

Smith, Claudia (she/her/hers)

From: Smith, Claudia (she/her/hers)
Sent: Friday, August 2, 2024 12:03 PM
Subject: Notice of Approval of Request for Coverage under the CBP General Permit for a CBP on the Pine Ridge Indian Reservation

This is to notify you that the EPA has approved a Request for Coverage under the General Air Quality Permit for New of Modified Minor Source Concrete Batch Plants in Indian Country (CBP General Permit) for ASI Construction, LLC, to construct and operate a portable concrete batch plant for the Oglala Dam Remediation Project Spillway an Outlet Works Rehabilitation (the Project) in Oglala, South Dakota, on Indian country lands within the Pine Ridge Indian Reservation, pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49. The administrative record for the approval may be accessed on our website at: <https://www.epa.gov/caa-permitting/sources-approved-coverage-under-cbp-general-permit>.

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.
