

ENVIRONMENTAL GROUPS SUBMIT NOTICE RELATING TO OZONE EMISSIONS FROM OIL AND GAS PRODUCTION

The Center for Biological Diversity and the Center for Environmental Health submitted a Notice of Intent to Sue to EPA, dated October 23, 2019, alleging the agency failed in its oversight role as required under the Clean Air Act (CAA). The notice specifically relates to Oil and Natural Gas Control Technology Guidelines (Guidelines) for ozone nonattainment areas or ozone transport regions, which the environmental groups claim affected states must submit to EPA.



Under the CAA, groups must give EPA at least 60 days' notice before they can sue EPA for failing to meet CAA requirements.

Alleged Failure to Oversee Development of State Guidelines

The environmental groups claim EPA failed to approve or disapprove, within the time mandated by the CAA, Guidelines submitted by some states. The notice alleges other states have failed to submit any Guidelines and EPA has failed to make the "finding of failure to submit" required by the CAA.

According to the notice, parts of eleven states need Guidelines that have not been submitted, including the Dallas-Fort Worth and Houston-Galveston-Brazoria nonattainment areas in Texas. The notice claims Guidelines were due from the states on October 27, 2018 and the CAA required EPA to issue a "finding of failure to submit" within six months, or by April 27, 2019.

Invitation to Settlement Discussion

The notice states the environmental groups would prefer to resolve the matter without litigation and invites EPA to discuss, during the 60-day notice period, how EPA will come into compliance. The notice says the groups will file suit if EPA does not do so.

For a copy of the notice

https://www.biologicaldiversity.org/programs/environmental_health/pdfs/OzoneOilGasNOI-1stvfin.pdf