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Wyoming Citizens Put EPA on Notice Over Ozone Pollution in Sublette County
Lawsuit promised if agency fails to implement Clean Air Act protections within sixty days

Pinedale, WY—A group of local Wyoming citizens today demanded that the Environmental Protection Agency act immediately in confronting the unhealthy ground-level ozone pollution that has resulted from an extraordinary rise in oil-and-gas activity within the state’s Upper Green River Basin.

Citizens United for Responsible Energy Development (“CURED”), a grassroots organization dedicated to ensuring that energy development in and around Sublette County, Wyoming does not compromise human health or environmental quality, served EPA Administrator Lisa Jackson with notice that it will file a lawsuit in sixty days unless the Environmental Protection Agency formally designates the Upper Green River Basin as an area not meeting national ozone standards—a designation that will trigger needed protections under the Clean Air Act.

In recent years, oil-and-gas development within the Upper Green River Basin has escalated at an exceptional pace. The resulting decline in the region’s air quality has been no less dramatic. Before the oil-and-gas boom, Sublette County’s residents enjoyed some of the best breathing in the country. Today, thousands of federally approved oil-and-gas wells pollute the region’s air with significant amounts of ozone’s ingredients—volatile organic compounds (VOCs) and nitrogen oxides (NOx). As a result of this development, those living in Wyoming’s rural Upper Green River Basin have recently suffered some of the nation’s highest ozone levels.

Ozone, a primary component of “smog,” damages lungs, worsens asthma, reduces lung capacity, triggers respiratory-related hospital admissions, and increases premature deaths. These health impacts are disproportionately felt by the most vulnerable—children, the elderly, and persons already suffering from respiratory ailments.

During Sublette County’s winter months—when sunlight, still air, and snow-cover spur ozone formation—residents face repeated warnings about elevated ozone levels and the resulting risks of going outside. On such days, some are left to stay indoors—including the children that take part in Pinedale Elementary School’s “alternative recess.” Others venture outside only to suffer burning eyes and difficulty in breathing. The stress and uncertainty resulting from these conditions have further diminished the quality of life in Wyoming’s Upper Green River Basin. As the Sublette County Commission emphasized in a March press release, the region’s residents have become “alarmed and concerned with so many alerts and spikes in ozone levels.”

“After years of unhealthy air and government delay, it is now up to the citizens who live, work, and recreate in Sublette County, Wyoming, to take a firm stance for the restoration of the region’s air to its prior, pristine state,” said Elaine Crumpley, Chairperson of CURED. “CURED is taking such a stance today.”

“The health of individuals who live, work, and recreate in Sublette County is of paramount importance, and actions need to be taken to ensure that our air is safe and healthy for all to breathe,” said CURED board member Mary Lynn Worl. “We don’t believe that public health and the quality of life in our communities need to be traded away for economic activity. We can have both. Industry has made improvements in reducing emissions, and they have the expertise to continue these innovations.”

More than two-and-a-half years ago, then-Wyoming Governor Dave Freudenthal recommended designating the Upper Green River Basin as an area in violation of national ozone standards. Under the federal Clean Air Act, this “nonattainment” designation would have triggered critical requirements and deadlines for bringing the Upper Green River Basin back into compliance with the EPA’s air-quality standards for ozone.

The Clean Air Act required the EPA to finalize a “nonattainment” designation for the Upper Green River Basin by March 12, 2010. For one-and-a-half years, the EPA has unlawfully failed in its duty to take such action. In this time, Wyoming’s ozone problem has not abated. While the EPA has now announced an intention to publish its ozone designations nearly a year from now—“by mid-2012”—such further delay cannot be allowed.

“With today’s letter, Citizens United for Responsible Energy Development has given the Environmental Protection Agency notice that further foot-dragging is unlawful and intolerable,” said Earthjustice lawyer Sean Helle, who is representing CURED. “If the EPA fails to begin confronting the air pollution in Wyoming’s Upper Green River Basin within sixty days, CURED will seek a court order compelling the agency to act.”