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Electric Utility: Clean Air Act Enforcement Defense

Representation of a subsidiary of a large electric utilities company in a significant US EPA enforcement action involving alleged violations of the Clean Air Act related to quality assurance (QA) testing and reporting associated with a continuous emissions monitoring system (CEMS) and Leak Detection and Repair (LDAR) requirements. Our work included management of and participation in an extensive internal investigation into the basis and cause of the QA testing issues; the self-disclosure of alleged violations to state and federal agencies; development and implementation of corrective measures; development of the technical and legal basis for quantification of excess emissions resulting from the QA testing issues; and negotiations with the United States and the Commonwealth of Virginia over the scope of the violations, the civil penalty, and the terms of a Complaint and Consent Decree. This matter was completed with Court approval of the Consent Decree on April 12, 2010.

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