



December 30, 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 Three Clean Air Act Title V Petitions

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 petitions requesting the Administrator object to three Clean Air Act Title V Operating Permits. The three petitions to object are as follows:

- Petition to object to Title V permit for Young Gas Company’s Young Compressor Station in Morgan County, Colorado, Permit No. 96OPMR177, filed by the Center for Biological Diversity on October 15, 2024;
- Petition to object to Title V permit for Kinder Morgan Altamont’s Altamont South Compressor Station in Duchesne County, Utah, Permit No. 1300041005, filed by the Center for Biological Diversity on October 15, 2024; and
- Petition to object to Title V permit for Harvest Four Corners’ 32-9 Central Delivery Point in San Juan County, New Mexico, Permit No. P030-R5, filed by the Center for Biological Diversity on October 21, 2024.

By law, you were required to grant or deny these petitions within 60 days of receipt. As of the date of this letter, neither petition has been granted or denied. If you do not grant or deny the three petitions within 60 days, we intend to bring a suit 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 mandatory duty under the Clean Air Act. The suit will seek to compel final action on the three petitions and other relief as may be necessary or provided for under the Clean Air Act.

Person Giving Notice

The Center for Biological Diversity is a nonprofit, 501(c)(3) incorporated 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, many of whom are harmed by your failure to perform your mandatory duties under the Clean Air Act.

Title V of the Clean Air Act

Under Title V of the Clean Air Act, a "major source" of air pollution cannot legally operate without first obtaining an operating permit. 42 U.S.C. § 7661a(a). A Title V operating permit must assure that such major sources operate in a manner that complies with the Clean Air Act at all times and must set forth monitoring, recordkeeping, and reporting to ensure and verify compliance. See 42 U.S.C. § 7661c (setting forth requirements for Title V operating permits). Such permits must also be written in such a way as to be understandable and enforceable as a practical matter for those charged with enforcing the Clean Air Act, including the public, state agencies, and the EPA. See 42 U.S.C. § 7661c(a) (requiring that permit terms and conditions be enforceable). Importantly, Title V operating permits must be subject to rigorous public scrutiny, including an opportunity for the public to comment, request a hearing, and receive a response from permitting agencies. See 42 U.S.C. § 7661a(b)(6).

States are largely delegated authority to implement the Title V permitting program. See 42 U.S.C. § 7661a(d). However, where a state issues a Title V operating permit that fails to comply with the Clean Air Act, the EPA may object to the issuance of the permit. See 42 U.S.C. § 7661d(b)(1). If the EPA does not object, any person may petition the EPA to object. See 42 U.S.C. § 7661d(b)(2).

The Petitions at Issue

In October 2024, the Center for Biological Diversity filed petitions requesting the EPA Administrator object to three state-issued Title V operating permits for oil and gas processing-related sources of air pollution in Colorado, Utah, and New Mexico.

The first petition requested the Administrator object to the Colorado Department of Public Health and Environment's issuance of a renewed Title V operating permit for the Young Compressor Station located in Morgan County, Colorado. The Young Compressor Station, owned by Young Gas Storage Company, processes and compresses gas for transmission and is a major source of harmful air pollutants, including volatile organic compounds ("VOCs") and nitrogen oxides. The Center for Biological Diversity submitted comments on the draft Title V permit for the Young Compressor Station on June 8, 2024. The EPA did not object to the issuance of the Title V permit. On October 15, 2024, the Center petitioned the Administrator to object

on the basis that that the Title V operating permit improperly exempted certain gas venting emissions from oversight under the permit.

The second petition requested the Administrator object to the Utah Department of Environmental Quality's issuance of a modified Title V operating permit for the Altamont South Compressor Station located in Duchesne County, Utah. The Altamont South Compressor Station, owned by Kinder Morgan Altamont, processes and compresses gas for transmission and is a major source of harmful air pollutants, including VOCs and nitrogen oxides. The Center for Biological Diversity submitted comments on the draft Title V permit for the Altamont South Compressor Station on May 22, 2024. The EPA did not object to the issuance of the Title V permit. On October 15, 2024, the Center petitioned the Administrator to object on the basis that that the Utah Department of Environmental Quality did not respond to the Center for Biological Diversity's comments, which raised numerous concerns over the ability of the Title V permit to assure compliance with the Clean Air Act.

The third petition requested the Administrator object to the New Mexico Environment Department's issuance of a renewed Title V operating permit for the 32-9 Central Delivery Point located in San Juan County, New Mexico. The 32-9 Central Delivery Point, owned by Harvest Four Corners, processes and compresses oil gas for transmission and is a major source of harmful air pollutants, including VOCs and nitrogen oxides. The Center for Biological Diversity submitted comments on the draft Title V permit for the 32-9 Central Delivery Point on May 24, 2024. The EPA did not object to the issuance of the Title V permit. On October 21, 2024, the Center petitioned the Administrator to object on the basis that that the Title V operating permit failed to require sufficient monitoring of venting emissions and improperly set forth an affirmative defense to violations.

The EPA has yet to respond to either petition. In the meantime, Colorado, Utah, and New Mexico have issued final permits for the facilities at issue, even though it appears the permits fail to assure compliance with the Clean Air Act.

Intent to File Suit

The Clean Air Act, at 42 U.S.C. § 7661d(b)(2), provides that "the administrator shall grant or deny [a 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 mandatory duty under the Clean Air Act.

EPA was therefore required to grant or deny the Young Compressor Station and Altamont South Compressor Station petitions on or before December 14, 2024 and the 32-9 Central Delivery Point petition on or before December 20, 2024. As of the date of this letter, EPA has not taken action on either petition.

Under the Clean Air Act, any person may file suit against the Administrator over the failure to perform an action that is not discretionary. See 42 U.S.C. § 7604(a)(2).

The failure to grant or deny the three Title V petitions filed by the Center for Biological within 60 days as required by 42 U.S.C. § 7661d(b)(2) is a failure to perform a mandatory duty under the Clean Air Act. Accordingly, after 60 days, the Center for Biological Diversity intends to file suit in federal court to compel action and to seek other relief as may be necessary and appropriate.

In keeping with the requirements of federal regulations, you are hereby notified that the full name and address of the person 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 me at the information below.

Sincerely,



Jeremy Nichols
Senior Advocate
Center for Biological Diversity
(303) 437-7663
jnichols@biologicaldiversity.org