

# Title V Operating Permit/Rio Arriba County, New Mexico Compressor Station: U.S. EPA Environmental Appeals Board Petition Filed



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Harvest Four Corners, LLC (“Harvest”) filed a July 29th Petition for Review (“Petition”) before the United States Environmental Protection Agency’s (“EPA”) Environmental Appeals Board (“EAB”) addressing a Clean Air Act Title V Operating Permit.

The Petition addresses a permit issued to Harvest for the Los Mestenos Compressor Station (“Station”) located in Rio Arriba County, New Mexico.

The Station is described as an existing natural gas compressor facility accepting produced natural gas gathered from various wellheads from the gas fields surrounding the Station. It compresses the gas for delivery to natural gas processing facilities.

The Station is stated to consist of a single 1,200 horsepower natural gas-fire Solar Saturn combustion turbine used to drive a natural gas compressor. Also encompassed at the Station are:

- One 400-barrel condensate tank.
- One 400-barrel overflow of condensate tank.
- Emergency generator issue.

A Title V permit renewal application was filed on February 4, 2022. A Final Permit was issued on June 28th which is the subject of the Petition.

Harvest argues that EPA’s:

...inclusion of new, enforceable emission limits, as well as associated monitoring, recordkeeping, and reporting (“MRR”) requirements in the Final Permit is clearly an erroneous abuse of discretion.

The Petition further argues that such a permitting approach is unlawful and sets a dangerous precedent that would allow the agency to use Title V to impose substantive requirements on facilities without underlining applicable requirements. It cites what it describes as a previous EPA acknowledgement that Title V is a procedural permitting statute.

Arguments raised in the Petition include:

- A 1996 minor resource review permit issued to Harvest’s predecessor owner of the Station established a predicate imposition of substantive requirements because:
- EPA lacked the authority to issue a minor source construction permit in Indian Country in 1996.

- The minor new source review permit did not address any of the units for which EPA now reports to impose substantive requirements.
- EPA cancelled the minor new source review permit in 2009, rendering it ineffective and inapplicable.
- EPA cannot impose potential to emit limitations in the Title V permit because Title V is not the appropriate permitting program for establishing new enforcement limitations on a source's potential to emit and Harvest did not request EPA to impose such limits in the Title V permit.
- EPA lacks the authority to impose the associated monitoring, recordkeeping, and reporting requirements in the permit because the emission limitations they were based on have no underlying applicable limits or standards.

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