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## NESHAP/Clean Air Act: U.S. District Court (D.C.) Order Requiring Residual Risk Review of 20 Major Source Categories

03/30/2017

A United States District Court (District of Columbia) issued a March 13th Memorandum Opinion addressing a Clean Air Act citizen suit action.

The lawsuit requests that the United States Environmental Protection Agency ("EPA") be ordered to undertake a residual risk review of 20 Clean Air Act National Emission Standards for Hazardous Air Pollutants ("NESHAP") major source categories.

Plaintiff California Communities against Toxics and other environmental advocacy groups sued the EPA Administrator for failure to take mandatory, non-discretionary actions regarding the following 20 listed major source categories:

- Solvent Extraction for Vegetable Oil
- Boat Manufacturing
- Surface Coating of Metal Coil
- Cellulose Products Manufacturing
- Ethylene Production
- Paper and Other Web Coating
- Municipal Solid Waste Landfills
- Hydrochloric Acid Production
- Reinforced Plastic Composites Production
- Asphalt Processing & Roofing Manufacturing
- Integrated Iron & Steel Manufacturing
- Engine Test Cells/Stands
- Site Remediation
- Miscellaneous Organic Chemical Manufacturing
- Surface Coating of Metal Cans
- Surface Coating of Miscellaneous Metal Parts and Products
- Organic Liquids Distribution
- Stationary Combustion Turbines
- Surface Coating of Plastic Parts and Products
- Surface Coating of Automobiles & Light-Duty Trucks

The Court notes in the Memorandum Opinion that the Clean Air Act requires the agency to “from time to time, but no less often than every 8 years, revise, if appropriate, in response to public comment or new information,” the list of categories and subcategories of major sources and area sources.

The Court held that EPA had violated this non-discretionary duty stating:

The parties agree that more than 8 years have passed since the promulgation dates of emission standards for the 20 source categories . . . The parties agree that the EPA has not completed the reviews required by the statute at § 7412(d)(6) (the regular eight-year review of standards after their promulgation) and § 7412(f)(2) (the residual risk review). . . .

The Court’s Memorandum Opinion orders completion of all 20 major source category risk and technology reviews within three years.

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