

# Title V/Clean Air Act: Public Employees for Environmental Responsibility Petition to Object to Colorado Oil and Gas Production Facilities



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The Public Employees for Environmental Responsibility (“PEER”) and four other environmental organizations filed an August 7th Petition to Object (“Petition”) to initial Clean Air Act Title V permits issued by the Colorado Department of Public Health and Environment (“CDPHE”) for the following oil and gas production facilities:

- Antelope CPF 13-21 Production Facility
- State Antelope 0-1 Central Production Facility
- State North Platte 42-26 Central Production Facility
- State Pronghorn 41-32 Central Production Facility

The other environmental organization joining in the Petition include:

- Center for Biological Diversity
- 350 Colorado
- Sierra Club
- GreenLatinos

Collectively (“PEER”)

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 previously referenced facilities are described as oil and gas production operations. They are stated to collect and process wastewater, oil, and gas from remote or on-site wells. Emissions are stated to include volatile organic compounds (“VOCs”) and nitrogen oxide (“NOx”). Other air emissions are referenced.

The facilities are located in Weld County, Colorado. This is stated to be part of the Denver-Metro/North Front Range ozone nonattainment area. It is alleged that oil and gas production facilities in Weld County are the reason the Denver-Metro/North Front Range area is a severe nonattainment area for the 2008 ozone National Ambient Air Quality Standard and a moderate nonattainment area for the 2015 National Ambient Air Quality Standard. Data from EPA's 2000 National Emission Inventory is cited.

PEER cites in the Petition as ground for objection to the Title V permits:

1. The Permits unjustifiably assume a control efficiency of 95 percent for control devices, without proper testing, monitoring, and reporting to ensure this, and despite evidence to the contrary.
  1. The Antelope 13-21 and North Platte Permits Lack Adequate Testing, Monitoring, Recordkeeping and Reporting to Assure Compliance with Section II, Condition 1.1.2.
  2. The Four Permits Lack Adequate Testing, Monitoring, Recordkeeping and Reporting to Assure Compliance with the Permits Assumed 95% Control Efficiency for the ECD Serving the Loadout to Tanker Trucks

PEER requests that the EPA Administrator object to the permits and require that CDPHE revise and reissue the permits in a manner that complies with the requirements of the Clean Air Act.

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