212.C and D):

(1) any change of operators or any equipment substitutions within fifteen (15) days of such change;

Description:

DCP failed to notify the Department of two engine substitutions within 15 days.

On August 19, 2021, an AQB compliance inspector completed an onsite equipment inventory during a full compliance evaluation. During the inspection, the AQB identified that the serial numbers on two engines, Units C-1 and C-2, did not correspond to the serial numbers of the engines on record with the Department.

On October 21, 2021, DCP stated by electronic mail that engine C-1 was replaced on June 7, 2021, and engine C-3 was replaced on October 16, 2019.

Conclusion:

The failure of DCP to notify the Department of identical engine substitutions within 15 days of such change is in violation of construction permit number 44M11, General Condition B110.C(1). Failing to notify of two engine substitutions represents two claims.

Additional Information Required:

1. Within 30 days of receipt of this NOV, the DCP shall submit in writing the causes of this violation, as well as the actions taken to prevent the recurrence of this violation. This information shall include an explanation of why DCP failed to notify the Department of the engine substitutions.

ADDITIONAL INFORMATION VERIFICATION

This form must be completed and signed by the facility's Responsible Official (Title V) and returned by the deadlines specified in the Notice of Violation. Submit this form and all required information to:

Cember Hardison
Cember.hardison@env.nm.gov

All submittals must be accompanied with the Reporting Submittal Form which can be found at:
<https://www.env.nm.gov/air-quality/compliance-and-enforcement/#> .

I hereby verify that DCP Operating Company, LP has initiated the required additional information response outlined in this Notice of Violation. The following information has been submitted or will be submitted by the dates indicated below for each violation.

*Alleged Violations 1
to 13*

_____ *A description of the causes of each violation 1 to 13*
_____ *Documentation of actions taken (or to be taken) to prevent
recurrence of each violation 1 to 13*

Alleged Violation 1 _____ *Explanation of why DCP failed to operate the facility within
permitted emission limits*
Alleged Violation 2 _____ *Explanation of why DCP failed to meet the reporting deadlines in
20.2.7 NMAC*
Alleged Violation 3 _____ *Explanation of why DCP failed to operate flare unit 113 according to
its permit*
Alleged Violation 4 _____ *Explanation of why DCP failed to keep required records*
Alleged Violation 5 _____ *Explanation of why DCP failed to keep required records*
Alleged Violation 6 _____ *Explanation of why DCP failed to complete VRU inspections and/or
keep required records*
Alleged Violation 7 _____ *Explanation of why DCP used the truck rack for more than a year to
load condensate in violation of its permit*
Alleged Violation 8 _____ *Explanation of why DCP failed to meet sulfur limits required by state
regulation 20.2.35 NMAC*
Alleged Violation 9 _____ *Explanation of why DCP failed to calibrate the SRU CEMS according
to permit requirements for over two months*
Alleged Violation 10 _____ *Explanation of why DCP failed to inspect the reasons for, make
corrections to, and report 35 excursions*
Alleged Violation 11 _____ *Explanation of why DCP failed to keep records, maintain catalyst
inlet temperature within the indicator ranges, and to report the
causes of excursions and corrective actions taken*
Alleged Violation 12 _____ *Explanation of why DCP failed to complete the quality assurance test
at the required frequency*
Alleged Violation 13 _____ *Explanation of why DCP failed to notify the Department of the
engine substitutions*

Signature
Printed Name:
Title:

Date

Attachment B
Affirmative Defense Evaluation NOV # DCP-0595-2101

Activity No	Event Type	ADD Claim?	Facility Comment	ADDF Accept	If NO, Regulation Citation	Notes
000595-07072020-01	M	Yes	Residue sales customer El Paso Natural Gas residue gas valve shut during SDV tests causing over pressure at Eunice plant of residue header reslting in flare. The event could not be foreseen and avoided or planned for since 35rd party, El Paso Natural Gas technician could have planned better by limiting gas and not overwhelming their system which transferred to DCP. DCP's operations could not prevent this since the plant recylce relieved pressure to minimize flare but could not manage incoming rates to stable residue header to avoid flare. For the duration of the event DCP backed out gas and opened up our plant recycle to get the pressure off the residue header and call for flare pressure controller to closed until technical could get the SDV back own.	No	20.2.7.111.A.2(a)	The affirmative defense did not explain if coordination with the 35rd party could have taken place before work started, or if the event could have been planned for.