Oil/Natural Gas Production and Natural Gas Transmission/Storage - NESHAP: U.S. Environmental Protection Agency and Sierra Club Agree to Review Schedule

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Three environmental organizations and the United States Environmental Protection Agency ("EPA") entered into an April 17th Consent Decree ("CD") resolving a Complaint that had been filed in the United States District Court for the District of Columbia addressing the Clean Air Act National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production and Natural Gas Transmission and Storage. See Case No. 1:22-cv-1012-CRC.

The three environmental organizations include:

- California Communities Against Toxics
- Coalition for a Safe Environment
- Sierra Club

(collectively "Sierra Club")

Sierra Club had filed the Clean Air Act citizen suit to compel EPA to undertake what they described as nondiscretionary duties under § 7412(d)(6) of the Clean Air Act to review emission standards for the Oil and Natural Gas Production and Natural Gas Transmission and Storage.

The referenced source categories are regulated under the National Emission Standards for Hazardous Air Pollutants found at 40 CFR Part 63, Subparts HH, HHH.

The Sierra Club Complaint stated that § 7412(d)(6) of the Clean Air Act requires that EPA review and revise as necessary emission standards for hazardous air pollutants in listed categories at least every eight years after promulgating the standards. They further alleged that more than eight years had passed since EPA's last review of the NESHAP for these categories. Sierra Club, therefore, sought a determination that EPA had failed to perform an action required by the Clean Air Act and an Order to Compel the federal agency to take the required action in accordance with a deadline set by the United States District Court.

The CD sets out a schedule for actions EPA is required to undertake to determine whether the NESHAP for these source categories should be revised.

A copy of the CD can be downloaded here.