Citizen Suit Action/Clean Air Act: Center for Biological Diversity Notice of Intent to Sue Greeley, Colorado Meat Packing Operator for Alleged Violations



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The Center for Biological Diversity ("CBD") sent an April 7th document to JBS USA Food Company Holdings ("JBS") styled:

Notice of Violation for Operating JBS Swift's Greeley Slaughterhouse as a Major Source of Air Pollution without an Operating Permit in Violation of Title V of the Clean Air Act ("Notice").

The Notice addresses JBS' meat packing facility in Greeley, Colorado.

The Notice alleges that the facility became subject to the requirement to obtain a Clean Air Act Title V Operating Permit on January 27, 2020. Therefore, the Notice argues that the facility was required to submit an application for an initial permit by January 27, 2021.

The organization further alleges that JBS did not file its initial Title V operating permit application with the Air Pollution Control Division ("APCD") of the Colorado Department of Health and Environment until April 20, 2022.

CBD states that a Title V Operating Permit for the facility has not yet been issued. Therefore, because the permit application for the plant was not timely submitted CBD argues that the facility is not eligible for the protection of the application shield provision under the Clean Air Act. As a result, the Notice alleges that for the last 1,896 days, JBS has operated the Plant without a valid Title V permit, in violation of:

- The Clean Air Act.
- The Colorado Air Pollution Prevention and Control Act.
- Relevant implementing regulations.

CBD states that at the expiration of 60 days from the date of the Notice, that it can file suit under the Clean Air Act's citizen suit provision, and will seek declaratory and injunctive relief, civil penalties, and all other relief authorized by law.

A copy of the Notice can be found here.