



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

SIP/Mobile Source Enforcement: Conservation Law Foundation, Inc., Citizen Suit Action Filed Against Wynn Resorts Entities Alleging Violation of Clean Air Act Massachusetts Motor Vehicle Idling Limits

01/13/2020

The Conservation Law Foundation (“CLF”) filed a Complaint for Declaratory and Injunctive Relief and Civil Penalties (“Complaint”) in the United States District Court for the District of Massachusetts against Wynn Resorts, Ltd. and other Wynn entities (collectively “Wynn”) alleging violation of certain Clean Air Act Massachusetts State Implementation Plan (“SIP”) provisions.

CLF alleges that Wynn has violated and continues to violate the Massachusetts SIP provisions addressing motor vehicle idling limits.

The states are primarily responsible for ensuring attainment and maintenance of the National Ambient Air Quality Standards (“NAAQS”) once they have been established by the United States Environmental Protection Agency (“EPA”). Each state is therefore required to formulate, subject to EPA approval, an SIP designed to achieve each NAAQS.

The SIPs will contain the measures and actions the state proposes to undertake to attain each NAAQS for their air quality regions. Such measures or actions must be enforceable through the state regulations and typically include emission limits applicable to certain types of stationary sources. However, some states prescribe limits that can affect mobile sources such as vehicle idling limits or inspection (pollution control devices).

The Complaint alleges that Wynn along with other companies operating mobile sources:

... own, operate, manage, and/or oversee a fleet of vehicles that travel and are housed in and around the Commonwealth of Massachusetts.

The Complaint further alleges that Wynn and the other companies have allowed, and/or permitted the idling of motor vehicles in excess of the five-minute time period allowed by 310 C.M.R. § 7.11(1)(b), and not in accordance with any exceptions listed in 310 C.M.R. § 7.11(1)(b)(1), (2), or (3).

Certain locations are identified in the Complaint that Wynn busses are alleged to have been idling in violation of the previously referenced limits.

The relief requested by the Complaint includes permanently enjoining Wynn from the alleged violations and the assessment of civil penalties. Also requested is an award for CLF's costs.

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