

# Title V/Clean Air Act: Center for Biological Diversity Notice of Intent to Sue U.S. Environmental Protection Agency Addressing Colorado Oil and Gas Production Facilities



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The Center for Biological Diversity (“CBD”) transmitted a May 8th Clean Air Act Notice of Intent to Sue (“NOI”) to the United States Environmental Protection Agency (“EPA”) over an alleged failure to:

...issue or deny the Clean Air Act Title V Operating Permits for Bonanza Creek Energy Operating Company (“Bonanza Creek”) to operate four oil and gas production facilities in Colorado after objecting pursuant to Section 505(b) of the Clean Air Act.

CBD states that EPA objected to the issuance of the Title V permits on the basis that they failed to comply with the Clean Air Act and properly limit air pollution.

EPA is stated to have granted a petition filed by CBD on January 30th objecting to the issuance of the Title V permits to operate the referenced facilities in Weld County, Colorado. *See In the Matter of Bonanza Creek Energy Operating Company, LLC, Order on Petition XIII-2023-11.*

The objection was stated to be based on the failure of the Colorado Air Pollution Control Division to ensure sufficient monitoring of flaring at the facilities and assure compliance with applicable limits on volatile organic compound gasses and other air pollutants.

CBD states that the Colorado Air Pollution Control Division was required to issue Title V permits revised to meet the objection by April 29, 2024. It states that the Colorado agency has not submitted revised permits that resolve EPA’s objection.

As a result, EPA is alleged to have a mandatory duty to issue or deny the Title V permits. EPA is alleged to therefore have failed to perform a nondiscretionary duty under the Clean Air Act, or unreasonably delayed carrying out the mandatory duties set forth at 42 U.S.C. § 7661d(c).

CBD states that it intends to file a Clean Air Act citizen suit after 60 days over the alleged failure to perform the nondiscretionary duty and after 180 days over the alleged unreasonable delay.

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