

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

In re Harvest Four Corners, LLC)
)
) CAA Appeal No. 24-09
Permit No. R6FOP-NM-04-R3-2023)
)
)

JOINT STATUS REPORT AND MOTION TO EXTEND ABEYANCE

Permittee Harvest Four Corners, LLC (“Harvest”) and Region 6 of the United States Environmental Protection Agency (“EPA”) (the “Parties”), by and through their undersigned attorneys, jointly submit this Status Report and respectfully request that the abeyance of Harvest’s CAA Appeal No. 24-09 be extended to permit the Parties additional time to continue settlement discussions and resolve this matter.

In support of this Motion, the Parties state the following:

1. On November 15, 2024, the Board issued the Order Granting Joint Motion for Abeyance and Cancelling Oral Argument. The Order requested that the Parties file a Joint Status Report by February 13, 2025, notifying the Board of the status of the settlement discussions and including the Parties’ proposal for further proceedings in this matter.
2. Since the Board issued the Order, the Parties have met to discuss the issues and concerns raised in the petition for the Part 71 permit, which is the subject of this proceeding. Discussions remain ongoing but additional time is needed to negotiate a resolution of this matter.

3. The Parties believe that an extension of the abeyance will facilitate these ongoing discussions and will conserve the resources of both the Parties and the Board.
4. The Parties agree to provide a status update to the EAB within 90 days after an order extending the abeyance is issued.

WHEREFORE, the Parties respectfully request the EAB grant this Motion and extend the abeyance in this case.

Respectfully submitted,

/s/Aaron B. Tucker

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Attorneys for U.S. Environmental Protection Agency

DATE: February 13, 2025

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Harvest Four Corners LLC's and the Environmental Protection Agency's Joint Status Report and Motion to Extend Abeyance were served by electronic filing and electronic mail to the following persons, the 13th day of February, 2025:

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

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