In an effort to attract new business to Northeast Ohio, the state administration reduced business tax rates and offered attractive incentive programs. Capitalizing on the favorable business climate in Northeast Ohio, Gru the CEO of the Despicable Oil Refinery Company moved his business to Cleveland, Ohio. He and his minions quickly began work at their offshore oil refinery rig along the banks of Lake Erie. A few weeks later, the residents of Cleveland’s Warehouse District noticed that the air began smelling like noxious chemicals. One resident thought the air smelled like rotten eggs. The concerned residents met and decided that the smells were coming from the new oil refinery. Some of the residents wondered if the pollution was harmful to their health. Other residents were upset because they could no longer enjoy sitting on their roof top deck after work because of the stench. One resident suggested that they file a civil action against the refinery under the Clean Air Act.

Do the concerned citizens of the Warehouse District have standing to sue Gru and the Despicable Oil Refinery Company under the Clean Air Act?

1. **Find the U.S. Code section dealing with citizen’s suits under the Clean Air Act.**

42 U.S.C. § 7604 Clean Air Act’s Citizen Suit Provision

USCS – Index>Air Pollution Control>Citizen’s Suits

USCA – Index>Air Pollution>Actions

1. **In the Code section you found in Question Number 1, what is a case annotation number dealing with standing to sue?**

USCA – No. 44 Persons Entitled to Maintain Action

USCS – No. 16 Standing

1. **Are there any regulations concerning citizen suits?**

40 C.F.R. § 54, et seq.

Index>Air Pollution Control>Citizen’s Suits

1. **Find two secondary sources dealing with citizen’s suits under the Clean Air Act and standing to sue.**

14 A.L.R. Fed. 2d 369 “Statutory Standing to Sue Under Clean Air Acts Citizen Suit Provision, 42 U.S.C. 7604”

Index>Clean Air Act>Standing to Sue

C.J.S., Health and Environment § 142, Persons Entitled to Sue; Standing

Index>Environmental Protection>Standing

Am. Jur. 2d Pollution Control §656

Index>Air Pollution>Citizen’s Suits>Standing

1. **Cite a case dealing with standing to sue under the Clean Air Act, citizens suit, if possible, a case finding that breathing in and smelling air pollution constitutes an “injury in fact” for standing purposes :**

*St. Bernard Citizens for Environmental Quality, Inc. v. Chalmette Refining*, L.L.C., 354 F. Supp. 2d 697 (E.D. La. 2005).

-Cited in the AmJur section

-It is cited in the first paragraph of the ALR article, and [§ 7 Specific, concrete "actual injury" or "injury-in-fact" allegation—Standing established](http://web2.westlaw.com/result/documenttext.aspx?lquery=%22st.+bernard%22&cite=14+alr.fed.2d+369&cnt=DOC&nstartlistitem=1&cfid=2&cxt=DC&service=Find&fn=_top&sskey=CLID_SSLA92548112415241&db=ALRFIND&rs=WLW12.01&ss=CNT&rlt=CLID_FQRLT77782292315241&vr=2.0&n=1&mt=Westlaw&rlti=1&rp=%2fFind%2fdefault.wl&scxt=WL&method=TNC&sv=Split#Icca1e6b0737211dbbf769ab238db4dfa)

-In the notes in USCA and USCS