

Title V/Clean Air Act: Center for Biological Diversity Petition to Object to Colorado Oil and Gas Production Wastewater Treatment Plant



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The Center for Biological Diversity and Grand Valley Citizens Alliance (collectively, “CBD”) filed a November 23rd Petition to Object (“Petition”) to an initial Title V permit (“Permit”) issued by the Colorado Department of Public Health and Environment (“CDPHE”) to Terra Energy Partners, Rocky Mountain LLC’s Parachute Water Management Facility (“Facility”).

The Facility is described as an oil and gas production wastewater treatment plant located in Colorado.

Title V requires certain stationary sources of air pollution to obtain Operating Permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by the United States Environmental Protection Agency (“EPA”). The intent of a Title V permit is to organize in a single document all the requirements which apply to the permit holder.

42 U.S.C. § 7661 requires that states submit each proposed Title V permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

The Petition describes the Facility as collecting wastewater from nearby oil and gas production operations retaining waste in large ponds and tanks for processing and disposing of waste. It alleges that the Facility releases large amounts of volatile organic compound (“VOC”) emissions. Further, the Petition states the Facility releases a variety of hazardous air pollutants.

CBD cites in the Petition as grounds for objection to the Title V permit:

- The Permit unjustifiably assumes a control efficiency of 95 percent for control devices, without proper testing, monitoring, and reporting to ensure this, and despite evidence to the contrary.
- The Permit improperly presumes compliance with visible emissions and opacity requirements applicable to the control devices.
- The Permit denies the public and EPA access to monitoring, testing, and recordkeeping information needed to assure compliance with the applicable requirements.
- The Permit includes an invalid “director’s discretion” provision that allows the Division to approve any alternative means of ensuring control devices are operating properly.

- The Permit improperly allows the use of an emissions model that is no longer available.
- The Permit improperly excuses monitoring of storage tanks and associated equipment that is unsafe, difficult, or inaccessible to monitor.

CBD requests that the EPA Administrator object to the Permit and require that CDPHE revise and reissue the Permit in a manner that complies with the requirements of the Clean Air Act and Colorado's State Implementation Plan.

A copy of the Petition can be downloaded [here](#).