Beef Production Facility/Citizen Suit Action: Center for Biological Diversity Judicial Action Seeking to Compel Title V Decision by Colorado Department of Public Health and Environment

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

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The Center for Biological Diversity ("CBD") filed a Complaint in the District Court, Morgan County, Colorado against the Colorado Department of Public Health and Environment ("Colorado") in regard to a beef processing facility.

CBD's lawsuit seeks to compel Colorado to grant or deny the Clean Air Act Title V Operating Permit renewal application for the Cargill Meat Solutions facility located in Fort Morgan, Colorado.

The Colorado Air Pollution Prevention and Control Act is stated to require the Air Pollution Control Division ("APCD") to grant or deny permit applications within 18 months of a facility submitting a complete application. The APCD is alleged to have exceeded the 18-month statutory deadline to act on the permit renewal application for the Cargill Meat Solutions facility.

APCD is alleged to have received a complete permit renewal application for the facility on December 30, 2022. It is alleged to have failed to have granted or denied the permit renewal application for more than 35 months since receiving.

The Cargill Meat Solutions facility is described as including the slaughtering of beef cattle and conducting the fabrication and processing of beef. The facility is stated to emit the following air pollutants:

- Volatile Organic Compounds
- Nitrogen Oxides
- Carbon Monoxide
- Sulfur Dioxide
- Particulate Matter (including both PM10 and PM2.5)
- Hydrogen Sulfide
- Hazardous Air Pollutants (HAPs) including Hexane

As a result of the type and amount of air pollutants emitted, it is required to obtain a Clean Air Act Title V Operating Permit.

The Complaint requests that the Court:

- Declare that the Division violated the Colorado Air Pollution Prevention and Control Act by failing to act on the Title V operating permit renewal application for the Cargill Meat Solutions facility within eighteen months of receiving the application;
- Order the Division to grant or deny the Cargill Meat Solutions facility's Title V operating permit renewal application without additional delay, but no later than ninety days after a final order in this matter;
- Retain jurisdiction over this matter to ensure compliance with the Court's order; and,
- Award such other relief as the Court deems just and proper.

A copy of the Complaint can be found here.