

## AIR POLLUTION

### Enviros threaten to sue EPA over oil and gas guidelines

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Published: Wednesday, October 23, 2019

Oil and gas operations in New Mexico's Permian Basin. Mason Cummings/Wilderness Society

Two environmental groups are formally threatening a lawsuit over EPA's alleged failure to meet binding deadlines for dealing with ozone-forming emissions from oil and gas operations.

On one front, the agency has not taken final action this year on cleanup plans — some applying to only one county or less — submitted by California and four other states that address federal guidelines for curbing releases of volatile organic compounds, according to today's "notice of intent to sue" **letter** from Robert Ukeiley, a lawyer representing the Center for Biological Diversity and the Center for Environmental Health.

California, Arizona and nine other states have also not turned in "oil and natural gas industry guidelines" for other areas that were due last fall, the letter alleges. EPA was supposed to have made an official "finding of failure to submit" in each instance by this past April but has not followed through, according to the letter. "Thus, EPA is in violation of its nondiscretionary duty," Ukeiley wrote.

An EPA spokeswoman, citing agency policy on potential litigation, declined to comment. All of the areas listed in the letter either are in nonattainment with national ground-level ozone standards or are part of the Ozone Transport Region, a group of Northeastern states and the Washington, D.C., metro area that has to take extra steps to limit formation of the toxic gas.

Under the Clean Air Act, EPA has 60 days to address the two groups' concerns before they can file suit.

Ozone, a lung irritant that is the main ingredient in smog, is produced by the reaction of volatile organic compounds and nitrogen oxides (NOx) in sunlight. While NOx emissions stem primarily from fossil fuel combustion, oil and gas operations are a major source of volatile organic compounds. In the letter, Ukeiley wrote that the two groups "would prefer to resolve this matter without the need for litigation."