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EPA PUT ON NOTICE TO APPROVE STATE AIR POLLUTION PLANS

On Wednesday, April 13 the Kentucky Environmental Foundation filed a Notice of Intent to sue the Environmental Protection Agency (EPA) for failing to take action on State Implementation Plans (SIP) for curbing harmful levels of soot. The Notice focuses on air quality plans for three Kentucky regions: Cincinnati-Hamilton, Louisville and Huntington-Ashland.

The purpose of the Notice, says KEF's Energy and Health Coordinator Deborah Payne, is to protect public health from the impacts of tiny particulate matter in soot – a small fraction of a size of a human hair – that are released from sources like coal fired power plant stacks, industrial facilities and vehicle emissions. "This particulate matter, called PM2.5, has the ability to penetrate deep into our lungs and cause or worsen asthma and other respiratory and heart diseases," said Payne.

"Some people are getting lung cancer who have never smoked a day in their lives and air pollutants like PM2.5 may be one of the reasons," Payne said.

The three regions included in the Notice have all been designated by EPA as "non-attainment" areas which means that air pollution levels were high enough to require specific steps to improve the air quality. The Clean Air Act mandates that the EPA review and affirm or reject SIPs submitted by states, outlining their plans to curb air pollutants like PM2.5. When EPA fails to take this action on a SIP there is no guarantee that the state will take steps to improve air quality.

EPA's deadline for approving or disapproving the SIPs was June 2009. KEF has asked for EPA to respond to the Notice letter within 60 days to discuss non-litigation compliance with the Clean Air Act.

"By bringing to light the EPA's requirement to approve or disapprove the SIPs we hope to prompt improvements to our air quality without any further delay," said KEF Director Elizabeth Crowe.

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A copy of the Notice of Intent letter can be found at
<http://kyenvironmentalfoundation.org>.