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4	Attorneys for Plaintiff		
5	Association of Irritated Residents		
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7			
8	UNITED STATI	ES DISTRICT COU	RT
9	NORTHERN DIST	RICT OF CALIFO	PRNIA
10	SAN FRAN	CISCO DIVISION	
11			
12	ASSOCIATION OF IRRITATED) Case No.	
13	RESIDENTS, a nonprofit corporation,)	
14	Plaintiff,)) COMPLAINT F) DECLARATOR	FOR INJUNCTIVE AND BY RELIEF
15	V.		
16	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, SCOTT PRUITT, in)	
17	his official capacity as Administrator of the United States Environmental Protection)	
18 19	Agency, and ALEXIS STRAUSS, in her official capacity as Acting Regional)	
20	Administrator for Region 9 of the United States Environmental Protection Agency,)	
20	Defendants.)	
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-	COMPLAINT		

INTRODUCTION

Plaintiff Association of Irritated Residents ("AIR") files this Clean Air Act citizen suit to
 compel Defendants United States Environmental Protection Agency, Scott Pruitt, and Alexis Strauss
 (collectively "EPA") to approve, disapprove, or partially approve/disapprove the San Joaquin Valley
 Unified Air Pollution Control District's 2016 Plan for the 2008 8-Hour Ozone Standard ("2016 Ozone
 Plan").

Ozone air pollution in the San Joaquin Valley of California constitutes a public health
crisis. According to the American Lung Association's State of the Air 2017 report, the San Joaquin
Valley counties of Kern, Fresno, Tulare, Madera, and Kings rank as the fourth, fifth, sixth, seventh, and
eighth most ozone-polluted counties in the United States, respectively.

EPA promulgated the 2008 8-hour ozone National Ambient Air Quality Standard ("2008
 Standard") "to provide increased protection for children and other 'at risk' populations against an array
 of [ozone]-related adverse health effects that range from decreased lung function and increased
 respiratory symptoms to serious indicators of respiratory morbidity including emergency department
 visits and hospital admissions for respiratory causes, and possibly cardiovascular-related morbidity as
 well as total nonaccidental and cardiorespiratory mortality." 73 Fed. Reg. 16436 (March 27, 2008).

4. To implement the 2008 Standard, the EPA designated the San Joaquin Valley as
"extreme" – the worst ozone nonattainment area designation possible – under the Clean Air Act.

The Clean Air Act is a model of cooperative federalism, whereby the EPA sets health based National Ambient Air Quality Standards and the states develop the plan and strategies to achieve
 those standards. States submit their plans and strategies to EPA for review and approval. EPA shall
 approve the submission if it meets the Act's minimum requirements. EPA and citizens may enforce the
 EPA-approved State Implementation Plan as a matter of federal law to hold states and regulated entities
 accountable.

6. The San Joaquin Valley Air Pollution Control District ("District") adopted the 2016
Ozone Plan, and the California Air Resources Board ("Board") submitted the Plan to the EPA for review
and approval as part of the State Implementation Plan.

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7. 1 EPA's review and approval of the 2016 Ozone Plan, with public notice and opportunity to comment, ensures that the Plan meets minimum Clean Air Act requirements, including but not limited 2 to demonstrating that the emissions reductions in the Plan will attain the 2008 Standard by the year 2032 3 and that the Plan provides reasonable further progress towards attainment. 4 8. The EPA has to date failed to take action on the 2016 Ozone Plan. 5 **JURISDICTION** 6 9. 7 This Court has jurisdiction over this action to compel the performance of a 8 nondiscretionary duty pursuant to 42 U.S.C. § 7604(a)(2) (citizen suit provision of the Clean Air Act) 9 and 28 U.S.C. § 1331 (federal question jurisdiction). 10. The declaratory and injunctive relief AIR requests is authorized by 28 U.S.C. §§ 2801(a) 10 and 2202, and 42 U.S.C. § 7604. 11 12 11. On January 12, 2018, AIR provided EPA written notice of the claim stated in this action 13 at least 60 days before commencing this action, as required by Clean Air Act section 304(b)(2), 42 U.S.C. § 7604(b)(2) and 40 C.F.R. §§ 54.2 and 54.3. A copy of the notice letter, sent by certified mail, 14 return receipt requested, is attached as Exhibit 1. Although more than 60 days have elapsed since AIR 15 provided written notice, EPA has failed to take action and remains in violation of the Clean Air Act. 16 17 VENUE 12. 18 Venue lies in the Northern District of California pursuant to 28 U.S.C. § 1391(e)(1), because the Acting Regional Administrator for Region 9 is located in San Francisco County and because 19 20 EPA's alleged inactions relate to the duties of the Acting Regional Administrator in San Francisco. 21 **INTRADISTRICT ASSIGNMENT** 13. 22 Because the failure to perform a nondiscretionary duty alleged in this Complaint relates 23 to the duties of the Acting Regional Administrator, assignment to the San Francisco Division of this Court is proper under Civil L.R. 3-2(c)-(d). 24 25 PARTIES 14. Plaintiff ASSOCIATION OF IRRITATED RESIDENTS is a California nonprofit 26 27 corporation that advocates for air quality and environmental health in the San Joaquin Valley of 28 COMPLAINT 3

California. Members of ASSOCIATION OF IRRITATED RESIDENTS reside in Fresno, Kern, Kings,
 Stanislaus, and Tulare counties and in the San Joaquin Valley Air Basin.

3 15. Plaintiff ASSOCIATION OF IRRITATED RESIDENTS is a person within the meaning
4 of section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e), and may commence a civil action under
5 section 304(a) of the Act, 42 U.S.C. § 7604(a).

6 16. Members of AIR live, raise their families, work, and recreate in the San Joaquin Valley.
7 They are adversely affected by exposure to levels of ozone air pollution that exceed the health-based
2008 8-hour ozone National Ambient Air Quality Standard. The adverse effects of such pollution
9 include actual or threatened harm to their health, their families' health, their professional, educational,
10 and economic interests, and their aesthetic and recreational enjoyment of the environment in the San
11 Joaquin Valley.

12 17. The Clean Air Act violation alleged in this Complaint also deprives AIR members of
13 certain procedural rights associated with EPA's required action on the 2016 Ozone Plan, including
14 notice and opportunity to comment.

15 18. The Clean Air Act violation alleged in this Complaint has injured and continues to injure
16 the interests of AIR members. Granting the relief requested in this lawsuit would redress these injuries
17 by compelling EPA action that Congress required as an integral part of the regulatory scheme for
18 improving air quality in areas violating the National Ambient Air Quality Standards.

19 19. Defendant UNITED STATES ENVIRONMENTAL PROTECTION AGENCY is the
 20 federal agency Congress charged with implementation and enforcement of the Clean Air Act. As
 21 described below, the Act assigns to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 22 certain nondiscretionary duties.

23 20. Defendant SCOTT PRUITT is sued in his official capacity as Administrator of the United
24 States Environmental Protection Agency. He is charged in that role with taking various actions to
25 implement and enforce the Clean Air Act, including the actions sought in this Complaint.

26 21. Defendant ALEXIS STRAUSS is sued in her official capacity as Acting Regional
27 Administrator for Region 9 of the United States Environmental Protection Agency. She is responsible

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for implementing and enforcing the Clean Air Act in Region 9, which includes California and the San
 Joaquin Valley.

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STATUTORY FRAMEWORK

22. The Clean Air Act establishes a partnership between EPA and the states for the
attainment and maintenance of National Ambient Air Quality Standards ("NAAQS"). *See* 42 U.S.C. §§
7401-7515. Under the Act, EPA has set health-based NAAQS for six pollutants, including ozone.
States must adopt a State Implementation Plan ("SIP") that contains enforceable emissions limitations
necessary to attain the NAAQS and meet applicable requirements of the Act. 42 U.S.C. §§ 7401(a)(1),
(a)(2)(A); 7502(c)(6). States must submit all such plans and plan revisions to the EPA. 42 U.S.C. §

Within 60 days of EPA's receipt of a proposed SIP revision, the Clean Air Act requires
EPA to determine whether the submission is sufficient to meet the minimum criteria established by EPA
for such proposals. 42 U.S.C. § 7410(k)(1)(B). If EPA fails to make this "completeness" finding, the
proposed SIP revision becomes complete by operation of law six months after a state submits the
revision. If EPA determines that the proposed SIP revision does not meet the minimum criteria, the
state is considered to have not made the submission. 42 U.S.C. 7410(k)(1)(C).

Within twelve months of an EPA finding that a proposed SIP revision is complete (or
deemed complete by operation of law), EPA must act to approve, disapprove, or approve in part and
disapprove in part, the submission. 42 U.S.C. § 7410(k)(2).

20 25. If EPA disapproves the revision, in whole or in part, then the Clean Air Act requires EPA to impose sanctions against the offending state or region, including increased offsets for new and 21 22 modified major stationary sources or a prohibition on the used of federal highway funds, unless the state 23 submits revisions within 18 months. 42 U.S.C. §§ 7509(a), (b). EPA must impose both offsets and highway funding sanctions within 24 months unless the state has corrected the deficiency. Id. 24 Moreover, the Act requires EPA to promulgate a Federal Implementation Plan within 24 months of 25 disapproval unless the state has corrected the deficiency and EPA has approved the revision. 42 U.S.C. 26 27 § 7410(c).

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26. Once EPA approves a SIP or SIP revision, the state and any regulated person must
 comply with emissions standards and limitations contained in the SIP, and all such standards and
 limitations become enforceable as a matter of federal law by EPA and citizens. 42 U.S.C. § 7413;
 7604(a), (f).

5 27. If EPA fails to perform a non-discretionary duty, including acting on a proposed SIP or
6 SIP revision by the Clean Air Act deadline, then the Act allows citizens to bring suit to compel EPA to
7 perform its duty. 42 U.S.C. § 7604(a)(2).

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FACTUAL BACKGROUND

9 28. Ground-level ozone is formed by a photochemical reaction between oxides of nitrogen
10 ("NOx") and volatile organic compounds ("VOC"). Unlike ozone in the upper atmosphere, which is
11 formed naturally and shields the earth from harmful levels of ultraviolet radiation, ozone at ground level
12 is primarily formed from anthropogenic pollution and has a variety of adverse effects on vegetation,
13 crops, and materials, in addition to impacts on human health.

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29. Ozone is toxic to plants, reducing crop yields and damaging trees.

30. The health effects of ozone include the exacerbation of asthma and emphysema, and
adverse effects on children and the elderly. Persons with respiratory illnesses, children who are active in
outdoor activities, and adults who engage in manual labor or exercise vigorously are particularly
vulnerable to adverse health effects from ozone exposure.

19 31. Effective December 10, 2001, EPA found that the San Joaquin Valley failed to attain the
 20 1-hour ozone standard by the 1999 deadline, which reclassified the Valley to a severe nonattainment
 21 area by operation of law and created a new attainment deadline of November 15, 2005. 66 Fed. Reg.
 22 56476 (Nov. 8, 2001).

32. Effective May 17, 2004, EPA granted the California Air Resources Board's request to
reclassify the San Joaquin Valley from a severe nonattainment area to an extreme nonattainment area for
the 1-hour standard, extending the attainment deadline to November 15, 2010. 69 Fed. Reg. 20550
(May 16, 2004).

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33. The Ninth Circuit Court of Appeals reviewed EPA's approval of the plan to attain the 1-

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hour ozone standard and held that EPA did not consider and address the implications of new emissions
 inventory data on whether the plan would attain the standard by the deadline. *Sierra Club v. EPA*, 671
 F.3d 955, 958, 968 (9th Cir. 2012). The San Joaquin Valley attained the standard in 2016, six years
 after the deadline. 81 Fed. Reg. 46608 (July 18, 2016).

5 34. Effective June 15, 2004, EPA designated the San Joaquin Valley air basin as a serious
6 nonattainment area for the 1997 8-hour ozone NAAQS. 69 Fed. Reg. 23858 (April 30, 2004). EPA
7 granted the California Air Resources Board's request to reclassify the Valley as an extreme ozone
8 nonattainment area, extending the attainment deadline for the 1997 8-hour ozone standard to June 15,
9 2024. 74 Fed. Reg. 43654 (Aug. 27, 2009).

35. EPA later approved the attainment plan for the 1997 8-hour ozone standard. 77 Fed. Reg.
12652 (March 1, 2012). The Ninth Circuit Court of Appeals reviewed EPA's approval and held that
EPA had improperly allowed emissions reductions from mobile source rules that EPA had not approved
as part of the State Implementation Plan. *Committee for a Better Arvin v. EPA*, 786 F.3d 1169 (9th Cir.
2015).

15 36. In 2008, EPA completed a review of the 8-hour ozone standard and found it necessary to lower the ambient concentration of ozone to 0.075 parts per million as the 2008 Standard. 73 Fed. Reg. 16 17 16436 (March. 27, 2008). The EPA based this decision on its findings that "(1) the strong body of 18 clinical evidence in healthy people at exposure levels of 0.080 and above of lung function decrements, respiratory symptoms, pulmonary inflammation, and other medically significant airway responses, as 19 20 well as some indication of lung function decrements and respiratory symptoms at lower levels; (2) the substantial body of clinical and epidemiological evidence indicating that people with asthma are likely 21 22 to experience larger and more serious effects than healthy people; and (3) the body of epidemiological 23 evidence indicating associations are observed for a wide range of serious health effects, including respiratory emergency department visits, hospital admissions, and premature mortality, at and below 24 0.080 ppm." 73 Fed. Reg. at 16476. 25

26 37. After EPA promulgated the 2008 Standard, it revoked the 1997 8-hour ozone standard
27 and promulgated anti-backsliding requirements that retain the Valley's rules and plan designed to attain

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the 1997 standard to ensure progress towards attainment of the 2008 Standard. See 40 C.F.R. §
 51.1105(a)(1); 80 Fed. Reg. 12644 (March 6, 2015).

3 38. EPA designated the San Joaquin Valley as an extreme nonattainment area for the 2008
4 Standard. 40 C.F.R. § 51.1103(d). As an extreme nonattainment area, the Valley has until July 20, 2032
5 - the maximum allowable time - to attain the standard. 40 C.F.R. § 51.1103(a); 80 Fed. Reg. 12264,
6 12268 (March 6, 2015).

FIRST CLAIM FOR RELIEF

Failure to Perform a Non-Discretionary Duty to Act on the 2016 Ozone Plan (42 U.S.C. § 7410(k)(2))

39. AIR re-alleges and incorporates by reference the allegations set forth in paragraphs 1-38.
40. On June 16, 2016, the San Joaquin Valley Air Pollution Control District adopted the 2016
Plan for the 2008 8-hour Ozone Standard ("2016 Ozone Plan").

14 41. Only July 21, 2016, the California Air Resources Board approved the 2016 Ozone Plan as
15 a revision to the California State Implementation Plan.

16 42. On August 24, 2016, the California Air Resources Board submitted the 2016 Ozone Plan
17 to the EPA.

43. On December 19, 2016, EPA found the 2016 Ozone Plan complete.

19 44. EPA has a mandatory duty to act on the 2016 Ozone Plan no later than December 19,
20 2017. 42 U.S.C. § 7410(k)(2).

45. By failing to act on the 2016 Ozone Plan to date, EPA has violated and continues to
violate its nondiscretionary duty to act on the 2016 Ozone Plan pursuant to Clean Air Act section
110(k)(2), 42 U.S.C. § 7410(k)(2).

46. This Clean Air Act violation constitutes a "failure of the Administrator to perform any act
or duty under this chapter which is not discretionary with the Administrator" within the meaning of the
Act's citizen suit provision. 42 U.S.C. § 7604(a)(2). EPA's violation of the Act is ongoing and will
continue unless remedied by this Court.

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1			PRAYER F	OR RELIEF				
2	WHEREFORE, Plaintiff respectfully requests the Court grant the following relief:							
3	А.	DECLARE that the E	PA violated the	Clean Air Act by f	failing to act on the 2016 Ozone			
4		Plan;						
5	B.	ISSUE preliminary an	id permanent inj	unctions directing	EPA to finalize action on the 2016			
6		Ozone Plan;						
7	C.	RETAIN jurisdiction	over this matter	until such time as	EPA has complied with its			
8		nondiscretionary duty	under the Clear	n Air Act;				
9	D.	AWARD to plaintiff i	ts costs of litiga	tion, including reas	sonable attorney and expert witness			
10		fees; and						
11	E.	GRANT such addition	nal relief as the (Court may deem ju	ist and proper.			
12								
13	Dated: March	h 14, 2018		Respectfully Subr	nitted,			
14				LAW OFFICES OF I	Brent J. Newell			
15				By: <u>/s/ Brent J. No</u>	ewell			
16				Brent J. N Attorney f	ewell for Plaintiff			
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28	COMPLAINT		9					

LAW OFFICES OF BRENT J. NEWELL

January 12, 2018

By Certified Mail, Return Receipt Requested

Scott Pruitt, Administrator U.S. Environmental Protection Agency William Jefferson Clinton Building 1200 Pennsylvania Avenue, NW Mail Code 1101A Washington, D.C. 20460

Alexis Strauss, Acting Regional Administrator U.S. Environmental Protection Agency Region 9 75 Hawthorne Street Mail Code ORA-1 San Francisco, CA 94105

Re: Notice of Intent to Sue for Failure to Take Action on the San Joaquin Valley 2016 Plan for the 2008 8-Hour Ozone Standard ("2016 Ozone Plan").

Dear Administrator Pruitt and Acting Regional Administrator Strauss:

The Association of Irritated Residents ("AIR") gives notice to the Environmental Protection Agency, Scott Pruitt, and Alexis Strauss (collectively "EPA") of AIR's intent to sue EPA for its failure to fulfill its mandatory duty to take final action to approve, disapprove, or partially approve/disapprove the San Joaquin Valley 2016 Plan for the 2008 8-Hour Ozone Standard ("2016 Ozone Plan"). AIR sends this notice pursuant to section 304(b) of the Clean Air Act ("Act"), 42 U.S.C. § 7604(b), and 40 C.F.R. §§ 54.2 and 54.3. At the conclusion of the 60-day notice period, AIR intends to file suit under section 304 of the Act, 42 U.S.C. § 7604, to prosecute EPA's failure to perform a non-discretionary duty.

EPA shall act on the 2016 Ozone Plan, by full or partial approval or disapproval, within twelve months of a completeness finding. 42 U.S.C. § 7410(k)(2). Section 110(k)(1)(B) of the Act, 42 U.S.C. § 7410(k)(1)(B), requires that EPA shall make a completeness finding within 60 days of the date that EPA receives a plan or plan revision. A plan or plan revision shall be

deemed complete by operation of law if EPA fails to make a completeness finding within 6 months of the date that EPA receives a plan or plan revision. 42 U.S.C. § 7410(k)(1)(B).

On June 16, 2016, the San Joaquin Valley Unified Air Pollution Control District adopted the Plan. On July 21, 2016, the California Air Resources Board approved the Plan as a revision to the California State Implementation Plan. The Board submitted the plan to EPA on August 24, 2016. EPA found the Plan complete on December 19, 2016.

Ozone pollution remains a public health crisis in the San Joaquin Valley, which ranks among the worst ozone polluted air basins in the United States and is designated an extreme ozone nonattainment area for the 2008 8-hour ozone standard. Ozone pollution causes premature death, exacerbates respiratory disease such as asthma, and increases the risk of cardiovascular disease.¹ Long-term exposure increases the risk of the onset of asthma and premature death.² According to the American Lung Association, Kern, Fresno, Tulare, Madera, and Kings counties are the fourth, fifth, sixth, seventh, and eighth most ozone-polluted counties in the United States.³ The cities of Bakersfield, Fresno-Madera, Visalia-Porterville-Hanford, and Modesto-Merced are the second, third, fourth, and sixth most ozone-polluted cities in the United States.⁴

EPA has a non-discretionary duty to take final action to approve, disapprove, or partially approve/disapprove the 2016 Ozone Plan no later than December 19, 2017. To date, EPA has failed to take such action. EPA's failure to perform its non-discretionary duty under section 110(k)(2) of the Act, 42 U.S.C. § 7410(k)(2), violates the Act.

Identity of Noticing Parties and their Attorneys

Association o	f Irritated Residents (AIR)	Attorney for AIR			
Tom Frantz, F	President	Brent Newell			
Association of	f Irritated Residents	Law Offices of Brent J. Newell			
29389 Fresno	Ave	245 Kentucky Street, Suite A-4			
Shafter, CA 9	3263	Petaluma, CA 94952			
Telephone:	(661) 910-7734	Telephone:	(661) 586-3724		
Email:	tom.frantz49@gmail.com	Email:	brentjnewell@outlook.com		

⁴ *Id.* at 17.

¹ AMERICAN LUNG ASSOCIATION STATE OF THE AIR 2017 at 33-34, available on the internet at <u>http://www.lung.org/assets/documents/healthy-air/state-of-the-air/state-of-the-air-2017.pdf</u>. ² *Id*.

^{10.}

 $^{^{3}}$ *Id.* at 20.

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Conclusion

Following the 60-day period, AIR will file suit in U.S. District Court to compel EPA to perform its nondiscretionary duty under the Clean Air Act. If you wish to discuss this matter short of litigation, please direct all future correspondence to AIR's attorney.

Sincerely,

nhart

Brent Newell

cc: Governor Jerry Brown (By Certified Mail, Return Receipt Requested) State Capitol Building Sacramento, CA 95814

Mary Nichols, Chair (By Certified Mail, Return Receipt Requested) California Air Resources Board P.O. Box 2815 Sacramento, CA 95812

Richard Corey, Executive Officer (By Certified Mail, Return Receipt Requested) California Air Resources Board P.O. Box 2815 Sacramento, CA 95812

Seyed Sedredin, Air Pollution Control Officer San Joaquin Valley Unified APCD 1990 E. Gettysburg Ave. Fresno, CA 93726

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The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Association of Irritated Residents				DEFENDANTS U.S. Environmental Protection Agency, Scott Pruitt, in his official capacity as EPA Administrator, and Alexis Strauss, in her official capacity as Acting Regional Administrator							
(b) County of Residence of First Listed Plaintiff Kern County (EXCEPT IN U.S. PLAINTIFF CASES)				County of (IN U.S. 1	of Residence PLAINTIFF C	e of First ASES ON	Listed I	Defendant San Francisco			
				NOTE:	IN LAND C THE TRAC	ONDEM T OF LA	NATION ND INVO	CASES, USE THE LOCATION OF	7		
245 k	Attorneys (Firm Name, Address, a Newell, Law Offices of Brent J. New Kentucky Street, Suite A-4, Petaluma, 586-3724			Attorney	'S (lf Known)						
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OTHED STATUTES

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	10	N1 5	FORFEITURE/TENALTI	DANKKUIICI	OTHER STATULES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	Liability		~	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	367 Health Care/ Pharmaceutical Personal	LABOR	PROPERTY RIGHTS	410 Antitrust
150 Recovery of Overpayment Of	330 Federal Employers'	Injury Product Liability	710 Fair Labor Standards Act	820 Copyrights	430 Banks and Banking
Veteran's Benefits	Liability	368 Asbestos Personal Injury	720 Labor/Management	830 Patent	450 Commerce
151 Medicare Act	340 Marine	Product Liability	Relations	835 Patent-Abbreviated New	460 Deportation
152 Recovery of Defaulted	345 Marine Product Liability	PERSONAL PROPERTY	740 Railway Labor Act	Drug Application	470 Racketeer Influenced &
Student Loans (Excludes	350 Motor Vehicle	370 Other Fraud	751 Family and Medical Leave Act	840 Trademark	Corrupt Organizations
Veterans)	355 Motor Vehicle Product Liability	371 Truth in Lending	790 Other Labor Litigation	SOCIAL SECURITY	480 Consumer Credit
153 Recovery of	360 Other Personal Injury	380 Other Personal Property	790 Other Labor Entigation 791 Employee Retirement	861 HIA (1395ff)	490 Cable/Sat TV
Overpayment	362 Personal Injury -Medical	Damage	Income Security Act	862 Black Lung (923)	850 Securities/Commodities/
of Veteran's Benefits	Malpractice	385 Property Damage Product	-	863 DIWC/DIWW (405(g))	Exchange
160 Stockholders' Suits	mapraenee	Liability	IMMIGRATION	864 SSID Title XVI	890 Other Statutory Actions
190 Other Contract	CIVIL RIGHTS	PRISONER PETITIONS	462 Naturalization	865 RSI (405(g))	891 Agricultural Acts
195 Contract Product Liability	440 Other Civil Rights	HABEAS CORPUS	Application 465 Other Immigration	FEDERAL TAX SUITS	★ 893 Environmental Matters
196 Franchise	441 Voting	463 Alien Detainee	Actions	870 Taxes (U.S. Plaintiff or	895 Freedom of Information
REAL PROPERTY	442 Employment	510 Motions to Vacate	1 ioucid	Defendant)	Act
210 Land Condemnation	443 Housing/	Sentence		871 IRS-Third Party 26 USC	896 Arbitration
220 Foreclosure	Accommodations	530 General		§ 7609	899 Administrative Procedure
230 Rent Lease & Ejectment	445 Amer. w/Disabilities-	535 Death Penalty			Act/Review or Appeal of
240 Torts to Land	Employment	OTHER			Agency Decision 950 Constitutionality of State
245 Tort Product Liability	446 Amer. w/Disabilities-Other	540 Mandamus & Other			Statutes
290 All Other Real Property	448 Education	550 Civil Rights			
		555 Prison Condition			
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vi. Chube of	U.S.C. section $7604(a)(2)$.	which you are ming (Do not ci	ie juristictional statutes unless al	versuy).	
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VII. REQUESTED I	N CHECK IF THIS IS A	CLASS ACTION DEM.	AND \$	CHECK YES only if dem	anded in complaint:
COMPLAINT:	UNDER RULE 23, Fed	I. R. Civ. P.		JURY DEMAND:	Yes 🗙 No
VIII. RELATED CAS	E(S), JUDGE		DOCKET NUMBER		
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IX. DIVISIONAL A	SSIGNMENT (Civil L	ocal Rule 3-2)			
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