

Coke Oven Source Categories/Clean Air Act: Citizens Suit Alleges EPA Violation of Non-Discretionary Duty



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The Sierra Club and other environmental organizations (collectively “Sierra Club”) filed an April 15th Complaint for Declaratory and Injunctive Relief (“Complaint”) against the United States Environmental Protection Agency (“EPA”) for an alleged failure to take an action mandated by the Clean Air Act related to National Emission Standards for Hazardous Air Pollutants.

Sierra Club contends EPA has not taken action as required by § 7412(d)(6) and § 7412(f)(2) for certain categories of sources of hazardous air pollutants.

The relevant sources are described as “Coke Oven Source Categories.”

Sierra club alleges EPA has not undertaken a requirement to “review, and revise as necessary (taking into account developments and practices, processes, and control technologies) the emission standards for hazardous air pollutants promulgated under § 7412(d)(6) be no later than eight years after such standards are initially promulgated.

The organizations argue that eight years after promulgating the relevant standards EPA must promulgate additional “residual risk” standards, due to the risk remaining after the application of the standards, or must determine that residual risk standards are not required to protect human health or the environment.

EPA is alleged to have missed the statutory deadlines for Coke Oven Source Categories.

The Complaint requests that for each of the Coke Oven Source Categories that EPA undertake the required duties.

A copy of the Complaint can be found [here](#).