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# Citizen Suit Action/Clean Air Act: Sierra Club Judicial Action Challenging Colorado Department of Public Health and Environment Oil/Gas Well Production Facility Permit

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The Center for Biological Diversity and Sierra Club (collectively “Sierra Club”) filed a Complaint in District Court (Adams County, Colorado) challenging the Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) issuance of an air pollution control permit (“Permit”) for K.P. Kauffman Company.

Sierra Club is challenging the issuance of an air permit for the Haugen #1-30 Oil and Gas Well Production Facility (“Facility”).

The Facility is stated to be located in the Denver Metro/North Front Range area (“Area”).

The alleged basis for the challenge of the permit is the allegation that the Area has for 16 years violated national health and welfare-based standards for the air pollutant ozone. Such violation is stated to be rated as “serious” by the United States Environmental Protection Agency.

Emission from oil and gas wells and related operations are alleged to be responsible for a large, if not a majority, of the ozone issues in the Area when this pollutant’s levels are most dangerous.

The Complaint recognizes the Permit issued by the Division for the Facility sets emission limits on its ozone precursor emissions. However, the Complaint alleges that the Permit does not:

... require any testing to see if the Haugen oil well actually complies with those emission limits.

An analogy is cited which states:

... While people have to get their cars’ tailpipes tested to ensure they are not putting out too much ozone precursor pollution, the Haugen oil well does not have to test its smokestack.

Sierra Club alleges that the emission limits in the Facility permit are not enforceable as a practical matter due to a lack of requirement for testing. Therefore, it is alleged that the Division’s issuance of the Permit was arbitrary and capricious and contrary to law.

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