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Air Federal/State Judicial/Administrative Litigation Arkansas Environmental Federation Air Seminar May 9th Presentation

05/14/2024

I undertook a presentation at the May 9th Arkansas Environmental Federation Air Seminar titled:

Air Federal/State Judicial/Administrative Litigation 2023-2024

The presentation undertook a survey of Clean Air Act "cases" addressing:

- Judicial/administrative decisions
- Enforcement/citizen suit actions filed/pending
- Consent administrative orders

The topics addressed included:

- Interstate Transport/Ozone: Eighth Circuit Court of Appeals Update
- Clean Air Act National Ambient Air Quality Standards
- Particulate Matter/Revised National Ambient Air Quality Standard: 24 State Attorneys General (including AR) Challenge U.S. Environmental Agency Final Rule
- Nitrogen/Clean Air Act: Center of Biological Diversity Notice of Intent to Sue EPA for Failure to Review National Ambient Air Quality Standards
- Challenge to Clean Air Act standards and emission guidelines for oil and gas source category
- Challenge to Louisiana LNG Permit/Use of Significant Impact Levels
- Liquid Natural Gas Plant/Clean Air Act: Federal Appellate Court Addresses Challenge to Texas Commission on Environment Quality PSD BACT Determination
- Reactivation/New Source Review: EPA Determination that Refinery Must Obtain PSD Permit
- Refinery Challenged EPA Determination and Federal Appellate Court Overturned EPA's Decision in Port Hamilton Refining v. EPA
- Challenge to the California Air Resources Board's Advanced Clean Fleets regulation, which sets zero emission vehicle requirements
- Chevron Doctrine/Pending U.S. Supreme Court Decision
- Future/Upcoming Litigation
- Scope of Title V Petition to Object Review
- New York State Sued Beef Producer for Allegedly Misleading Claims (Greenwashing) Regarding Net-Zero Commitment

- Lawsuit seeking indemnification for costs allegedly incurred as a result of the defendant's overstating of the amount of carbon sequestered by timberlands in West Virginia in application for carbon offsets from California Air Resources Board.
- Cryptocurrency Mining Facility/Natural Gas-Fired Electric Generating Plant: New York ALJ Upholds Denial of Clean Air Act Title V Permit Renewal
- Whistleblower Complaint/Safe Drinking Water Act: OSHA Addresses Alleged North Dakota Dept. of Environmental Quality Retaliation Against Staff Environmental Scientist
- EPA Clean Air Enforcement
- EPA Fiscal Year 2024-2027 National Enforcement and Compliance Incentives
- Other EPA Clean Air Enforcement Initiatives
- Strategic Civil-Criminal Enforcement Policy: U.S. Environmental Protection Agency April 17th Memorandum
- Criminal Enforcement/Clean Air Act – False Statement/Risk Management Program
- United States of America v. Terri Settle
- United States v. Hart (S.D. Cal)
- Unmanned Aerial Vehicle Systems/Landfill Methane Leak Detection: EPA Approves Alternative Test Method (SnifferDRONE)
- Arkansas Air Enforcement Examples

A copy of the slides from the presentation can be downloaded [here](#).