



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

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In re Harvest Four Corners, LLC))
) CAA Appeal No. 24-09
Permit No. R6FOP-NM-04-R3-2023))
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**ORDER GRANTING UNOPPOSED MOTION
FOR LEAVE TO FILE AN AMENDED CERTIFIED INDEX
AND SCHEDULING ORAL ARGUMENT**

Harvest Four Corners, LLC filed a petition for review of U.S. Environmental Protection Agency Region 6’s renewal of a Clean Air Act Title V permit for the Los Mestenos Compressor Station Facility located on the Jicarilla Apache Reservation in New Mexico. Harvest requests oral argument, while Region 6 opposes the request.

On September 19, 2024, Region 6 filed an Unopposed Motion for Leave to File an Amended Certified Index (“Motion”). The Region had previously filed a Certified Index of the Administrative Record on August 26, 2024. In the interest of efficiency, the Board addresses both the Motion and request for oral argument in this Order.

I. MOTION

In the Motion, the Region states that two documents, the August 30, 2023 and September 29, 2023 early engagement documents, were omitted from the Certified Index, and the Region seeks to replace the Certified Index with an Amended Certified Index that includes these documents. The Region further states that Harvest concurs with the Motion. Based upon the representations in the Motion and review of the attached Amended Certified Index of the

Administrative Record, the Board hereby **GRANTS** the Motion. The Amended Certified Index attached to the Motion is hereby substituted for the Certified Index filed on August 26, 2024.

II. *ORAL ARGUMENT*

In its request for oral argument, Harvest states that this matter “involves important issues related to the [EPA’s] authority to impose new substantive requirements on a facility through issuance of a federal operating permit” and that “[o]ral argument would assist in the development of the issues and contribute to a fully informed decision.” Petition for Review at 1 (July 29, 2024). In response, the Region argues that the Board should deny the request because the “legal issues raised by this permit are well-settled,” the Board has “extensive jurisprudence and caselaw on the issues raised,” the issues “are clearly articulated,” and “an extensive administrative record is available for review.” EPA Region 6 Response to the Harvest Four Corners, LLC Petition for Review at 7 (Aug. 26, 2024).

Upon review of the record and the parties’ submissions in the above-captioned matter, the Board has determined that oral argument may be of assistance in the Board’s deliberations on this matter. Accordingly, the Board will hold oral argument on **Thursday, November 21, 2024**, beginning at **1:30 p.m. Eastern Time**. Oral argument will be held in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, NW, Washington, D.C. 20004. Counsel or other duly authorized representatives of the parties may request to present argument by videoconference.

The Board has allocated sixty minutes total for this oral argument, divided as follows and in the following order:

- Thirty (30) minutes for Harvest, of which Harvest may reserve up to ten (10) minutes for rebuttal; and

- Thirty (30) minutes for Region 6.

The Board directs each party to file a “Notice of Participation” by **Tuesday, October 22, 2024**, providing the name and contact information of the individual who will present argument on its behalf and indicating whether that individual will appear in person or request to appear via videoconference. If a party requests to participate via videoconference, the Clerk of the Board will contact the party to determine whether its videoconference equipment is compatible with the Board’s system.¹

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: October 3, 2024

By: 
Wendy L. Blake
Environmental Appeals Judge

¹ Members of the public can attend the oral argument in the Courtroom in person or virtually. For security purposes, advance notice is required to enter the EPA building where the Courtroom is located. Members of the public wishing to attend oral argument in person must contact the Clerk of the Board (202-233-0122 or Clerk_EAB@epa.gov) at least one week prior to the scheduled oral argument to allow the Clerk to notify appropriate security personnel.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Unopposed Motion for Leave to File an Amended Certified Index and Scheduling Oral Argument* in the matter of Harvest Four Corners, LLC, CAA Appeal No. 24-09, were sent to the following persons in the manner indicated:

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Dated: Oct 03, 2024



Emilio Cortes
Clerk of the Board