



June 13, 2024

BY CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Michael Regan, Administrator
Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Notice of Intent to Sue Over Failure to Respond to Clean Air Act Title V Petition Over HighPoint Operating Corporation's Equus Farms Oil and Gas Production Facility, Weld County, Colorado

Dear Administrator Regan:

The Center for Biological Diversity intends to sue you and the Environmental Protection Agency ("EPA") for your failure to respond within 60 days to the petition to object to the Clean Air Act Title V Operating Permit issued by the Colorado Air Pollution Control Division ("Division") authorizing HighPoint Operating Corporation ("HighPoint") to operate the Equus Farms 4-62-28 NWNW oil and gas production facility ("Equus Farms"), Title V Permit No. 20OPWE423. The Equus Farms facility is a large oil and gas production operation located in Weld County north of Denver.

We intend to bring a suit 60 days from the date of this letter, or shortly thereafter, under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2), against you for your failure to perform a non-discretionary duty outlined in 42 U.S.C. § 7661d(b)(2).

The Center for Biological Diversity is a nonprofit, 501(c)(3) conservation organization. The Center's mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health through science, policy, and environmental law. The Center has more than 89,000 members, including over 3,100 members in Colorado, many of whom are harmed by your failure to perform a mandatory duty under the Clean Air Act.

The Division is the agency responsible for issuing Title V operating permits in Colorado. The Division issued a draft Title V operating permit for HighPoint's Equus Farms facility and granted the public thirty days to comment on the draft permit. The Center submitted objections to the Division on the draft permit. Pursuant to 42 U.S.C. § 7661d(b)(2), the Center for Biological Diversity submitted a petition to the Administrator

of the EPA to object to the Equus Farms Title V Permit on April 1, 2024. The petition raised the following issues:

- I. The Title V Permit unjustifiably assumes a control efficiency of 95% for control devices, without proper testing, monitoring, recordkeeping, and reporting to ensure compliance and enforceability
- II. The Title V Permit fails to require monitoring and testing, as well as associated recordkeeping and reporting to assure compliance with applicable NOx and CO limits for the condensate tanks
- III. The Title V Permit fails to assure compliance with the Colorado SIPs requirement that a permitted facility will not cause or contribute to a violation of the NAAQS

The Clean Air Act, at 42 U.S.C. § 7661d(b)(2), provides that “the administrator shall grant or deny such [Title V] petition within 60 days after the petition is filed.” Responding to Title V petitions pursuant to 42 U.S.C. § 7661d(b)(2) is a non-discretionary duty under the Clean Air Act. The Equus Farms Title V petition was filed April 1, 2024, via the EPA’s Central Document Exchange website. You therefore had until May 31, 2024, to grant or deny the Title V petition. EPA neither granted nor denied the Title V petition by this date and/or by the date of this letter and therefore EPA is in violation of 42 U.S.C. § 7661d(b)(2). You are responsible for the violation of this non-discretionary duty by not responding to the Center for Biological Diversity’s petition within 60 days.

In keeping with the requirements of federal regulations, you are hereby notified that the full names and addresses of the persons providing this notice are:

Center for Biological Diversity
1536 Wynkoop St., Ste. 421
Denver, CO 80202

If you wish to discuss this matter, please contact us at the information below.

Sincerely,



Jeremy Nichols
Senior Advocate
Center for Biological Diversity
(303) 437-7663
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