

ELIZABETH B. FORSYTH, SBN 288311
PAUL R. CORT, SBN 184336
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
eforsyth@earthjustice.org
pcort@earthjustice.org
Tel: 415-217-2000/Fax: 415-217-2040

*Attorneys for Plaintiffs Sierra Club, Center
for Biological Diversity, WildEarth Guardians,
Medical Advocates for Healthy Air, and
Physicians for Social Responsibility – Los Angeles*

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

SIERRA CLUB, CENTER FOR BIOLOGICAL
DIVERSITY, WILDEARTH GUARDIANS,
MEDICAL ADVOCATES FOR HEALTHY AIR,
and PHYSICIANS FOR SOCIAL
RESPONSIBILITY – LOS ANGELES,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; GINA MCCARTHY, in
her official capacity as Administrator of the United
States Environmental Protection Agency; and
JARED BLUMENFELD, in his official capacity as
Regional Administrator of the United States
Environmental Protection Agency,

Defendants, and

SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT and SOUTH
COAST AIR QUALITY MANAGEMENT
DISTRICT,

Defendant-Intervenors

Case No: 3:14-cv-04596-EMC

**STIPULATION AND
PROPOSED ORDER TO
CONTINUE CASE
MANAGEMENT
CONFERENCE**

STIPULATION AND PROPOSED ORDER

WHEREAS Plaintiffs challenge Defendants' alleged violation of their mandatory duties under the Clean Air Act ("Act"), 42 U.S.C. §§ 7401 *et seq.*, to make a finding by June 30, 2012, that California's Los Angeles-South Coast Air Basin and San Joaquin Valley failed to come into attainment with the Environmental Protection Agency's (EPA's) 1997 fine particulate matter ("PM_{2.5}") pollution standards, and to publish notice in the Federal Register that these areas have been reclassified by operation of law as "Serious Areas;"

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

WHEREAS on March 27, 2015, EPA took final action to reclassify the San Joaquin Valley as a Serious nonattainment area for the 1997 PM_{2.5} NAAQS. *See* Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 PM_{2.5} Standards, 80 Fed. Reg. 18,528 (April 7, 2015);

WHEREAS on November 20, 2014, EPA proposed "to determine that the Los Angeles-South Coast Air Basin (South Coast) air quality planning area in California has attained the 1997 annual and 24-hour [PM_{2.5} NAAQS]. This proposed determination is based upon complete (or otherwise validated), quality-assured, and certified ambient air monitoring data showing that the area has monitored attainment of the 1997 annual and 24-hour PM_{2.5} standards based on the 2011–2013 monitoring period." *See* Clean Data Determination for 1997 PM_{2.5} Standards; California—South Coast; Applicability of Clean Air Act Requirements, EPA-R09-OAR-2014-0708, 79 Fed. Reg. 72,999 (Dec. 9, 2014);

1 WHEREAS, Plaintiffs have petitioned the D.C. Circuit for review of EPA's final
2 rulemaking entitled "Identification of Nonattainment Classification and Deadlines for
3 Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate Matter
4 (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) and 2006 PM_{2.5} NAAQS," (79 Fed.
5 Reg. 31,566 (June 2, 2014)), which addresses related issues. *WildEarth Guardians v. EPA*,
6 No. 14-1145 (D.C. Cir. filed July 31, 2014);

7 WHEREAS, the Court previously granted the parties' request to stay this action
8 pending the earlier resolution of either *WildEarth Guardians v. EPA* or the EPA's final actions
9 on its proposals to find that the Los Angeles-South Coast Air Basin attained the 1997 PM_{2.5}
10 standards and to reclassify the San Joaquin Valley as a Serious Area for the 1997 PM_{2.5}
11 standards, and set a case management conference for July 23, 2015, Dkt. No. 34;

12 WHEREAS, the Court subsequently granted the parties' request to continue the case
13 management conference until January 21, 2016 (Dkt. No. 38).

14 WHEREAS, *WildEarth Guardians v. EPA* remains pending before the D.C. Circuit and
15 oral argument in that case was heard on November 6, 2015; and

16 WHEREAS, EPA's final action on its proposal to determine that the South Coast has
17 attained the 1997 PM_{2.5} NAAQS remains delayed while EPA reviews additional ambient PM_{2.5}
18 data submitted by the South Coast Air Quality Management District;

19 IT IS HEREBY STIPULATED that, in the interest of judicial economy and efficiency,
20 the case management conference currently scheduled for January 21, 2016 be postponed until
21 April 7, 2016, and the deadline for the parties to file a joint case management conference
22 statement currently scheduled for January 14, 2016, be postponed until March 31, 2016.
23
24
25
26
27
28

1 /s/ Paul Cort (email auth. 1/11/16)
2 ELIZABETH B. FORSYTH (SBN 288311)
3 PAUL R. CORT (SBN 184336)
4 Earthjustice
5 50 California Street
6 San Francisco, CA 94111
7 eforsyth@earthjustice.org
8 pcort@earthjustice.org
9 Tel: 415-217-2000/Fax: 415-217-2040
10 *Attorneys for Plaintiffs*

11 /s/ Leslie M. Hill
12 LESLIE M. HILL (D.C. Bar No. 476008)
13 U.S. Department of Justice
14 Environment & Natural Resources Division
15 Environmental Defense Section
16 601 D Street N.W., Suite 8000
17 Washington D.C. 20004
18 Leslie.Hill@usdoj.gov
19 Telephone (202) 514-0375
20 Facsimile (202) 514-8865
21 *Attorneys for Defendants*

22 /s/ Annette A. Ballatore-Williamson (email auth.
23 1/10/16)
24 ANNETTE A. BALLATORE-WILLIAMSON
25 (SBN 192176) District Counsel
26 JESSICA E. HAFFER FIERRO
27 (SBN 297668) Assistant Counsel
28 SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT
(SJVUAPCD)
1990 E. Gettysburg Avenue
Fresno, CA 93726
Phone: (559) 230-6033; Fax: (559) 230-6061
Attorneys for Defendant-Intervenor SJVUAPCD

/s/ Lauren Nevitt (email auth. 1/8/16)

LAUREN NEVITT

(SBN 260297) Senior Deputy District Counsel

BARBARA BAIRD

(SBN 081507) Chief Deputy Counsel

KURT WIESE

(SBN 127251) General Counsel

SOUTH COAST AIR QUALITY

MANAGEMENT DISTRICT

21865 Copley Drive

Diamond Bar, CA 91765

Phone: (909) 396-3458; Fax (909) 296-2961

Attorneys for Defendant-Intervenor SCAQMD

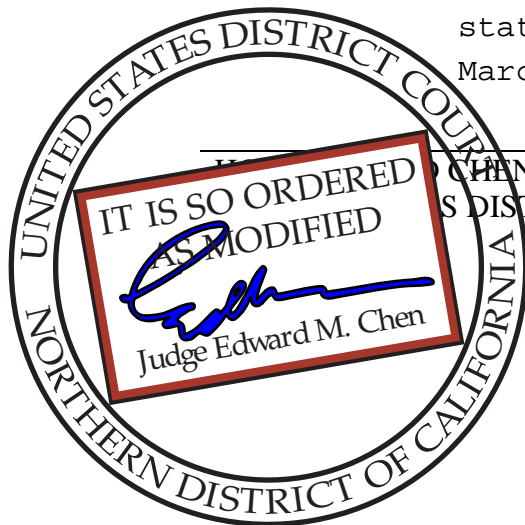
1
2 ~~[PROPOSED]~~ ORDER

3 Pursuant to the Parties' stipulation, and in the interest of judicial economy and
4 efficiency, the case management conference currently scheduled for January 21, 2016 shall be
5 rescheduled for April 7, 2016. The joint case management conference statement currently due
6 on January 14, 2016 shall be submitted by ~~March 31, 2016~~ March 24, 2016. An

7 updated joint CMC
8 statement shall be filed by
9 March 17, 2016.

10 IT IS SO ORDERED.

11 Dated: 1/14/2016



EDWARD M. CHEN
U.S. DISTRICT JUDGE