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## **New Mexico Environment Department**

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**JAMES C. KENNEY**  
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**JENNIFER J. PRUETT**  
DEPUTY SECRETARY

August 20, 2020

Certified Mail No.  
Return Receipt Requested

Jason Conway  
Environmental Consultant  
DLK Black River Midstream, LLC  
5400 LBJ Freeway  
Suite 1500  
Dallas, TX 75240

Re: Denial of Air Quality Permit Application No. 6567M6 (Agency Interest No. 36133 - PRN20200002) -  
Black River Gas Processing Plant

Dear Mr. Conway:

This letter is in response to your air quality permit application dated July 20, 2020 to modify the DLK Black River Midstream, LLC/Black River Gas Processing Plant located in Loving, New Mexico. The Department received the application on July 24, 2020.

The Department has completed a review of the application for the proposed project and has determined that the permit cannot be issued. Therefore, in accordance with 20.2.72 NMAC, Section 208.D. The Department cannot issue a GCP for the intended purpose, which is to allow modification or construction of the facility prior to the requested public hearing on the NSR permit. If a GCP is desired, the NSR permit application will need to be withdrawn.

### Appeal Procedures

20.2.72 NMAC, Section 207, provides that any person who participated in a permitting action before the Department and who is adversely affected by such permitting action, may file a petition for hearing before the Environmental Improvement Board. The petition shall be made in writing to the Environmental Improvement Board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered and attach a copy of the

August 20, 2020

permitting action for which review is sought. Unless a timely request for hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

Secretary, New Mexico Environmental Improvement Board  
1190 St. Francis Drive, Runnels Bldg. Rm N2153  
P.O. Box 5469  
Santa Fe, New Mexico 87502

If you have any questions, please call me in Santa Fe at 505-476-4376.

Sincerely,

For Liz Bisbey-Kuehn  
Air Quality Bureau Chief

cc via email: Gauri Gajewar, Contek Solutions LLC, [Gauri.Gajewar@erm.com](mailto:Gauri.Gajewar@erm.com),