

**Smith, Claudia (she/her/hers)**

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**From:** Smith, Claudia (she/her/hers)  
**Sent:** Friday, August 2, 2024 12:00 PM  
**To:** Dean Dibert  
**Cc:** beau.w@oglala.org; Law, Donald; Witteman, Julia; Loiacono, Sara; Roy, Dale  
**Subject:** Approval of Request for Coverage under CBP General Permit for the Oglala Dam Concrete Batch Plant

EPA has approved your Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country (CBP General Permit) for the construction and operation of a portable concrete batch plant for the Oglala Dam Remediation Project Spillway and Outlet Works Rehabilitation (the Project) in Oglala, South Dakota, on Indian country lands within the Pine Ridge Indian Reservation. We have approved coverage under the CBP General Permit for the Project pursuant to 40 CFR 49.156(e). The administrative record for the approval can be found at Docket #[EPA-R08-OAR-2024-0230](#) or on our website at: <https://www.epa.gov/caa-permitting/sources-approved-coverage-under-cbp-general-permit>.

*IMPORTANT NOTE: When viewing final documents in the dockets on regulations.gov that are electronically signed, to view the valid signature, you may need to select "Enable Editing." Warning that if you actually edit the signed document, the signature will become invalid in your downloaded copy of the document.*

In accordance with 40 CFR 49.156(e)(6), the EPA’s approval of the Request for Coverage for the Project is a final agency action for purposes of judicial review. The approval is effective 30 days after the date it is signed, unless a petition for judicial review is filed, in which case the approval must be stayed. However, only the Project’s eligibility for coverage under the CBP General Permit can be petitioned for judicial review. Any petition for review of this approval action must be filed in a timely manner with the United States Court of Appeals for the appropriate circuit in accordance with CAA section 307(b). In the event a petition for review is filed, construction cannot begin under this approval until the until judicial review procedures are exhausted.

If you have any questions or concerns regarding this final permit action, or would like a paper copy of the approval, technical support document, or CBP General Permit, you may contact me at [Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov) or 303-312-6520, or Julia Witteman at [Witteman.julia@epa.gov](mailto:Witteman.julia@epa.gov) or 303-312-6156.

**Claudia Young Smith** (she/her/hers)  
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