

# CALIFORNIA AIR LAWYER REPRESENTING CLIENTS IN ISSUES RELATED TO THE CLEAN AIR ACT

The attorneys at Bick Law have experience working with a wide spectrum of clients on air related issues. We represent clients in a wide range of matters including rulemakings, permitting and regulatory compliance, company audits and investigations, and federal and state civil and criminal enforcement actions arising under the federal Clean Air Act (CAA) and companion state law programs. Our environmental law firm has built a strong reputation for helping businesses throughout California, across the United States and around the world address their most critical environmental issues and disputes.

We are a team of highly accomplished professionals focused on partnering with our clients to find legal solutions that resolve problems in the most efficient and cost-effective manner possible. Each air lawyer at Bick Law is cognizant of the difficult challenges businesses face in connection with the Clean Air Act and other federal and state regulatory schemes and we work to manage and mitigate the potential risks and costs associated with these programs, including new and emerging programs focusing on climate change impacts and emerging renewable energy and clean energy goals.

## The Clean Air Act

Congress designed the Clean Air Act to combat a variety of air pollution problems and address emerging air issues. The basic structure of the Clean Air Act was established in 1970, with major revisions in 1977 and 1990. Under the Clean Air Act, Congress required EPA to establish national ambient air quality standards (NAAQS) for certain pollutants. EPA has set air quality standards for six common "criteria pollutants": particulate matter (also known as particle pollution), ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead. Congress drafted the Act with general

authorities that can be used to address pollution problems that emerge over time, such as greenhouse gases that cause climate change.

The Clean Air Act also regulates emissions from non-stationary sources, such as motor vehicles. In addition, the law regulates emissions from stationary sources such as new or expanded industrial plants (power plants or factories). The CAA requires major stationary sources and certain other sources subject to federal standards to obtain CAA operating permits that contain and assure compliance with all their CAA requirements. In most areas, state or local air agencies issue the permits. Parties who discharge pollutants into the air without the required permits face legal action by the EPA and state regulatory agencies.

States are required to adopt enforceable state implementation plans to achieve and maintain air quality meeting the NAAQS. State implementation plans must prohibit emissions that significantly contribute to air quality problems in a downwind state. In California, local air pollution districts work with the state to produce air quality plans.

Industries and commercial entities in California must comply with AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its greenhouse gas (GHG) emissions by approximately 15 percent to 1990 levels by 2020. Pursuant to AB 32, the California Air Resources Board (CARB) implements regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. Our lawyers closely monitor changes in state regulations in California and other states, as well as federal CAA changes. You need an experienced air lawyer to stay abreast of and anticipate changes in regulation of air emissions so that our clients can manage costs and risks associated with industrial and commercial operations.

The California Energy Commission is in charge of a Renewable Energy Program to increase total renewable electricity production statewide. In 2015, California's legislature enacted SB 350 for retail sellers and publicly owned utilities to procure "half of the state's electricity from renewable sources by 2030." In addition, California's Renewables Portfolio Standard (RPS) Program applies to all electricity retailers in the state including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must adopt the new goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and the 33 percent requirement being met by the end of 2020.

## **Resolving CAA Problems and Challenges**

Bick Law helps clients maneuver through the complex issues and procedures related to the Clean Air Act. We have experience working with businesses across all industries to develop and implement

environmental compliance programs and assist clients in obtaining the required permits for their company's projects and facilities. In addition to industrial and commercial clients, Bick Law represents utilities and investors in energy and renewable energy projects.

When parties are threatened by potential litigation, such as **citizen suits**, our California air lawyers are fully prepared to protect and defend our clients at every point in the legal process. Our lawyers also defend businesses in regulatory enforcement matters arising under the CAA, including civil and criminal enforcement.

Contact us today at **949-432-3500** to speak to an experienced air lawyer and find out how we can help you.