



December 23, 2014

**BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Gina McCarthy
 Administrator
 U.S. Environmental Protection Agency
 1200 Pennsylvania Ave., NW
 Washington, D.C. 20460

Re: Notice of Intent to File Suit Over Failure to Take Action on Clean Air Act Title V Permit Applications in Region 8

Dear Administrator McCarthy:

Pursuant to Section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2), WildEarth Guardians hereby provides notice of its intent to file suit against the U.S. Environmental Protection Agency (“EPA”) after 60 days over the agency’s failure to perform several nondiscretionary duties set forth under Title V of the Clean Air Act. Specifically, we intend to file suit over your failure to issue or deny several Title V Permits pursuant to 40 C.F.R. § 71 within 18 months after receipt of complete applications, as required by Section 503(c) of the Clean Air Act, 42 U.S.C. 7661b(c), and 40 C.F.R. § 71.7(a)(2).

Specifically, EPA has failed to take legally required action on the following permit applications for major sources of air pollution subject to its jurisdiction in Region 8 under Title V of the Clean Air Act:

Company	Facility	Date Most Recent Complete Application Submitted	Type of Application	Location
Anadarko Uintah Midstream, LLC	Cottonwood Wash Compressor Station	December 26, 2007	Initial	Uintah & Ouray Reservation
Anadarko Uintah Midstream, LLC	Ouray Compressor Station	September 19, 2008	Initial	Uintah & Ouray Reservation
Monarch Natural Gas, LLC	Riverbend Compressor Station	July 5, 2011	Initial	Uintah & Ouray Reservation
XTO Energy, Inc.	Tap-5 Compressor Station	May 6, 2013	Initial	Uintah & Ouray Reservation

XTO Energy, Inc.	Little Canyon Unit Compressor Station	September 8, 2009	Initial	Uintah & Ouray Reservation
Marathon Oil Company	Steamboat Butte Operations	May 4, 2011	Initial	Wind River Reservation
XTO Energy, Inc.	Riverbend Dehydration Site	January 20, 2011	Initial	Uintah & Ouray Reservation
Anadarko Uintah Midstream, LLC	Antelope Flats/Sand Wash	May 18, 2011	Initial	Uintah & Ouray Reservation
Williston Basin Interstate Energy Transmission, Inc.	Hardin Compressor Station	April 25, 2013	Renewal	Crow Indian Reservation
Whiting Petroleum, Inc.	Flat Rock Compressor Station	August 30, 2007	Initial	Uintah & Ouray Reservation
Chipeta Processing, LLC	Natural Buttes Compressor Station	October 14, 2010	Renewal	Uintah & Ouray Reservation
Questar Pipeline Company	Fidlar Compressor Station	June 7, 2013	Renewal	Uintah & Ouray Reservation
EOG Resources Inc.	Chapita Wells Unit 1502-25D Facility	January 28, 2013	Initial	Uintah & Ouray Reservation

These facilities all serve in the production and processing of oil and natural gas. By virtue of their location within the exterior boundaries of Indian Reservations, they are subject to EPA regulation under Title V in accordance with 40 C.F.R. § 71.

The Clean Air Act provides that a permitting authority shall “issue or deny” a Title V Permit “within 18 months after the date of receipt” of an application for a Title V Permit. *See* 42 U.S.C. § 7661b(c); *see also* 40 C.F.R. § 71.7(a)(2). This is a nondiscretionary duty under the Clean Air Act. As of the date of this letter, the EPA has yet to issue or deny Title V Permits for any of the aforementioned facilities. For facilities seeking initial Title V Permits, this means that they are operating without any operating permit.

The failure of the EPA to take action on the Title V Permit applications harms WildEarth Guardians, its members, and its interests. WildEarth Guardians is a nonprofit environmental organization dedicated to protecting and restoring the wildlife, wild places, and wild rivers of the American West. Through its Climate and Energy Program, WildEarth Guardians works to advance clean energy by holding the fossil fuel industry accountable to environmental safeguards. In the case of the facilities listed above, which all serve in the production and processing of oil and natural gas, WildEarth Guardians has a vested interest in ensuring their operations are conducted in full accordance with the Clean Air Act.

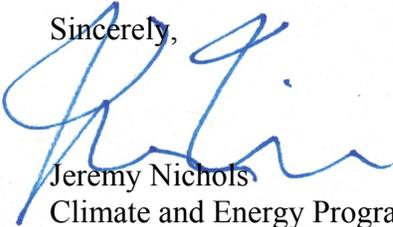
The EPA’s delay in issuing or denying Title V Permits within 18 months after receiving complete applications means that the agency has failed and is continuing to fail to ensure that the these facilities are meeting all applicable requirements under the Clean Air Act. Further, the public is being denied information necessary to understand which Clean Air Act requirements apply to the aforementioned facilities and what monitoring is being undertaken to ensure compliance.

This harm is underscored in relation to the Chipeta Processing Natural Buttes Compressor Station and the Anadarko Ouray Compressor Station. EPA circulated draft Title V Permits for these facilities for public comment in early 2011. On May 13, 2011, WildEarth Guardians submitted comments to the EPA questioning the adequacy of the permits. The comments objected to the issuance of the permits over, among other things, their failure to ensure compliance with Prevention of Significant Deterioration (“PSD”) permitting requirements. More than three years later, the EPA still has not finalized action on the Title V Permits or resolved WildEarth Guardians’ concerns.

The issuance or denial of Title V Permits would address WildEarth Guardians’ concerns, assuring that the aforementioned facilities operate in compliance with the Clean Air Act or shutdown over their failure to comply. The failure of the EPA to perform its nondiscretionary duty to issue or deny Title V Permits under the Clean Air Act would redress WildEarth Guardians’ harms.

In keeping with the requirements of federal regulations, you are hereby notified that the full name and address of the person giving the notice is WildEarth Guardians, 516 Alto St., Santa Fe, New Mexico 87501. If you wish to discuss this matter, please contact me at the information below.

Sincerely,



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