



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

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| In re Harvest Four Corners, LLC | ) | CAA Appeal No. 24-09 |
|                                 | ) |                      |
| Permit No. R6FOP-NM-04-R3-2023  | ) |                      |
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**ORDER DISMISSING PETITION FOR REVIEW**

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Decided November 14, 2025  
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***Before Environmental Appeals Judges Aaron P. Avila and Ammie Roseman-Orr***

***Order of the Board by Judge Avila:***

Harvest Four Corners, LLC petitioned the Environmental Appeals Board to review certain provisions of a Clean Air Act Title V operating permit, which EPA Region 6 issued to Harvest. At the request of the parties, the Board has held the matter in abeyance since November 15, 2024, to allow settlement discussions to proceed and to give EPA time to reopen and revise the permit. On November 5, 2025, Harvest and EPA Region 6 filed a Joint Motion for Dismissal and Status Report indicating that EPA made a final decision to issue the reopened permit on October 20, 2025, and requesting dismissal of the petition. Joint Motion for Dismissal and Status Report at 2 (Nov. 5, 2025) (“Joint Motion”). We grant the Joint Motion.

A petitioner may request dismissal of a petition by motion stating the reasons for the

request. 40 C.F.R. § 124.19(k); see also 40 C.F.R. § 71.11(l) (applying appeal procedures of 40 C.F.R. § 124.19 to Title V federal operating permits). The Joint Motion states that EPA revised and issued the permit to remove the contested provisions that were the subject of this appeal.

Joint Motion at 2. The Joint Motion further states that EPA sought public comment on a draft reopened permit and received no requests for hearing or public comments. *Id.* Accordingly, the permit took effect immediately upon issuance. 40 C.F.R. § 71.11(i)(2)(iii). Based on the Joint Motion and the representations contained therein, the Environmental Appeals Board dismisses the petition for review.

So ordered.

## **CERTIFICATE OF SERVICE**

I certify that copies of the foregoing “Order Dismissing Petition for Review” in the matter of Harvest Four Corners, LLC, CAA Appeal No. 24-09, were sent to the following persons on November 14, 2025, in the manner indicated:

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Tommie Madison  
Clerk of the Board