

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 07-CV-03678 JSW

COMMUNITIES FOR A BETTER ENVIRONMENT, ROCKY MOUNTAIN CLEAN AIR ACTION, COALITION FOR A SAFE ENVIRONMENT, and PHYSICIANS FOR SOCIAL RESPONSIBILITY-LOS ANGELES,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and STEPHEN L. JOHNSON, as Administrator of the United States Environmental Protection Agency

Defendant

[PROPOSED] ORDER ESTABLISHING SCHEDULE TO REVIEW NATIONAL AMBIENT AIR QUALITY STANDARD FOR CARBON MONOXIDE

1 On May 5, 2008, this Court granted the Motion for Summary Judgment by plaintiffs
2 Communities for a Better Environment, Rocky Mountain Clean Air Action, Coalition for a
3 Safe Environment, and Physicians for Social Responsibility - Los Angeles (“Plaintiffs”) and
4 denied the Cross Motion for Summary Judgment by Defendant Environmental Protection
5 Agency and Stephen L. Johnson (“EPA”). Docket # 37. In granting Plaintiffs’ Motion for
6 Summary Judgment, this Court held:

7 Although the Court has the authority to do so, the Court is hesitant to set
8 interim deadlines at this time. . . . However, given how many years have
9 passed since the EPA’s mandatory deadline has expired, the Court is wary of
10 merely providing the EPA a long-term deadline without any oversight or
11 review. Therefore, the Court HEREBY DIRECTS the EPA to submit, by no
later than July 7, 2008, a revised schedule with interim deadlines in
accordance with this Order.

12 Dk. & 37 at 9.

13 On July 7, 2008 EPA filed its Revised Schedule with Interim Deadlines pursuant to
14 the May 5, 2008 Order (“Revised Schedule”), Docket # 40. In the Revised Schedule, EPA
15 explained that it intends to comply with the following schedule:

16 Task	Deadline
17 Final integrated science assessment	January 29, 2010
18 Final risk/exposure assessment	May 28, 2010
19 Notice of proposed rulemaking signed	October 28, 2010
20 Notice of final rulemaking signed	May 13, 2011

21
22 Revised Schedule, p. 2. EPA also stated in its Revised Schedule that it “estimates that the
23 first draft [of the integrated science assessment] could be completed in or about late February
24 2009. Id. EPA further stated in its Revised Schedule that it “estimates that the first draft
25 risk/exposure assessment could be completed in or about late September 2009.” Id. at 3.

26 //

27 //

1 NOW THEREFORE, GOOD CAUSE APPEARING, the Court hereby ORDERS EPA to
2 comply with the following schedule, which includes interim deadlines to ensure oversight
3 and review of EPA's progress:

4 Task	Deadline
5 1 st Draft integrated science assessment	March 14, 2009
6 1 st Draft risk/exposure assessment	October 29, 2009
7 Final integrated science assessment	January 29, 2010
8 Final risk/exposure assessment	May 28, 2010
9 Notice of proposed rulemaking signed	October 28, 2010
10 Notice of final rulemaking signed	May 13, 2011

11 EPA shall also forward the notices of proposed and final rulemakings to the Federal
12 Register within 15 business days of signature.

13 **IT IS SO ORDERED.**

14
15
16
17 Dated: November 14, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE