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11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

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15 ASSOCIATION OF IRRITATED)
 16 RESIDENTS, an unincorporated association,)
 17 Plaintiff,)
 18 v.)
 19 UNITED STATES ENVIRONMENTAL)
 20 PROTECTION AGENCY, et al.,)
 21 Defendants.)

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Case No. 08-cv-05650 CW

STIPULATION TO DISMISS WITH PREJUDICE

AND

~~PROPOSED~~ ORDER THEREON

Stipulation to Dismiss with Prejudice
and [Proposed] Order Thereon

08-CV-05650 CW

1 Pursuant to Paragraph 3 of the Consent Decree entered by the Court on August 18, 2009
2 in the above-captioned matter (Dkt. 24) and Federal Rule of Civil Procedure 41(a)(1), the parties
3 to this action, Plaintiff Association of Irrigated Residents and Defendants United States
4 Environmental Protection Agency et al. (“EPA” or “Agency”), hereby stipulate and agree,
5 through their undersigned counsel, that this action shall be dismissed with prejudice.

6 Paragraph 3 of the Consent Decree provides that the parties will jointly request the Court
7 to dismiss this action with prejudice when the actions in Paragraph 2 of the Consent Decree,
8 taken pursuant to section 110(k) of the Clean Air Act, 42 U.S.C. § 9410(k), have been
9 completed.

10 EPA has fulfilled the obligations set forth in Paragraph 2 of the Consent Decree, which
11 required EPA to: (1) sign for publication in the Federal Register no later than June 30, 2009 its
12 proposed action on the San Joaquin Valley Unified Air Pollution Control District Rule 3170; (2)
13 sign for publication in the Federal Register no later than December 11, 2009 its final action on
14 the San Joaquin Valley Unified Air Pollution Control District Rule 3170; and (3) deliver the
15 notices to the Office of the Federal Register for publication. *See* Revisions to the California
16 State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, 74 Fed.
17 Reg. 33,950 (June 14, 2009), and corrected version, 74 Fed. Reg. 41,826 (Aug. 19, 2009);
18 Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution
19 Control District, 75 Fed. Reg. 1,716 (Jan. 13, 2010).

20 Accordingly, the terms of Paragraph 2 of the Consent Decree have been satisfied, and
21 dismissal of this action with prejudice is appropriate.

22 Respectfully submitted,

23 COUNSEL FOR DEFENDANTS:

24 Dated: April 2, 2010

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26 /s/ Rochelle L. Russell
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COUNSEL FOR PLAINTIFF:

Dated: April 2, 2010

/s/ Brent Newell
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/5/2010



Hon. Claudia Wilken
United States District Court Judge