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Title V/Clean Air Act: Schriever Air Force Base Petition to Object to Colorado Department of Public Health and Environment Permit

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Schriever Air Force Base ("Schriever") filed a Petition to Object to Title V Permit ("Petition") related to a Clean Air Act Title V Permit issued by the Colorado Department of Public Health and Environment ("CDPHE").

The Petition is addressing the initial Title V Operating Permit for the United States Air Force Base located in Colorado Springs, Colorado.

Title V requires certain stationary sources of air pollution to obtain operating permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by the United States Environmental Protection Agency ("EPA"). The intent of a Title V permit is to organize in a single document all the requirements which apply to the permit holder.

42 U.S.C. § 7661 requires that states submit each proposed Title V permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

Schriever is described in the Petition as a federal military installation that is home to more than 20 units executing a variety of space-based missions for the United States Department of Defense. It is further described as having a "No-Fail" mission to command and control the global positioning system satellite constellation that impacts billions of civilian and military users around the world. Its mission is described as one of being in a constant state of readiness. As a result, the installation's emergency generators are stated to be a critical component of its planning and mission support as they provide the flexibility to offer primary power through on-site generators during a malfunction or emergency event.

The Petition states that the Air Force Civil Engineering Center has been engaged with the Air Pollution Control Division ("APCD") of the CDPHE on the permit for over 10 years. Schriever is stated to have submitted its application for an operating permit in December 2007. CDPHE issued the first draft of the permit in December 2017. It is further noted that:

... In February 2018, Schriever provided comments on the draft permit and proposed APCD implement a permit shield clause that would limit Schriever's liability in the event of an emergency-triggered permit

limit exceedance. APCD declined to do so. Since 2018, Schriever has attempted to actively work with APCD to find a solution for the issue of emergency-triggered permit limit exceedances. Finding this solution is especially important given Schriever's critical no-fail mission as described above. As written, the draft permit imposes operational limits on emergency events while simultaneously limiting affirmative defenses during emergency and malfunction events. During a crisis, the installation must be able to continue operations unencumbered, without fear of reprisal at a time when emergency power is mission essential.

Schriever argues in support of its Petition that the permit:

- Arbitrarily limits the affirmative defense provision for emissions during malfunctions
- Requests approval of the use of Alternative Method 082
- Asks that Section IV, Compliance Requirement Condition 4(b) be removed from the permit because it limits available defenses in a way that is inconsistent with the legitimate uses of emergency and malfunction defenses
- Asks that permit language related to late fees be removed since the Air Force is a federal agency not permitted to pay late fees

A copy of the Petition can be downloaded [here](#).