THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITIZENS FOR CLEAN AIR, *et al.*, Plaintiffs, v. SCOTT PRUITT, *et al.*, Defendants.	CASE NO. C16-0857-JCC ORDER

This matter comes before the Court on Defendants' unopposed motion to terminate consent decree and dismiss the case (Dkt. No. 41). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

On January 5, 2017, the Court granted the parties' joint motion to enter a consent decree (Dkt. No. 32.) Under the consent decree, Defendants could move the Court to terminate the decree and dismiss the case if they had signed a notice of final rulemaking on their proposal to approve, disapprove, or conditionally approve, in whole or in part, the Fairbanks 2015 PM2.5 Plan pursuant to section 110(k)(2)-(4) of Clean Air Act, 42 U.S.C. § 7410(k)(2)–(4), no later than August 28, 2017. (Dkt. No. 32 at 3–4.) In addition, the notice of final rulemaking had to be published in the Federal Register, and the issue of costs of litigation, including reasonable attorney fees, had to be resolved. (*Id.*)

On August 21, 2017, the U.S. Environmental Protection Agency ("EPA") signed a notice of final rulemaking on its proposal to approve the Fairbanks North Star Borough Moderate Area Attainment Plan for attainment of the 2006 24-hour fine particulate matter National Ambient Air Quality Standards. (Dkt. No. 41 at 1.) EPA published notice of that final rulemaking in the Federal Register on September 8, 2017. (*Id*.) The parties have resolved the issue of costs of litigation. (*Id*. at 2.) Plaintiffs do not oppose this motion. (*Id*.)

For the foregoing reasons, Defendants' motion to terminate the consent decree and dismiss the case (Dkt. No. 41) is GRANTED. The case is DISMISSED with prejudice.

DATED this 4th day of October 2017.

John C. Coughenour
UNITED STATES DISTRICT JUDGE