

Attachment J

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)
In re:)
)
Harvest Four Corners, LLC)
)
Permit No. R6FOP-NM-040R2)
_____)

**DECLARATION OF OAKLEY HAYES
IN SUPPORT OF PETITIONERS HARVEST FOUR CORNERS LLC'S BRIEF IN
SUPPORT OF PETITION FOR REVIEW**

I, Oakley Hayes, hereby declare and state that the following is true and correct to the best of my knowledge, based on my personal knowledge and information provided by Harvest Midstream Company and Harvest Four Corners LLC personnel:

1. This Declaration is submitted in support of Harvest Four Corners LLC's Petition for Review filed October 11, 2022 in this case.
2. I am an Environmental Specialist at Harvest Midstream Company with responsibility for federal and state permitting of a number of Harvest's assets in Colorado and New Mexico, including the Los Mestenos Compressor Station.
3. I have been in this position since March of 2021. Prior to that time, I was the Air Quality Technical Manager for the Southern Ute Indian Tribe, which has received Treatment as a State. In this role, I was responsible for managing the permitting branch of the Southern Ute Indian Tribe's Title V Program, which included the development and issuance of Title V permits under Part 70.

4. The Los Mestenios facility is located on the Jicarilla Apache reservation in rural northwestern New Mexico.

5. Los Mestenios is a natural gas compressor station, which takes low pressure gas from upstream oil and gas wells through a compressor to increase the pressure and move the gas through the pipeline system.

6. Los Mestenios consists of a single 1200 HP natural gas-fired Solar Saturn turbine used to compress natural gas, one 400 bbl condensate tank, a 400 bbl overflow condensate tank, and an emergency generator engine. After entering the facility, natural gas passes through two non-emitting vessels that separate liquids from the natural gas stream. Liquids are sent to the condensate tank, and water is separated from the condensate and drained into the facility's produced water tank. A heater is used to prevent the liquids in the tanks from freezing during the winter months. The liquids are trucked off-site. The natural gas is compressed by the natural gas-fired Solar Saturn turbine. Fuel gas for the turbine is heated with a fuel gas heater in the winter to prevent condensables from freezing. Once compressed, the gas exits the facility via pipeline.

7. The facility was originally issued a Title V permit by EPA in 2003. EPA issued the most recent Title V permit for the Los Mestenios facility to Williams Four Corners, LLC in 2017. Harvest acquired the facility from Williams Four Corners LLC in 2018.

8. As part of my review of the 2017 Title V permit for renewal, I identified updates that would result in substantially lower potential to emit. For example, there was an engine included in the 2017 permit that has not operated since at least 2013 and the inlet, outlet, and fuel lines are disconnected. I also determined that the condensate emissions should be re-modeled based on the most recent condensate analysis (completed in 2021), which showed lower emissions due to a lowered system pressure and a reduction in more volatile components found in the liquid condensate. The change in the engine emissions, updating the condensate analysis, and re-modeling

as part of the renewal application resulted in a substantially lower potential to emit at the Los Mestenos facility.

9. Based on the reduction in potential to emit, Harvest on January 21, 2022 submitted a registration as a true minor source under EPA's *Federal Implementation Plan for Managing Air Emissions From True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector*.

10. Based on EPA feedback that the Agency considered Los Mestenos to be a Title V facility, Harvest submitted a Title V renewal application on February 4, 2022—more than six months from the August 8, 2022 expiration of the 2017 Title V permit. The application was therefore timely under 40 C.F.R. § 71.5(a)(1) (“For purposes of permit renewal, a timely application is one that is submitted at least 6 months but not more than 18 months prior to expiration of the part 70 or 71 permit.”).

11. Harvest submitted over 150 pages of information in the Part 71 permit renewal application. This included EPA's forms developed for compliance with 40 C.F.R. § 71.5(c) as well as supporting and substantiating documentation. The only substantive changes from the 2017 Title V permit reflected in Harvest's renewal application were a request to replace the existing compressor engine with an engine that had a smaller potential to emit of NO_x; addition of an emergency generator engine; and changes to the inputs for, and modeling of, the condensate tank emissions. Harvest has since rescinded the request to replace the compressor engine and has requested to remove the compressor engine from the permit.

12. Only the turbine and the emergency engine have applicable requirements that would be reflected in a Title V permit. Due to the age of the tanks at Los Mestenos, they are not subject to any applicable requirements.

13. Harvest did not receive any communication from EPA regarding the adequacy of the initial application until Harvest received the Incompleteness Determination on April 5, 2022.

14. EPA's Incompleteness Determination did not cite what information from 40 C.F.R. § 71.5(c) was missing from Harvest's initial application. EPA's request for additional information, submitted simultaneously with the incompleteness determination, is as follows:

Harvest will need to provide the following supplemental information for us to proceed with processing the title V permit application: complete up-to-date process and operational flow diagram, text description of current operations that delineate any and all changes in equipment or operations since the last permit issued, and most importantly any operating and emissions data collected in accordance with the current title V permit that can be used to *substantiate changes in the PTE calculations* for the permit renewal.

15. The information that EPA identified as necessary for a completeness determination on April 5, 2022 (1) is not specified in 40 C.F.R. § 71.5(c) as necessary for a completeness determination or referenced in the permit application forms, and/or (2) already was provided to EPA as part of the renewal application submitted on February 4, 2022.

16. On April 14, 2022, Harvest responded to EPA's determination and provided all requested information.

17. On May 19, 2022, after receiving no communication from EPA regarding its April 14, 2022 submittal, Harvest sent an email to EPA asking if they had any additional questions after review of the supplemental information.

18. On May 27, 2022, Ms. Erica LeDoux of EPA sent me an email indicating that "[a]t this time, EPA has no questions" but would be scheduling a meeting after she "had the opportunity to complete my review of your supplemental information that was submitted."

19. More than a month later, on July 1, 2022, EPA requested a meeting to discuss the application. On July 27, 2022, Harvest and EPA met to discuss the permit application. During this

meeting, Harvest and EPA discussed facility process flow, facility equipment, and information related to condensate and condensate emissions.

20. On August 5, 2022, EPA formally requested detailed additional information from Harvest with a due date of August 17, 2022, which was after the permit expiration date of August 8, 2022.

21. Harvest responded to the request on August 17, 2022. On August 18, 2022, EPA indicated that it still needed additional information to process the application that was not included in previous requests. No due date was provided for submittal of this information.

22. On August 31, 2022, Harvest uploaded all additional requested data to EPA's FTP site.

23. Extension of the application shield at the Los Mestenos Facility and operation under the 2017 Title V permit until a renewal permit is issued would not result in changes in operations or environmental impacts at the Facility.

24. Although the shuttering of the Los Mestenos Station eliminates emissions at the facility in the short term, Harvest is obligated to take the gas. The material stream must be re-routed, thereby increasing actual condensate emissions at other facilities.

25. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 10th day of October, 2022.


Oakley Hayes
Environmental Specialist
Harvest Midstream Company