

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



In re:)
)
Anadarko Uintah Midstream, LLC)
)
Archie Bench Compressor Station)
Permit No. SMNSR-UO-000817-2016.001)
)
Bitter Creek Compressor Station)
Permit No. SMNSR-UO-000818-2016.001)
)
East Bench Compressor Station)
Permit No. SMNSR-UO-000824-2016.001)
)
North Compressor Station)
Permit No. SMNSR-UO-000071-2016.001)
)
North East Compressor Station)
Permit No. SMNSR-UO-001874-2016.001)
)
Sage Grouse Compressor Station)
Permit No. SMNSR-UO-001875-2016.001)
)

NSR Appeal No. 18-01

SCHEDULING ORDER

On June 7, 2018, the United States Environmental Protection Agency, Region 8 (“Region”) issued six synthetic minor source new source review (“NSR”) permits for six natural gas compression facilities operated by Anadarko Uintah Midstream, LLC, within the boundaries of the Uintah and Ouray Indian Reservation of northeast Utah. WildEarth Guardians (“Petitioner”) filed a petition with the Environmental Appeals Board (“Board”) challenging the Region’s permit determination for the six permits and seeking Board review pursuant to

40 C.F.R. § 49.159(d).¹ *See* Petition for Review Six Clean Air Act Part 49 Minor Source Permits (July 7, 2018) (“Petition”). Petitioner argues that the Region “violated the Tribal [Minor New Source Review] rules by inappropriately concluding that issuance of the six permits did not constitute permitting actions warranting” an air quality impact analysis pursuant to 40 C.F.R. § 49.154(d). Petition at 11.

As this Board has made clear in its March 27, 2013 Standing Order Governing Petitions for Review of Clean Air Act New Source Review Permits,² NSR permits are time sensitive. *See* Clean Air Act § 165, 42 U.S.C. § 7475; 40 C.F.R. § 49.159(a); *see also* 40 C.F.R. § 124.19 (governing appeals of NSR permits). In accordance with the Standing Order, the Board is setting a deadline of August 6, 2018 for the Region to file a brief responding to the Petition for Review. The Region’s brief may not exceed 14,000 words and must include a statement of compliance with the word limitation.³ Further, the Region’s response brief must include relevant portions of the administrative record, as well as a certified index of the entire administrative record. The

¹ Under 40 C.F.R. § 49.159(d)(2), “[w]ithin 30 days after a final permit decision has been issued, any person who filed comments on the draft permit * * * may petition the Board to review any condition of the permit decision.”

² This and other Standing Orders are available on the Environmental Appeals Board’s website at www.epa.gov/eab.

³ The Region may rely on the word-processing system used to determine the word count. In lieu of a word limitation, the Region may comply with a 30-page limit. Headings, footnotes, and quotations count toward the word limitation. A table of contents, table of authorities, statement requesting oral argument, statement of compliance with the word limitation, exhibits, or any addendum does not count toward the word limitation.

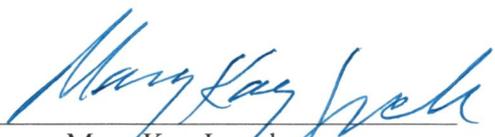
Region is encouraged to file the certified index of the administrative record, preferably electronically, as soon as possible, but no later than August 6, 2018.

If it wishes, Anadarko Uintah Midstream, LLC, may file a notice of appearance in this matter and a response brief no later than August 6, 2018, subject to the above word limitations.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **JUL 13 2018**

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that the foregoing Scheduling Order in the Matter of Anadarko Uintah Midstream, LLC: Archie Bench Compressor Station, Bitter Creek Compressor Station, East Bench Compressor Station, North Compressor Station, North East Compressor Station, and Sage Grouse Compressor Station, NSR Appeal No. 18-01, were sent to the following parties in the manner indicated below:

Via First Class Mail:

Mike Weaver
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Via Interoffice Mail

Gautam Srinivasan
Acting Associate General Counsel (2255A)
Air and Radiation Law Office
U.S. EPA Office of General Counsel

Dated: JUL 13 2018



Annette Duncan
Administrative Specialist