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AIR POLLUTION: Enviro group sues over EPA's handling of dust standard

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An environmental group sued U.S. EPA today in federal court, accusing the agency of failing to meet numerous deadlines to ensure that areas in five Western states are meeting federal pollution standards for airborne dust.

The Center for Biological Diversity filed the lawsuit in the U.S. District Court for the Northern District of California, arguing that EPA had violated the Clean Air Act by failing to determine whether 13 areas in Alaska, Arizona, Idaho, Montana and Nevada meet the national air quality standard for coarse particulate matter (PM-10).

The group also alleges that EPA has failed to impose sanctions and create a Federal Implementation Plan for two areas in Arizona where EPA found that the state failed to submit a sufficient state plan for reaching attainment. Additionally, CBD argues, EPA has not met its mandatory duty to issue a determination that Montana failed to submit a sufficient State Implementation Plan (SIP) for two nonattainment areas in the state by the required date.

"EPA has failed to ensure that the West's air remains clean and free from dangerous pollution," CBD attorney Kevin Bundy said in a statement. "The Clean

Air Act works to protect the environment and public health, but only if it's effectively enforced."

The Clean Air Act requires EPA to set national air quality standards for certain pollutants, including coarse particulate matter. States are required to develop SIPs detailing how they plan to meet those federal standards. EPA must then review the states' plans to ensure that they are protective of air quality and public health.

After states submit SIPs or revisions to those plans, EPA must determine within 60 days whether the submissions are complete. Once that determination is made, EPA has one year to approve, disapprove or partially approve the submissions.

If EPA determines that a state has failed to submit a sufficient SIP, and the deficiency is not corrected within 18 months, EPA must impose sanctions on the state. EPA also has a mandatory duty to issue a federal implementation plan if the agency finds that the state has failed to submit an adequate plan within two years after the deadline.

An EPA spokeswoman declined to comment on the lawsuit.