

Two Groups Say Washington Is Violating Federal Clean Air Act

Local News

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OLYMPIA, Wash. - Five oil refineries in Washington will be under new pressure to clean up their airborne emissions as a result of a district court decision on Friday. The *Washington Environmental Council* and the *Sierra Club* alleged that the state and regional clean air agencies have been violating the Clean Air Act by not requiring the refineries to reduce pollution using what is termed "reasonably available technology."

Attorney Janette Brimmer with *Earthjustice* argued the case for the plaintiffs and summarizes the main question.

"What was the state's obligation, or the regional clean air agencies, to set basic minimum standards for this kind of pollution - like methane and nitrous oxide and carbon dioxide - from refineries? And the state was saying, 'We don't think we have to do this, at least not under our federally-enforceable plan.' And we said, 'Well, we think you do have to do it.'"

The state and regional clean air agencies said they've been waiting for more guidance from the U.S. Environmental Protection Agency (EPA), but U.S. District Court Judge Marsha Pechman said the agencies have a responsibility to enforce the state clean air plan that's already in place, ruling in favor of the plaintiffs. One issue raised in court is that Washington's State Implementation Plan for regulating air pollution is tougher in some ways than federal greenhouse gas standards, and the agencies weren't sure they could enforce it. However, the judge pointed out that the EPA has "repeatedly approved" the state plan. Brimmer says now, it just needs to be put into practice. "The reality is that, despite a lot of good policy statements about greenhouse gases and climate change in Washington, we really have not regulated greenhouse gas pollution very much, particularly from existing sources like these big refineries." The plaintiffs have called the decision a win for the economy as well as the environment. Together, the five oil refineries in question are responsible for an estimated 6 to 8 percent of the climate-change pollution in the state. They are located in Anacortes, Blaine, Ferndale and Tacoma. They were represented by the Western States Petroleum Association. More information about the case has been posted on the *Washington Environmental Council* website, www.wecprotects.org.