



DEPARTMENT OF JUSTICE

NOTICE OF LODGING OF PROPOSED CONSENT DECREE UNDER THE  
CLEAN AIR ACT

On September 28, 2012, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Colorado in the lawsuit entitled *United States v. Elm Ridge Exploration Company LLC*, Civil Action No. 12-cv-02584.

The Consent Decree resolves alleged violations of the Clean Air Act's hazardous air pollutant control program at 42 U.S.C. § 7412, and its Title V federal operating permits program at 42 U.S.C. § 7661 at Elm Ridge's Ignacio Gas Treating Plant in La Plata County, Colorado, within the exterior boundaries of the Southern Ute Indian Reservation. The Consent Decree requires: (1) payment of a civil penalty of \$207,150; (2) performance of a \$150,000 SEP to replace 50 residential wood stoves on the Reservation with cleaner wood or pellet stoves; (3) \$67,850 paid to EPA's Title V fee fund to recover unpaid Title V permit fees; (4) mitigation of past violations by replacing four engines not presently covered by the HAP regulations with newer, cleaner engines at a cost of approximately \$1,050,000; (5) injunctive provisions to ensure forward compliance with the Act's HAP control program on all eight engines at the Facility; (6) replacement of existing instrument gas systems with instrument air systems at a cost of \$125,000; and (7) a requirement that Elm Ridge submit an updated Title V permit application to the Southern Ute Indian Tribe, which has recently obtained delegated Title V authority.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Elm Ridge Exploration Company LLC*, D.J. Ref. No. 90-5-2-1-10362. All comments must be submitted no later than thirty (30) days

after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i>   |
|----------------------------|--|
| By e-mail                  | pubcomment-ees.enrd@usdoj.gov.   |
| By mail                    | Assistant Attorney General<br>U.S. DOJ – ENRD<br>P.O. Box 7611<br>Washington, D.C. 20044-7611. |

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website:  
[http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library  
U.S. DOJ – ENRD  
P.O. Box 7611  
Washington, D.C. 20044-7611.

Please enclose a check or money order for \$10.25 (25 cents per page reproduction cost) payable to the United States Treasury.

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Environment and Natural Resources Division

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