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Coal-Fired Power Plant/Clean Air Act: Environmental Organizations Notice of Intent to Sue U.S. Environmental Protection Agency for Alleged University of North Carolina Noncompliance

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The Center for Biological Diversity, Sierra Club, and Town of Carrboro, North Carolina, (collectively, “CBD”) sent a September 13th Notice of Intent to Sue (“Notice”) to the United States Environmental Protection Agency (“EPA”) alleging:

- Failure to perform a nondiscretionary duty under the Clean Air Act
- Failure to respond to petition requesting that the Administrator object to the University of North Carolina – Chapel Hill’s (“UNC”) air quality permit

The Notice describes the UNC facility (“Facility”) as a coal-powered cogeneration facility in Chapel Hill, North Carolina.

The Notice is sent pursuant to Section 505(b) of the Clean Air Act which provides the ability to file a citizen suit in federal District Court in prescribed instances.

The UNC Facility holds a Title V Clean Air Act permit. CBD states that comments were submitted which identified multiple bases for objecting to the draft Title V permit’s:

- Pollution control provisions
- Air pollution modeling
- Pollution control monitoring
- Record keeping
- Reporting requirements

The Notice argued that EPA failed to grant or deny a petition filed objecting to the UNC Title V permit within the statutorily prescribed period.

The Notice also argues:

- UNC’s Title V permit deficiencies threatens the Town of Carrboro and Chapel Hill with excess pollution
- Public health repercussions of excess pollution from the UNC Facility are referenced

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