



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

In re:)
Harvest Four Corners, LLC) CAA Appeal No. 22-02
CAA Permit No. R6FOP-NM-040R2)
_____)

ORDER GRANTING MOTION TO DISMISS


On November 2, 2022, the Parties filed a Joint Motion for Dismissal of the Petition for Review of Clean Air Act Permit No. R6FOP-NM-040R2 (“Motion”), which concerns Petitioner’s Title V permit renewal application for the Los Mestenos Compressor Station (“facility”). In the Motion, the Parties explain that they met on October 24, 2022, to resolve the matter. *See* Joint Motion for Dismissal at 1 (Nov. 2, 2022). As a result of the meeting, the Motion states that the U.S. Environmental Protection Agency (“EPA”) issued a letter on October 31, 2022, rescinding its April 5, 2022 incompleteness determination as well as the September 8, 2022 permit decision, and confirming that the facility’s application shield has been in place since the permit expired on August 8, 2022. *See id.* at 2; Letter from David Garcia, Dir., Air and Radiation Div., U.S. EPA Region 6, to Emily C. Schilling, Partner, Holland & Hart 1 (Oct. 31, 2022). Both Parties indicate their intention to continue working collaboratively on the permitting process. *See* Motion at 1.

Based on the representations in the Motion, the Environmental Appeals Board **GRANTS** the Motion and **DISMISSES** the Petition for Review. *See* 40 C.F.R. § 124.19(k).

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: November 3, 2022

By: 
Mary Kay Lynch
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Motion to Dismiss* in the matter of Harvest Four Corners, LLC, CAA Appeal No. 22-02, were sent to the following persons in the manner indicated:

By Email:

For: Harvest Four Corners, LLC

Emily Schilling
Holland & Hart LLP
222 South Main Street, Suite 2200
Salt Lake City, UT 84101
ecschilling@hollandhart.com
Tel. 801-799-5753

Aaron B. Tucker
Holland & Hart LLP
555 17th Street, Suite 3200
Denver, CO 80202
abtucker@hollandhart.com
Tel. 303-295-8369

William L. Wehrum
Wehrum Environmental Law LLC
1629 K Street, NW, Suite 300
Washington, DC 20006
William_Wehrum@comcast.net
Tel. 302-300-0388

For: EPA

James McGuire
Regional Counsel, Region 6
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, TX 75270
McGuire.James@epa.gov
Tel. 214-665-2760

William Puplampu
Assistant Regional Counsel, Region 6
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, TX 75270
Puplampu.William@epa.gov
Tel. 214-665-8591

Gautam Srinivasan
Associate General Counsel, Air and
Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Srinivasan.Gautam@epa.gov
Tel. 202-564-7606

Matthew McNerney
Attorney-Advisor, Air and Radiation Law
Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
McNerney.Matthew@epa.gov
Tel. 202-564-1049

Dated: Nov 03, 2022

Emilio Cortes

Emilio Cortes
Clerk of the Board