



## Court Rejects Challenge to Philadelphia International Airport Project

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On July 6, 2012, the U.S. Court of Appeals for the Third Circuit rejected challenges to the FAA's Record of Decision approving Firm client City of Philadelphia's Capacity Enhancement Project (CEP) for Philadelphia International Airport. The Township of Tinicum and Delaware County argued that FAA's air quality analysis for the CEP was inadequate based on five discrete issues raised by the U.S. Environmental Protection Agency in comment letters. The court held that EPA's comments were not entitled to any deference, that FAA had given proper consideration to EPA's comments, and that the air quality analysis satisfied FAA's legal obligations under NEPA. The court also ruled that a supplemental EIS was not necessary to address post-ROD air quality studies that confirmed the results of the pre-ROD studies. The court largely adopted the arguments of FAA and the City of Philadelphia, who had intervened in the case in support of FAA.