



VIA CERTIFIED MAIL

February 22, 2023

Michael Regan, Administrator
Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**Re: Notice of Intent to Sue Over Failure to Respond to Clean Air Act Title V
Petition Over Terra Energy Partners' Parachute Water Management
Facility, Garfield County, Colorado**

Dear Administrator Regan:

The Center for Biological Diversity intends to sue you and the Environmental Protection Agency ("EPA") for your failure to respond within 60 days to the organization's petition to object to the Clean Air Act Title V Operating Permit issued by the Colorado Department of Public Health and Environment, Air Pollution Control Division ("Division") authorizing Terra Energy Partners ("TEP"), Rocky Mountain LLC to operate the Parachute Water Management Facility, Title V Permit No. 09OPGA330. The Parachute Water Management Facility is a large oil and gas waste processing facility located in Garfield County in western Colorado.

The Center intends to bring a suit 60 days from the date of this letter, or shortly thereafter, under section 304 of the Clean Air Act, 42 U.S.C. § 7604, against you for your failure to perform a non-discretionary duty outlined in 42 U.S.C. § 7661d(b)(2). The suit will seek injunctive relief, declaratory relief, the cost of litigation, and other relief.

The Center for Biological Diversity is a national nonprofit environmental advocacy organization and works to defend and protect air quality in Colorado and other states. The group and its members are adversely affected by EPA's failure to respond to the petition to object to the Parachute Water Management Facility Title V Permit. The facility releases large amounts of air pollution that are harmful to public health and the environment. Our interest in protecting clean air is adversely affected by EPA's failure to timely respond to the petition.

The Division is the agency responsible for issuing Title V operating permits in Colorado. The Division issued a draft Title V operating permit for TEP's Parachute Water Management Facility and granted the public thirty days to comment on the draft permit. On April 30, 2022, the Center submitted objections to the Division on the draft permit. Pursuant to 42 U.S.C. § 7661d(b)(2), the Center submitted a petition to the Administrator of the EPA to object to the Parachute Water Management Facility Title V Permit on November 23, 2022. The petition raised issues regarding the enforceability of permit limits, the adequacy of monitoring,

recordkeeping, and reporting requirements, and issues related to improper application of agency discretion.

The Clean Air Act, at 42 U.S.C. § 7661d(b)(2), provides that “the administrator shall grant or deny such [Title V] petition within 60 days after the petition is filed.” Responding to Title V petitions pursuant to 42 U.S.C. § 7661d(b)(2) is a non-discretionary duty under the Clean Air Act. The Parachute Water Management Facility Title V petition was filed on November 23, 2022. You therefore had until January 22, 2023, to grant or deny the Title V petition. EPA neither granted nor denied the Title V petition by this date and/or by the date of this letter and therefore EPA is in violation of 42 U.S.C. § 7661d(b)(2). Administrator Regan is responsible for the violation of this non-discretionary duty by not responding to the Center for Biological Diversity’s petition within 60 days.

In keeping with the requirements of federal regulations, you are hereby notified that the full name and address of the person providing this notice is:

Center for Biological Diversity
1411 K Street, NW, Suite 1300
Washington, DC 20005

If you wish to discuss this matter, please contact me using the information below.

Sincerely,

/s/ Ryan Maher

Ryan Maher
Center for Biological Diversity
1411 K Street, NW, Suite 1300
Washington, DC 20005
(781) 325-6303
rmaher@biologicaldiversity.org