

Citizen Suit Enforcement/Clean Air Act: Clean Air Council Files U.S. District Court Action Against Monaca, Pennsylvania, Plastics Production Plant



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

05/16/2023

The Clean Air Council filed a May 11th Complaint for Declaratory and Injunctive Relief (“Complaint”) in the United States District Court for the Western District of Pennsylvania against Shell Chemical Appalachia, LLC (“Shell”) alleging violations of the Clean Air Act and the Pennsylvania Air Pollution Control Act.

The Complaint states that Shell operates a plant known as the Shell Polymers Monaca Site (“Plant”) in Monaca, Pennsylvania.

The Complaint was filed pursuant to the citizen suit provision of the Clean Air Act.

The Plant is described in the Complaint as a petrochemical complex that manufactures ethylene and polyethylene. They are stated to be used to create plastic products. Production of polyethylene pellets is stated to have begun in October 2022.

Plant processes include:

- Ethane cracking unit
- Polyethylene unit
- Flares
- Incinerator
- Wastewater treatment plant
- Other sources of emissions

Shell is alleged to have violated, is violating, and will continue to violate the:

- Clean Air Act
- Pennsylvania Control Act
- Pennsylvania State Implementation Plan
- Plan approvals that authorize construction and operation of the Plant

The Complaint alleges the violations include:

- Exceedance of the site-wide, 12-month rolling emissions limitations on volatile organic compounds
- Exceedance of the site-wide, 12-month rolling emissions limitations on nitrogen oxides
- Releasing prohibited visible emissions from the Plant’s flares
- Violations that harm the health and disrupt the lives of the Clean Air Council’s members and other individuals who live, go to school, recreate, and work near the Plant

The Complaint alleges that neither the United States Environmental Protection Agency nor the Pennsylvania Department of Environmental Protection have commenced or is diligently pursuing a civil action in federal or state court or in litigation before the Environmental Hearing Board to require Shell to comply with the Clean Air Act and Pennsylvania Air Pollution Control Act.

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