

U.S. EPA Environmental Appeals Board: Petition Filed Challenging Uintah County, Utah Natural Gas Compression Facilities' Clean Air Act Permits



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WildEarth Guardians (“WildEarth”) filed a July 7th Petition for Review (“Petition”) before the United States Environmental Protection Agency (“EPA”) Environmental Appeals Board (“EAB”) challenging Clean Air Act permits for six natural gas compression facilities (“Facilities”).

The Petition states that EPA (Region 8) issued six “virtually identical” synthetic minor new source review (“NSR”) permits establishing federally enforceable emission limits for six natural gas compression facilities operated by Anadarko Uintah Midstream, LLC, (“Midstream”) located in Uintah County, Utah.

WildEarth states that the Uintah Basin of Northeast Utah was recently designated a nonattainment area due to ongoing violations of National Ambient Air Quality Standards (“NAAQS”) for ground-level ozone.

WildEarth challenges EPA’s decision concluding there was no reason to be concerned that permitting the six Facilities would cause or contribute to violations of the NAAQS for ground-level ozone. The organization states this was the basis for not requiring an Air Quality Impacts Analysis be prepared in accordance with 40 C.F.R. § 49.154(d).

EPA is stated to have acknowledged in response to WildEarth’s comments that the requirements of 40 C.F.R. § 49.154(d) were applicable – but that they would not be applied. WildEarth states that the rationale cited by EPA for this conclusion was that the agency asserted its permitting action would not cause new construction, and, therefore, there was no reason to be concerned over air quality impacts.

EPA is stated to have argued that the Facilities were subject to a federal Consent Decree rendering them Facilities existing synthetic minor sources prior to the adoption of the 2011 Tribal NSR rules. The agency is stated to have reasoned that because such emissions were previously limited, its permitting actions would have no effect on emissions.

WildEarth summarizes its argument by stating that EPA in anticipating the expiration of a federal Consent Decree attempted to transfer Decree requirements to the NSR permits. It argues that the agency “cannot forego adhering to its permit regulations in the process and overlook the severity of air quality in the Uintah Basin of Utah.” The organization requests that its Petition be granted and the permits remanded.

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

