

CLEAN AIR ACT

OVERVIEW

BCLP attorneys have represented clients with regard to all facets of the Clean Air Act, from the permitting of large industrial sources, including power plants, to enforcement defense involving everything from asbestos removal to alleged multi-facility New Source Review violations. Our air work has included counseling, permitting and litigation matters pertaining to: ambient air standard setting, review, and revision; air toxics standard setting; technology requirements for stationary sources (NSPS, RACT, BACT, LAER, MACT, NESHAPs, CTGs); permit issuance, modification, and transfer (PSD, NSR, Title V, synthetic minor); allowance allocation and trading (both acid rain and greenhouse gas); emission reduction credit perfection, banking, and trading; State Implementation Plan (SIP) development and revision; mobile source regulation; and Title VI stratospheric ozone (CFC) requirements. Our work in the area of climate change is discussed separately.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Energy & Natural Resources

EXPERIENCE

- Representing one of the nation's 10 largest electric and gas utility companies in administrative proceedings and litigation arising under the Prevention of Significant Deterioration program and Title V of the Clean Air Act. In one particular case, we successfully represented the client in evidentiary hearings and other proceedings to obtain the air permits and Certificate of Environmental Compatibility and Public Need required to construct a major electric and steam co-generation facility in Manhattan.
- Defending one of the leading processors of agricultural products in a multi-facility new source review enforcement matter involving USDOJ, multiple states, and EPA Regions.
- Successfully permitting ethanol facilities held up by state agency concerns regarding ambient air impacts.
- Representing a client in expedited negotiation of a consent agreement with a state agency allowing reopening of facility previously closed due to air permitting compliance issues.
- Leading comprehensive internal New Source Review audits and counseling clients regarding audit results, including how to address and whether to make voluntary disclosure of findings.
- Permitting and enforcement defense at quarry operations.
- Defending numerous manufacturing facilities in various states and regions from alleged permit violations and/or exceedances of emission limits including clients in steel, chemical and pharmaceutical industries.
- Representing a diverse spectrum of alternative and renewable energy clients, including projects in the co-generation and biomass, independent power production, waste-to-energy, coal-to-liquid, ethanol, bio-diesel, district heating and cooling and wind sectors. Our work in this arena involves all aspects of environmental and general legal counseling, including performing due diligence, securing permits, interfacing with potential investors, the general public, and political stakeholders, coordinating public communications strategies, and developing regulatory compliance strategies.
- Successfully representing a public transit agency in civil lawsuit brought by USEPA alleging hundreds of violations of the CFC regulations issued under Title VI of the Clean Air Act.
- Representing a major petroleum company in connection with a U.S. EPA national Clean Air Act initiative relating to flare emissions at a petroleum refinery in Illinois. This initiative could potentially affect refineries in Texas and Louisiana as well and has the potential to set wide ranging precedent for how flare emissions will be regulated in the petroleum industry in the future.

- Representing several mine entities in responding to Clean Air Act information requests served by U.S. EPA related to lime kiln production facilities in Ohio and Pennsylvania as a result of U.S. EPA's recent initiative scrutinizing the Clean Air Act compliance of several lime production facilities throughout the Midwest and Eastern portions of the U.S.
- Representing a global leader in the sustainable beverage packaging industry with regard to air compliance and permitting issues associated with proposed greenhouse gas legislation, and assisting them with government grant, loans, and other publicly available funding resources to support funding for converting portions of the company's fossil fuel based energy production to renewable energy resources including biomass.

RELATED INSIGHTS

Events

Jul 27, 2023

Partners present at PLI program on challenges and controversies in environmental practice