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BEFORE THE ENVIRONMENTAL APPEALS BOARD DEC 10 AM 11:18  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. ENVIR. APPEALS BOARD

In re:

BP America Production Company  
Florida River Compression Facility

Permit No. V-SV-0022-05.00

Appeal No. CAA 10-04

**BP AMERICA PRODUCTION COMPANY'S  
MOTION FOR LEAVE TO PARTICIPATE IN APPEAL CAA 10-04  
AND TO RESPOND TO THE PETITION**

BP America Production Company ("BP") respectfully moves the Environmental Appeals Board ("Board") for leave to participate in the above-captioned appeal and for leave to respond to the Petition submitted by Wildearth Guardians on November 17, 2010. The Petition challenges the Renewal Title V Operating Permit issued by Environmental Protection Agency Region 8 ("EPA") for BP's Florida River Compression Facility ("Florida River") located on the Southern Ute Indian Reservation in La Plata County, Colorado. Petitioner has requested the Board to remand the Title V permit for additional public comment and/or to vacate the permit.

The Board's practice is to allow permit holders to participate in and respond to challenges to their permits. E.g., EAB Practice Manual at 45-47 (2010) ("The Board typically allows permittees not already a party to the proceeding to participate as intervenors.") (citing cases). BP should be permitted to participate in this proceeding on the following grounds.

1. BP has a direct and substantial interest in this appeal because BP is the permit holder. BP's interests could be impaired by the outcome of this appeal if new or additional obligations are imposed or if, as Petitioner requests, the permit is vacated. BP's interests which

could be impaired include, among others, a large financial investment in Florida River, a strong commitment to those BP employees who currently work at the Florida River facility, and many contractual obligations with other companies who rely on Florida River.

2. BP's participation in this proceeding will provide information and a perspective that would likely not be presented by the other parties to this appeal. BP has intimate knowledge of Florida River, its construction and function over time, gas facilities in the region, and additional facts which may be relevant to Petitioner's claim on appeal that Florida River should be "aggregated" with other facilities.

3. Although EPA and BP will both vigorously defend EPA's permitting decision, BP's economic and other interests in Florida River differ from those of the public. Consequently, EPA will not be in a position to represent BP's interests in defending against the Petition.

4. No one will be prejudiced by BP's participation in this appeal. BP will participate and respond on the schedule established by the Board for EPA.

WHEREFORE, BP respectfully requests that it be given leave to participate in the above-captioned appeal and to file a response to the Petition.

Respectfully submitted,

*Charles A. Breer*

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Attorneys for BP America Production  
Company

Dated: December 9, 2010

CERTIFICATE OF SERVICE

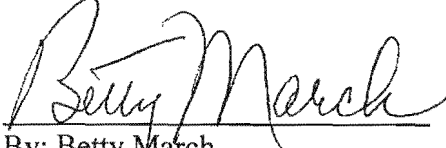
I certify that on the 9<sup>th</sup> day of December, 2010, I caused a copy of **BP AMERICA  
PRODUCTION COMPANY'S MOTION FOR LEAVE TO PARTICIPATE IN APPEAL  
CAA 10-04 AND TO RESPOND TO THE PETITION** to be served by Federal Express on:

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