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AIR POLLUTION

Enviros sue EPA over Denver area ozone compliance

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Environmental groups have sued EPA over its late determination of Denver-area ozone attainment reclassification. Visit [Denver](#)

EPA is past due on updating the compliance status of Colorado's fastest-growing area with the national 2008 ground-level ozone standard, a Western environmental group charged in a [lawsuit](#) yesterday.

The suit, filed by WildEarth Guardians in the U.S. District Court for the District of Colorado, alleges that EPA was statutorily required to make a decision by this past January on whether the Denver Metro/North Front Range area meets the 75-parts-per-billion standard.

The area, home to more than 3.3 million people, is currently classified as in "moderate nonattainment" with the benchmark; under a proposed rule released in November, EPA wants to approve state regulators' request for another year to come into compliance, as opposed to downgrading the area's attainment status to "serious." That step could require the state to undertake fresh cleanup measures.

In earlier written comments, WildEarth Guardians opposed the proposed extension, saying it's not allowed under the Clean Air Act.

"For nearly a decade, high ozone levels, much of it from oil and gas operations, have harmed the health of Coloradans, causing asthma and other respiratory impacts," Rebecca Fischer, an attorney for the group, said in a statement today.

EPA's failure to find that the area, which also encompasses the cities of Boulder and Fort Collins, is continuing to violate federal air quality limits "is a gross abdication of its responsibility to protect our public health and environment," she said.

An EPA spokeswoman declined to comment on the pending litigation.

WildEarth Guardians, based in New Mexico, had formally threatened the suit in January. The group last month sent similar notice-of-intent-to-sue letters to seven energy companies, alleging that they began Front Range hydraulic fracturing operations without first getting required permits ([Greenwire](#), Feb. 19).

In a separate [suit](#) also filed yesterday, two other environmental groups allege that EPA is also illegally late in determining whether part of Pinal County in south-central Arizona has met the agency's 2006 standard for fine particulates.

The suit, brought by the Center for Biological Diversity and Center for Environmental Health, also alleges that EPA has failed to promulgate a federal implementation plan for Arizona's New Source Review program to supplant a state version that it partially disallowed.

The suit is pending in U.S. District Court for the Northern District of California.

