Preface

The Clean Air Act is one of the more challenging environmental statutes and has generated a multitude of regulatory requirements. Practicing in the Clean Air Act area often requires an added vigilance due to its complexity and the fact that many of the applicable statutory and regulatory provisions typically are subject to numerous U.S. Environmental Protection Agency (EPA), state, and local regulatory guidance interpretations, which may or may not be readily available. In recent years, EPA and many state and local air agencies have made an effort to make these numerous guidance documents available through agency web pages, and the appendices to this book includes references to some of the key websites.

The goal of this Clean Air Act basic practice guide is to provide legal practitioners, consultants, and other interested individuals with an overview of the Clean Air Act and its implementing regulations. It is not intended to be an exhaustive treatment of the Act; rather, it should be used as a starting point for answering basic Clean Air Act inquiries. In addition to the overview of the Act and the applicable EPA regulations, this book includes many useful reference materials in the appendices that are intended to assist the reader in navigating through the multiple requirements of the Clean Air Act.

Since the first edition of this basic practice guide was published in 2001, there have been many important regulatory developments and numerous case law decisions that have helped to clarify certain aspects of the Clean Air Act, including a Supreme Court case that held that greenhouse gas emissions fall within the broad definition of “air pollutants” under the Act. The second edition of this book includes a new chapter on the emerging regulation of greenhouse gas emissions under the Clean Air Act. While EPA is still very much in the formative stages of regulating greenhouse gas emissions, the chapter on greenhouse gas emissions provides an overview of the regulatory roadmap that the agency has embarked upon.