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13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO/OAKLAND DIVISION

12	SIERRA CLUB, CENTER FOR BIOLOGICAL)	Case No: 3:14-cv-04596-EMC
13	DIVERSITY, WILDEARTH GUARDIANS,)	
14	MEDICAL ADVOCATES FOR HEALTHY AIR,)	STIPULATION AND [PROPOSED]
15	and PHYSICIANS FOR SOCIAL)	ORDER TO CONTINUE CASE
16	RESPONSIBILITY – LOS ANGELES,)	MANAGEMENT CONFERENCE
17)	
18	Plaintiffs,)	
19	v.)	
20)	
21	UNITED STATES ENVIRONMENTAL)	
22	PROTECTION AGENCY; GINA MCCARTHY, in)	
23	her official capacity as Administrator of the United)	
24	States Environmental Protection Agency; and)	
25	JARED BLUMENFELD, in his official capacity as)	
26	Regional Administrator of the United States)	
27	Environmental Protection Agency,)	
28)	
	Defendants, and)	
)	
	SAN JOAQUIN VALLEY UNIFIED AIR)	
	POLLUTION CONTROL DISTRICT and SOUTH)	
	COAST AIR QUALITY MANAGEMENT)	
	DISTRICT,)	
)	
	Defendant-Intervenors.)	

1 **STIPULATION AND [~~PROPOSED~~] ORDER**

2 WHEREAS Plaintiffs challenge Defendants’ alleged violation of their mandatory duties
3 under the Clean Air Act (“Act”), 42 U.S.C. §§ 7401 *et seq.*, to make a finding by June 30, 2012, that
4 California’s Los Angeles-South Coast Air Basin and San Joaquin Valley failed to come into
5 attainment with the Environmental Protection Agency’s (EPA’s) 1997 fine particulate matter
6 (“PM2.5”) pollution standards, and to publish notice in the Federal Register that these areas have
7 been reclassified by operation of law as “Serious Areas”;

8 WHEREAS on December 18, 2014, EPA proposed to “reclassify the San Joaquin Valley
9 (SJV) Moderate nonattainment area, including areas of Indian country within it, as a Serious
10 nonattainment area for the 1997 PM_{2.5} national ambient air quality standards (NAAQS) based on
11 EPA’s determination that the area cannot practicably attain these NAAQS by the applicable
12 attainment date of April 5, 2015.” *See* Designation of Areas for Air Quality Planning Purposes;
13 California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 PM2.5
14 Standards, 80 Fed. Reg. 1482 (Jan. 12, 2015);

15 WHEREAS on April 7, 2015, EPA took final action to reclassify the San Joaquin Valley as a
16 Serious nonattainment area for the 1997 PM2.5 NAAQS. *See* Designation of Areas for Air Quality
17 Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for
18 the 1997 PM2.5 Standards, 80 Fed. Reg. 18528 (April 7, 2015);

19 WHEREAS on November 20, 2014, EPA proposed “to determine that the Los Angeles-
20 South Coast Air Basin (South Coast) air quality planning area in California has attained the 1997
21 annual and 24-hour [PM_{2.5} NAAQS]. This proposed determination is based upon complete (or
22 otherwise validated), quality-assured, and certified ambient air monitoring data showing that the
23 area has monitored attainment of the 1997 annual and 24-hour PM_{2.5} standards based on the 2011–
24 2013 monitoring period.” *See* Clean Data Determination for 1997 PM_{2.5} Standards; California—
25 South Coast; Applicability of Clean Air Act Requirements, EPA-R09-OAR-2014-0708, 79 Fed.
26 Reg. 72999 (Dec. 9, 2014);

27 WHEREAS Plaintiffs have petitioned the D.C. Circuit for review of EPA’s final
28 rulemaking entitled “Identification of Nonattainment Classification and Deadlines for Submission

1 of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate Matter (PM_{2.5})
2 National Ambient Air Quality Standard (NAAQS) and 2006 PM_{2.5} NAAQS,” (79 Fed. Reg. 31566
3 (June 2, 2014)), which addresses related issues. *WildEarth Guardians v. EPA*, No. 14-1145 (D.C.
4 Cir. filed July 31, 2014);

5 WHEREAS the Court previously granted the parties’ request to stay this action pending the
6 earlier resolution of either *WildEarth Guardians v. EPA* or the EPA’s final actions on its proposals
7 to find that the Los Angeles-South Coast Air Basin attained the 1997 PM_{2.5} standards and to
8 reclassify the San Joaquin Valley as a Serious Area for the 1997 PM_{2.5} standards, and set a case
9 management conference for July 23, 2015, Dkt. No. 31;

10 WHEREAS *WildEarth Guardians v. EPA* remains pending before the D.C. Circuit;

11 WHEREAS EPA has informed the parties that it expects to take final action on its proposal
12 to determine that the South Coast has attained the 1997 PM_{2.5} NAAQS in August, 2015.

13 IT IS HEREBY STIPULATED that, in the interest of judicial economy and efficiency, the
14 case management conference currently scheduled for July 23, 2015, and the deadline for the
15 parties to file a joint case management conference statement currently scheduled for July 16, be
16 postponed until September, 2015.

17
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1 **[PROPOSED] ORDER**

2 Pursuant to the Parties' stipulation, and in the interest of judicial economy and efficiency,
3 the case management conference currently scheduled for July 23, 2015 shall be rescheduled for
4 ~~September~~ ^{Oct. 8} ____, 2015. The joint case management conference statement currently due on July 16,
5 2015 shall be submitted by ~~September~~ ^{Oct. 1} ____, 2015.

6 IT IS SO ORDERED.

7
8 DATED: July 16, 2015

