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Environmental groups sue EPA, saying it failed to enforce air-quality standards

The environmental groups' lawsuit comes after they say the agency failed to enforce Arizona air-quality standards in Pinal County.

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Dust fills the air as a farmer plows a field near Selma Highway in Maricopa, an area included in an area of Pinal County cited for particulate pollution. (Photo: Pat Shannahan/The Republic)

Two environmental groups are suing the Environmental Protection Agency, claiming it failed to enforce air-quality standards in parts of Arizona.

The Center for Biological Diversity, which is joining the Center for Environmental Health in the lawsuit, released a statement Tuesday, arguing that the EPA's inaction could harm more than 7 million people in the state.

The lawsuit, which was filed in a U.S. District court in California, claims the federal agency did not enforce programs created by the Clean Air Act intended to regulate and improve air quality. That negligence, the group says, could be leading to further degraded air quality in west-central Pinal County.

In particular, the group claims the levels of "fine particulate matter," dust particles smaller than the width of a strand of hair, are higher than previously reported. These particles can pass through the barriers of a person's lungs, enter the bloodstream and cause disease or even death.

Robert Ukeiley, a lawyer for the center, said the lawsuit comes almost 10 years after the EPA determined that air quality in that part of Pinal County did not meet federal standards. The complaint is asking EPA Director Andrew Wheeler to "do his job," Ukeiley said, and direct the agency determine whether or not the state has fixed the issue.

"Sadly, when it comes to protecting people and places, (the EPA's) default is to miss deadlines," Ukeiley said, adding that the EPA has an "abysmal" track record for meeting them, a problem that predates President Donald Trump's administration.

"They don't really have a defense," Ukeiley said. "All the judge needs to do is open up a calendar."

In March 2011, the EPA declared west-central Pinal County a "moderate nonattainment area" for fine dust particles and set a deadline of Dec. 31, 2017, to reduce pollution levels. The EPA was required to determine whether the air has gotten better or worse, which it has not done.

The complaint is two-pronged. First, the two groups want the EPA to resolve the question of whether the state has fixed the problem, an action the agency is legally required to do. The lawsuit also seeks to require the agency to address issues it found in the rules Arizona has for issuing air quality permits for developers.

Margo Perez-Sullivan, a press officer for the EPA, told The Republic that the agency is aware of the lawsuit but did not comment about it or any of the events that led to it.

Arizona Department of Environmental Quality Public Information Officer Erin Jordan said the state knows about the lawsuit, but stressed that the agency is not involved in litigation.

Jordan acknowledged the issue and said the agency is doing its best to address it with the people living there. While the center pointed to "industrial livestock operations" as the main contributor, Jordan instead cited hot and dry conditions that lead to increased dust levels.

"ADEQ is working with stakeholders to address challenges from multiple different sources, including unpaved roads and fallowed farm fields," Jordan said, adding that scarce water adds "another level of complexity" in solving the problem.

Group: Delay puts people at risk

Jordan also pointed to a few projects the state is working on, like ADEQ's soil stabilization projects and the state transportation department's programs to improve travel there when dust storms strike.

ADEQ sent a nonattainment plan to the EPA in December 2015, but it's still "under review" and, according to the lawsuit, is overdue for action.

Advocates say they know the air quality is poor, but they don't know how bad it could now be and delays aren't helping. Caroline Cox, research director at the Center for Environmental Health, warns that the EPA falling behind could risk the health for millions of people.

"The law requires that the Trump administration act to limit soot and other harmful pollution from the air we breathe," Cox said in a statement.

"Every additional day of delay puts Americans at risk for deadly diseases. We're taking Wheeler to court to ensure that EPA does its job."

How is the air-quality in your neighborhood? Reach out to the reporter at andrew.nicla@gannett.com or on Twitter @AndrewNicla.

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