

Attachment B



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

September 8, 2022

Mr. Oakley Hayes
Harvest Four Corners, LLC
1755 Arroyo Drive
Bloomfield, New Mexico 87413

Re: Part 71 Permit Renewal Status for Harvest Four Corners, LLC Los Mestenos Compressor Station Facility, Permit Number R6FOP-NM-04-R2

Mr. Hayes:

This letter is to inform Harvest Four Corners, LLC (Harvest) that Environmental Protection Agency (EPA) Region 6 will not re-issue the renewal of the Facility's Part 71 Permit R6FOP-NM-04-R2 because Harvest failed to submit a *timely and complete* renewal application consistent with 40 CFR § 71.7(b)¹ and § 71.7(c)(1)(ii)². The existing Facility is located within the boundaries of the Jicarilla Apache Tribal Reservation located in Rio Arriba County, New Mexico.

Pursuant of 40 CFR §71.5(a)(1)(iii), Harvest was required to submit a Part 71 permit renewal application for the facility prior to February 8, 2022, (the six-month mark prior to permit expiration referenced in regulations and specified in the existing permit). Harvest submitted a renewal application on February 4, 2022. The submitted application was to renew the existing permit which expired on August 8, 2022. EPA's review found this Part 71 renewal application to be incomplete. An incompleteness determination letter was emailed to Harvest on April 5, 2022³. Pursuant of 71.5(c), this incompleteness letter requested Harvest to provide pertinent information to allow EPA to proceed with processing the Facility's Part 71 renewal application. Harvest was given deadlines to provide the responses to the EPA's questions. Harvest provided answers to some questions adequately, however a significant number of the responses were not sufficiently responsive. EPA communicated this to Harvest and the deadline was extended. To this date, these questions remain insufficiently answered.

¹ "...no part 71 source may operate after the time that it is required to submit a timely and complete application under this part, except in compliance with a permit issued under this part. If a part 71 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a part 71 permit is not a violation of this part until the permitting authority takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to [paragraph \(a\)\(4\)](#) of this section, and as required by [§ 71.5\(c\)](#), the applicant fails to submit by the deadline specified in writing by the permitting authority any additional information identified as being needed to process the application.

² Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with [paragraph \(b\)](#) of this section and [§ 71.5\(a\)\(1\)\(iii\)](#).

³ See 40 CFR §§71.5(a)(2) and 71.7(a)(4)

Los Mestenos Compressor Station Facility
Permit Number R6FOP-NM-04-R2

Given the expiration of the Facility's Part 71 Permit No. R6FOP-NM-04-R2 on August 8, 2022, if Harvest wishes to proceed with obtaining a Part 71 permit, a new initial application will need to be submitted for the Facility. All the information from the original renewal application and all the additional information provided in the responses to EPA's questions during the renewal application review should be included in the new Part 71 permit application. In addition, since Harvest provided changes to further revisions to the project scope and facility equipment on August 17, 2022, these revisions should be incorporated in the new Part 71 application. The documents with EPA's questions and Harvest's responses have been provided with this letter for your reference as an Enclosure. Please note the last file in the Enclosure [pdf portfolio] for those questions where Harvest responses were not sufficient and will need additional information to be submitted in the new permit application.

If you have any specific questions about submitting the new Part 71 initial application for this Facility, please contact the permit engineer for the project Erica Le Doux of my staff, at ledoux.ERICA@epa.gov.

Sincerely,

**CYNTHIA
KALERI**

Digitally signed by CYNTHIA KALERI
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ou=Environmental Protection
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Cynthia J. Kaleri
Section Supervisor, Air Permits Section

Enclosure

cc: Honorable Edward Velarde, President
Jicarilla Apache Nation