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August 19, 2022

**BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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 Lucid Energy's Frac Cat Compressor Station, Lea County, New Mexico**

Dear Administrator Regan:

WildEarth Guardians intends to sue you and the Environmental Protection Agency ("EPA") for your failure to respond within 60 days to the petition to object to the Clean Air Act Title V Operating Permit issued by the New Mexico Environment Department, Air Quality Bureau ("NMED") authorizing Lucid Energy Delaware, LLC to operate the Frac Cat Compressor Station, Title V Permit No. P288. The Frac Cat Compressor Station is a large oil and gas processing facility located in Lea County in southeastern New Mexico.

We intend 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.

WildEarth Guardians is a Santa Fe, New Mexico-based nonprofit environmental advocacy organization. WildEarth Guardians is dedicated to protecting and restoring the wildlife, wild rivers, wild places, and health of the American West. The group and its members are adversely affected by EPA's failure to respond to the petition to object to the Frac Cat Compressor Station Title V Permit. The Frac Cat Compressor Station 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.

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NMED is the agency responsible for issuing Title V operating permits in New Mexico. NMED issued a draft Title V operating permit for Lucid Energy's Frac Cat Compressor Station and granted the public thirty days to comment on the draft permit. On January 28, 2022, WildEarth Guardians submitted objections to NMED on the draft permit. Pursuant to 42 U.S.C. § 7661d(b)(2), WildEarth Guardians submitted a petition to the Administrator of the EPA to object to the Frac Cat Compressor Station Title V Permit on June 15, 2022. The petition raised the following issues:

1. The Title V Permit fails to ensure Lucid complies with applicable Title V permitting requirements under 40 C.F.R. § 70. The Permit inappropriately allows Lucid to submit an incomplete Title V permit renewal application and continue to operate with an expired initial Title V permit, contrary to the Clean Air Act and New Mexico's rules implementing Title V;
2. The Title V Permit fails to ensure the Frac Cat Station operates in compliance with applicable requirements, including the New Mexico State Implementation Plan. Namely, the Permit fails to ensure operation of the facility will not cause or contribute to exceedances of national ambient air quality standards ("NAAQS") for ground-level ozone, the key ingredient of smog; and
3. The Title V Permit fails to require sufficient periodic monitoring to ensure compliance with applicable emissions limits. Specifically, the Permit requires the Frac Cat Station to comply with volatile organic compound ("VOC") limits on emissions during venting, yet prescribes no actual monitoring to assure compliance with this limit.

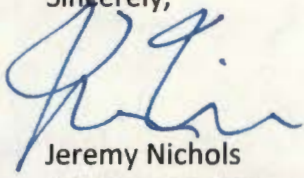
The Clean Air Act, at 42 U.S.C. § 7661d(b)(2), provides that "the administrator shall grant or deny such [Title V] petition within 60 days after the petition is filed." Responding to Title V petitions pursuant to 42 U.S.C. § 7661d(b)(2) is a non-discretionary duty under the Clean Air Act. The Frac Cat Compressor Station Title V petition was filed via the EPA's Central Document Exchange website and via e-mail on June 15, 2022. You therefore had until August 14, 2022 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 WildEarth Guardians' 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:

WildEarth Guardians
301 N. Guadalupe, Ste. 201
Santa Fe, NM 87501

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

Sincerely,



Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
(303) 437-7663
jnichols@wildearthguardians.org

cc: Earthea Nance, EPA Region 6 Administrator



WildEarth
GUARDIANS
A FORCE FOR NATURE

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To: **REGAN, MICHAEL
S.**

Mailstop 1101A
Building: ARN
Department ADMINISTRATOR



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