

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE FOR A BETTER ARVIN, et al.,

Plaintiffs,

v.

ANDREW WHEELER, et al.,

Defendants.

Case No. [18-cv-05700-RS](#)

ORDER

Pursuant to Civil Local Rule 7-1(b) plaintiffs’ motion for summary judgment is suitable for disposition without oral argument and the hearing set for November 8, 2018. Defendants responded to the motion by stating that they do not oppose it or the relief requested by plaintiffs. Accordingly, this order will be entered in substantially the form proposed by plaintiffs.

IT IS HEREBY ORDERED and DECLARED that:

1. Defendants Andrew Wheeler, Acting Administrator of the U.S. Environmental Protection Agency (“EPA”), and Mike Stoker, Regional Administrator, Region 9, EPA, are in violation of the Clean Air Act with regard to their mandatory, nondiscretionary duty under 42 U.S.C. § 7410(k)(1)(B) to make findings that the State of California has failed to submit for the San Joaquin Valley three overdue nonattainment state implementation plans addressing nonattainment of the 1997, 2006, and 2012 National Ambient Air Quality Standards for fine particulate matter (PM_{2.5}).

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2. Plaintiffs' motion for summary judgment on the three causes of action in the complaint is hereby GRANTED.

3. Defendants are hereby ordered, within 30 days of this order, to make findings that the State of California has failed to submit for the San Joaquin Valley:

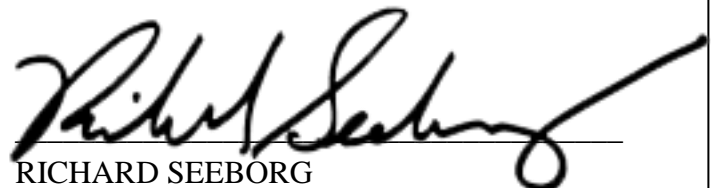
- a. the nonattainment state implementation plan required after the San Joaquin Valley missed the nonattainment deadline for achieving the 1997 annual and 24-hour PM_{2.5} NAAQS;
- b. the nonattainment state implementation plan required after reclassification of the San Joaquin Valley as a Serious nonattainment area with respect to the 2006 24-hour PM_{2.5} NAAQS; and
- c. the nonattainment state implementation plan required after designation of the San Joaquin Valley as a Moderate nonattainment area with respect to the 2012 annual PM_{2.5} NAAQS.

4. Defendants shall cause those findings to be published in the *Federal Register* as soon as practicable thereafter.

5. Pursuant to 42 U.S.C. § 7604(d), defendants shall reimburse plaintiffs for the reasonable costs plaintiffs have incurred as a result of this litigation, including reasonable attorney fees, in an amount to be determined upon submission of the necessary application in accordance with the rules.

IT IS SO ORDERED.

Dated: October 24, 2018


RICHARD SEEBORG
United States District Judge