



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

Clean Air Act Citizen Suit Enforcement/Pennsylvania Chemical Facilities: Food & Water Watch Judicial Action Alleging Allegheny County Health Department Failure to Issue Title V Air Permits

01/17/2024

The Environmental Action Project on behalf of Food & Water Watch (“F&W”) filed a November 15th Clean Air Act citizen suit action in the Court of Common Pleas of Allegheny County, Pennsylvania, against the Allegheny County Health Department (“ACHD”).

ACHD is a local health department that has been delegated the authority under the Clean Air Act to regulate air quality in Allegheny County, Pennsylvania.

F&W’s Complaint alleges that ACHD has failed to timely act on Clean Air Act Title V permit applications for certain major sources.

The major sources for which ACHD has allegedly failed to issue Title V permits in a timely manner include:

- Synthomer Plant (described as a resin manufacturing plant in West Elizabeth, Pennsylvania)
- Neville Chemical Company (described as a manufacturer of synthetic hydrocarbon resins, plasticizers, and plasticizing oils located in Neville Township, Pennsylvania)

The Complaint alleges a timeline for when ACHD is supposed to have taken action on applications for a Title V permit for each facility. As a result of the alleged failure to take action on the permit applications, the Complaint list the following causes of action:

- Violation of Article XXI § 2103,11.g

Stating that pursuant to the above-referenced provisions persons and organizations may obtain judicial review in the Court of Common Pleas of Allegheny County, Pennsylvania, for a failure by ACHD to take timely final action on a permit application.

It is further alleged that ACHD’s failure to issue a final permit deprives the organization’s members of:

. . . protection that a final Title V permit would provide, and also interferes with Plaintiff’s right to comment on a proposed permit, challenge a deficient permit, to know what the enforceable limitations applicable to the plant are, and to potentially enforce against violations of those limitations.

The Complaint requests an Order requiring ACHD to take final action on each of the applications for a Title V permit without further delay.

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