

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

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

JOINT MOTION FOR DISMISSAL

Permittee Harvest Four Corners, LLC (“Harvest”) and Region 6 of the United States Environmental Protection Agency (“USEPA”), by and through their undersigned attorneys, respectfully move the Environmental Appeals Board (“EAB”) to dismiss the Petition for Review as moot given USEPA’s rescission of the actions that are the subject of this appeal. In support of their motion for dismissal, the parties state the following:

1. On October 11, 2022, Harvest filed a Petition for Review appealing USEPA’s September 8, 2022 final decision denying Harvest’s Title V permit renewal application for the Los Mestenos Compressor Station (“Facility”). The decision was based in part on USEPA’s April 5, 2022 incompleteness determination of the Title V permit renewal application.

2. On October 24, 2022, the parties met to resolve this matter and discuss the permit status of the Facility. Harvest further explained its prior responses to the outstanding questions that had led to USEPA’s incompleteness determination. During the meeting Harvest articulated its commitment to continue to work with USEPA to provide adequate information for USEPA to issue either the renewal Title V permit or, alternatively, a synthetic minor permit that would obviate the need for a Title V permit. USEPA communicated its intention to work collaboratively with Harvest in the processing and eventual issuance of a permit for the Facility.

3. As a result of the meeting, USEPA issued a letter on October 31, 2022, rescinding its April 5, 2022 incompleteness determination as well as the September 8, 2022 permit decision. The letter also confirmed that the Facility's application shield for Permit Number R6FOP-NM-04-R2 has been in place in accordance with 40 C.F.R. §§ 71.5(a)(2) and 71.7(b) since permit expiration on August 8, 2022. Attachment A.

4. Because the October 31, 2022 letter rescinds the decisions that were the subject of this appeal, the matter is now moot and the parties move to dismiss the Petition for Review.

WHEREFORE, the parties respectfully request the EAB grant this Motion and dismiss the Petition for Review.

Respectfully Submitted,

*s/ Emily Schilling*

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

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

William L. Wehrum  
1629 K Street, NW, Suite 300  
Washington, D.C. 20006  
302-300-0388  
William\_Wehrum@comcast.net  
WEHRUM ENVIRONMENTAL LAW LLC

*Attorneys for Harvest Four Corners, LLC*

Respectfully Submitted,

*s/James McGuire*

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 Pupilampu  
Assistant Regional Counsel, Region 6  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270  
Pupilampu.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

*Attorneys for U.S. Environmental Protection Agency*

Date: November 2, 2022

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the parties' Joint Motion for Dismissal electronically filed with the Clerk of the Environmental Appeals Board and served by electronic mail to the following persons, the 2nd day of November, 2022:

Emilio Cortes  
U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460  
*Via EAB eFiling System*

Earthea Nance  
Regional Administrator, Region 6  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270  
Nance.Earthea@epa.gov  
*Via Electronic Mail*

James McGuire  
Regional Counsel, Region 6  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270  
McGuire.James@epa.gov  
*Via Electronic Mail*

William Puplampu  
Assistant Regional Counsel, Region 6  
U.S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75270  
Puplampu.William@epa.gov  
*Via Electronic Mail*

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  
*Via Electronic Mail*

*s/ Aaron B. Tucker*

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