

ATTACHMENT 18

Dear Erica,

Thank you for providing Harvest Four Corners, LLC (“Harvest”) with a review draft of the Title V permit for the Los Mestenos plant prior to issuance for public comment. Based on an initial review, Harvest is concerned that the draft permit imposes new, substantive obligations—including emissions limitations—that appear to exceed the scope of EPA’s authority under Title V and 40 C.F.R. Part 71. *See Ohio Pub. Interest Research Group, Inc. v. Whitman*, 386 F.3d 792, 794 (6th Cir. 2004) (citing 42 U.S.C. §§ 7661c(a), (c); 40 C.F.R. §§ 70.6(a)(3), (c)(1)). This includes imposition of new emissions limitations on the condensate storage tanks (6.3.1), truck loading (6.4.1), planned startup, shutdown, and maintenance (6.5.1), and equipment leaks (6.6.1) that are not subject to any applicable requirements. In light of significant changes to the current Title V permit and the one-week window for review that was further limited by vacation schedules, Harvest will not have sufficient time to review and provide feedback to EPA.

Given the significant legal issues noted above, Harvest maintains that a reasonable extension of time for review is appropriate. We are therefore respectfully requesting an additional two weeks to review and provide feedback before the draft permit is noticed for public comment.

Should you have any questions or wish to discuss further, I am available at 505-632-4421 or Oakley.Hayes@harvestmidstream.com.

Sincerely,

A handwritten signature in black ink that reads "Oakley Hayes". The signature is written in a cursive, flowing style.

Oakley Hayes