

# Air Enforcement/Citizen Suit Action: Environmental Organizations File Judicial Action Against Operators of Gunnison County, Colorado Coal Mine



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05/21/2020

Four environmental organizations (collectively “Sierra Club”) filed a May 12th Complaint in the United States District Court for the District of Colorado (“Court”) against Mountain Coal Company, and Arch Coal Inc. (“MCC”).

The organizations filing the Complaint include:

- Wildearth Guardians
- Sierra Club
- Center for Biological Diversity
- High Country Conservation Advocates

The mine is described as the second largest producer of power plant coal in the United States.

The Sierra Complaint is filed as a citizen suit enforcement action alleging that MCC operates a Gunnison County, Colorado coal mine. It further alleges that the coal mine has committed Clean Air Act violations. The violations are alleged to constitute a failure to obtain the following two air pollution permits:

- Construction permit
- Operating permit

The alleged failure to obtain the permits is stated to have resulted in the coal mine unlawfully emitting volatile organic compounds.

Sierra Club’s Complaint argues that the coal mine emits more than 250 tons of volatile organic compounds annually which triggers certain permitting requirements. An alleged permit that should have been obtained is a Clean Air Act Prevention of Significant Deterioration permit. The other permit the coal mine should have allegedly obtained is a Clean Air Title V permit.

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