

Title V/Clean Air Act: Center for Biological Diversity Petition to Object Filed Addressing San Juan County, New Mexico Oil/Gas Processing Facility



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The Center for Biological Diversity (“CBD”) filed an October 21st Title V Petition to Object (“Petition”) before the United States Environmental Protection Agency (“EPA”) related to Harvest Four Corners LLC (“Harvest”). See Title V Permit No. P030-R5.

The Title V Petition objects to the renewal of a Title V Operating Permit (“Permit”) issued by the New Mexico Environmental Department, Air Quality Bureau (“Bureau”).

The Petition addresses Harvest’s operation of the 32-9 Central Delivery Point (“CDP”) in San Juan County, New Mexico.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize in a single document all the requirements that 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 the receipt of the proposed permit (and all necessary supporting information) if the agency determines it is not in compliance with the applicable requirements under 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.

CDP is described as an oil and gas processing facility. The facility is stated to receive, dehydrate, and compress gas for pipeline transmission utilizing three large dehydrators to process gas and five large engines to compress and transmit gas.

Sources of emissions at the facility are stated to include the engines and dehydrators as well as:

- Produced water tanks.
- Truck loading of liquids.
- Equipment gas leaks.

The facility is stated to be a major source of nitrogen oxides and volatile organic compounds.

The grounds for objection put forth by CBD include:

- The Title V Permit Fails to Ensure Sufficient Periodic Monitoring of VOC Emissions During Startup, Shutdown, Maintenance, and Malfunctions.
- The “Emergency Provision” Affirmative Defense is no Longer an Applicable Requirement and Cannot be Included in the Title V Permit.

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