

Inside E.P.A.

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Suit Aims To Force EPA Action On States' PM2.5 Plans

The Center for Biological Diversity (CBD) has sued EPA in a bid to force court-ordered deadlines for the agency to take final action on what the environmental group says are missing or still-pending state implementation plans (SIPs) outlining how several states will comply with the agency's fine particulate matter (PM2.5) air standard.

The suit, filed Nov. 5 in the U.S. District Court for the Northern District of California, says EPA has not issued mandated Clean Air Act findings that three states -- California, Pennsylvania and Wisconsin -- have failed to submit state implementation plans (SIPs) detailing the pollution control measures they will implement in order to cut emissions down to the 35 micrograms per cubic meter limit that EPA set in its PM2.5 standard revised in 2006.

The group argues that the SIPs were due by Dec. 14, 2012, for areas in those states that are not in attainment with the PM2.5 national ambient air quality standard. Areas in nonattainment are subject to more stringent pollution reduction requirements, which can lead to having to impose more stringent and costly controls on industry in SIPs.

If EPA were to issue a finding of failure by the states to submit a SIP, it would trigger a two-year deadline for EPA to implement a federal implementation plan (FIP) imposing pollution controls in the absence of the SIP.

Further, CBD in the legal complaint says that EPA has failed to take final action within statutory deadlines to approve or disapprove, in whole or in part, nonattainment SIP submissions from Los Angeles-

South Coast, CA, Knoxville-Sevierville-La Follette, TN, Milwaukee-Racine, WI, and Charleston, WV.

The group asks the court to set deadlines for EPA to make the necessary findings and decisions on the SIPs.