

Landfill Emission Rule/Clean Air Act: Seven States Send Notice of Intent to Sue U.S. Environmental Protection Agency for Alleged Failure to Enforce



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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Seven state Attorneys General have sent the following document to the United States Environmental Protection Agency (“EPA”) dated March 23rd:

Notice of Intent to Sue for Failure to Enforce the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (40 C.F.R. Part 60 Subpart C(f))

The state Attorneys General sending the Notice of Intent to Sue (“Notice”) include:

- California
- Pennsylvania
- Illinois
- Maryland
- Oregon
- Rhode Island
- Vermont

The regulation which is typically referenced as the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills addresses emissions of volatile organic compounds, hazardous air pollutants, carbon dioxide, and methane. The states argue that the regulation went into effect on October 28, 2016, but that EPA has failed to enforce it.

They further argue that EPA has no legal basis for delaying implementation and enforcement of the regulation. The EPA is stated to have referenced an intent to complete a reconsideration of the regulation by Spring of 2020. The states argue that such a reconsideration constitutes a violation of the Clean Air Act.

[A copy of the Notice can be downloaded here.](#)