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15	IN THE UNITED STAT	ES DISTRICT COURT
16	FOR THE NORTHERN DIS	STRICT OF CALIFORNIA
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	OATH AND	DWWWW
	OAKLAND	DIVISION
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18 19	CENTER FOR BIOLOGICAL DIVERSITY,	DIVISION
18 19		DIVISION Case No. 4:16-cv-04092-PJH
18 19 20	CENTER FOR BIOLOGICAL DIVERSITY,	
18 19 20 21	CENTER FOR BIOLOGICAL DIVERSITY, et al.,	
18 19 20 21 22	CENTER FOR BIOLOGICAL DIVERSITY, et al.,	Case No. 4:16-cv-04092-PJH
18 19 20 21 22	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v.	Case No. 4:16-cv-04092-PJH
18 19 20 21 22 23	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity	Case No. 4:16-cv-04092-PJH
18 19 20 21 22 23 24	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity as the Administrator of the United States	Case No. 4:16-cv-04092-PJH
18 19 20 21 22 23 24	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity	Case No. 4:16-cv-04092-PJH
118 119 220 221 222 223 224 225 226 226	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity as the Administrator of the United States	Case No. 4:16-cv-04092-PJH
118 119 220 221 222 223 224 225 226	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity as the Administrator of the United States Environmental Protection Agency,	Case No. 4:16-cv-04092-PJH
118 119 220 221 222 223 224 225	CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, v. GINA McCARTHY, in her official capacity as the Administrator of the United States Environmental Protection Agency,	Case No. 4:16-cv-04092-PJH

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WHEREAS, on July 21, 2016, Plaintiffs Center for Biological Diversity, Center for
Environmental Health, and Clean Air Council (collectively "Plaintiffs") filed the above
captioned matter against Gina McCarthy, in her official capacity as Administrator of the United
States Environmental Protection Agency (hereinafter "EPA" or "Defendant");

WHEREAS, on November 14, 2016, pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs filed a first amended complaint (Dkt. No. 27) (the "Complaint");

WHEREAS, Plaintiffs allege that EPA has failed to undertake certain non-discretionary duties under the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401-7671q, and that such alleged failure is actionable under section 304(a)(2) of the CAA, § 7604(a)(2);

WHEREAS, on March 12, 2008, pursuant to CAA section 109(a)(1), 42 U.S.C. § 7409(d)(1), EPA promulgated a final rule revising the ozone National Ambient Air Quality Standard ("NAAQS"), *Final Rule*, 73 Fed. Reg. 16,436 (Mar. 27, 2008) (the "2008 ozone NAAQS");

WHEREAS, on May 21, 2012, and on June 11, 2012, pursuant to CAA section 107(d) and 181, 42 U.S.C. §§ 7407(d) and 7511, EPA promulgated two separate final rules to establish initial air quality designations for the entire United States for the 2008 ozone NAAQS, *Final Rule*, 77 Fed. Reg. 30,088 (May 21, 2012), and *Final Rule*, 77 Fed. Reg. 34,221 (June 11, 2012) (collectively the "2008 ozone designations");

WHEREAS the 2008 ozone designations became effective on July 20, 2012;

WHEREAS, pursuant to CAA section 182, 42 U.S.C. § 7511a, states that contain areas that are designated nonattainment are required to provide State implementation plan ("SIP") submissions to EPA within certain timelines established in the CAA, which have been interpreted by the EPA in various regulations and guidance documents;

WHEREAS, pursuant to CAA section 184, 42 U.S.C. § 7511c, states that are included in an ozone transport region ("OTR") are required to provide SIP submissions to EPA within certain timelines established in the CAA, which have been interpreted by the EPA in various regulations and guidance documents;

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WHEREAS, in Claim 1, Plaintiffs allege that EPA has failed to perform a duty mandated by CAA section 110(k)(1)(B), 42 U.S.C. § 7410(k)(1)(B), to make a finding of failure to submit, for certain 2008 ozone NAAQS nonattainment and OTR SIP submissions addressing the following element or elements under 42 U.S.C. §§ 7511a and 7511c, respectively, from the areas and states listed below, *see* First Am. Compl. ¶ 1 (Dkt. No. 27):

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	
Los Angeles – South	Clean Fuel for Boilers, Extreme Nonattainment New Source	
Coast Air Basin,	Review ("NNSR") and Vehicles Miles Traveled-Transportation	
California ("CA")	Control Measures ("VMT-TCMs") to Offset Growth	
San Joaquin Valley,	Extreme NNSR	
CA		
Los Angeles-San	Severe 15 NNSR and VMT-TCMs to Offset Growth	
Bernardino Counties		
(Antelope Valley &		
Mojave Desert), CA		
Riverside County	Severe 15 NNSR and VMT-TCMs to Offset Growth	
(Coachella Valley),		
CA		
Sacramento Metro,	VMT-TCMs to Offset Growth, Severe 15 NNSR for Yolo-Solano,	
CA	Non-CTG VOC Reasonably Available Control Technology	
	("RACT") for Major Sources for El Dorado, Sacramento, and	
	Yolo-Solano, NOx RACT for Major Sources for El Dorado,	
	Sacramento, and Yolo-Solano, Auto and Light-Duty Truck	
	Assembly Coatings CTG RACT for El Dorado and Yolo-Solano,	
	Fiberglass Boat Manufacturing Materials CTG RACT for El	
	Dorado and Yolo-Solano, 2006 Flat Wood Paneling Coatings CTG	
	RACT for El Dorado and Yolo-Solano, Flexible Packaging Printing	
	Material CTG RACT for El Dorado and Yolo-Solano, Industrial	
	Cleaning Solvents (2006) CTG RACT for El Dorado and Yolo-	
	Solano, Large Appliance Coatings (2007) CTG RACT for El	
	Dorado and Yolo-Solano, Lithographic Printing Materials and	
	Letterpress Printing Materials (2006) CTG RACT for El Dorado	
	and Yolo-Solano, Metal Furniture Coatings (2007) CTG RACT for	
	El Dorado and Yolo-Solano, Miscellaneous Industrial Adhesives	
	(2006) CTG RACT for El Dorado, Sacramento and Yolo-Solano,	
	Miscellaneous Metal Products Coatings (2008) CTG RACT for El	
	Dorado and Yolo-Solano, Paper, Film, and Foil Coatings (2007)	
	CTG RACT for El Dorado and Yolo-Solano, and Plastic Parts	
	Coatings (2008) CTG RACT for El Dorado and Yolo-Solano	
Ventura County, CA	Serious NNSR	
Baltimore, Maryland	Inspection and Maintenance Basic	
("MD")		

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Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	
District of Columbia	Non-CTG VOC RACT for Major Sources, NOx RACT for Major	
	Sources, Refinery Vacuum Producing Systems, and Wastewater	
	Separators and Process Unit Turnarounds CTG RACT	
Maine	Non-CTG VOC RACT for Major Sources and Industrial Cleaning	
	Solvents (2006) CTG RACT	
Maryland	NOx RACT for Major Sources	
Massachusetts	Non-CTG VOC RACT for Major Sources, NOx RACT for Major	
	Sources, Auto and Light-Duty Truck Assembly Coatings CTG	
	RACT, Fiberglass Boat Manufacturing Materials CTG RACT,	
	Flexible Packaging Printing Material CTG RACT, Industrial	
	Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings	
	(2007) CTG RACT, Lithographic Printing Materials and	
	Letterpress Printing Materials (2006) CTG RACT, Metal Furniture	
	Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives	
	(2006) CTG RACT, Miscellaneous Metal Products Coatings (2008)	
	CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT,	
	and Plastic Parts Coatings (2008) CTG RACT	
New Hampshire	Non-CTG VOC RACT for Major Sources, NOx RACT for Major	
	Sources	
New Jersey	Fiberglass Boat Manufacturing Materials CTG RACT, Industrial	
	Cleaning Solvents (2006) CTG RACT, Miscellaneous Metal	
	Products Coatings (2008) CTG RACT, Paper, Film, and Foil	
	Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008)	
	CTG RACT	
Pennsylvania	Auto and Light-Duty Truck Assembly Coatings CTG RACT,	
	Flexible Packaging Printing Material CTG RACT, Industrial	
	Cleaning Solvents (2006) CTG RACT, Lithographic Printing	
	Materials and Letterpress Printing Materials (2006) CTG RACT,	
	Miscellaneous Metal Products Coatings (2008) CTG RACT, and	
	Plastic Parts Coatings (2008) CTG RACT	
Rhode Island	Non-CTG VOC RACT for Major Sources, NOx RACT for Major	
	Sources, Auto and Light-Duty Truck Assembly Coatings CTG	
	RACT, Fiberglass Boat Manufacturing Materials CTG RACT,	
	2006 Flat Wood Paneling Coatings CTG RACT, Flexible	
	Packaging Printing Material CTG RACT, Large Appliance	
	Coatings (2007) CTG RACT, Lithographic Printing Materials and	
	Letterpress Printing Materials (2006) CTG RACT, Metal Furniture	
	Coatings (2007) CTG RACT, Miscellaneous Metal Products	
	Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings	
X7.	(2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	
Vermont	Non-CTG VOC RACT for Major Sources, NOx RACT for Major	
	Sources, Auto and Light-Duty Truck Assembly Coatings CTG	
	RACT, Fiberglass Boat Manufacturing Materials CTG RACT,	
	2006 Flat Wood Paneling Coatings CTG RACT, Industrial	
	Cleaning Solvents (2006) CTG RACT, Lithographic Printing	

Plastic Parts Coatings (2008) CTG RACT

Marginal NNSR

Marginal NNSR

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Marginal NNSR

Marginal NNSR

Elements(s) (under CAA Section(s) 182 and/or 184)
Materials and Letterpress Printing Materials (2006) CTG RACT,

Miscellaneous Metal Products Coatings (2008) CTG RACT, and

Non-CTG VOC RACT for Major Sources, NOx RACT for Major

Coatings (2007) CTG RACT, and Metal Furniture Coatings (2007) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT

Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance

Miscellaneous Industrial Adhesives (2006) CTG RACT.

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Area / State

Calaveras County, CA

Kern County (Eastern

Mariposa County, CA

Chicago-Naperville,

Washington, VA

Virginia

Kern), CA

IL
Cincinnati, IN
Marginal NNSR
Washington, MD
Marginal NNSR

WHEREAS, EPA must then determine whether a State's submittal is complete within six months after EPA receives the submission. 42 U.S.C. § 7410(k)(1)(B). If EPA does not determine completeness of the plan or revision within six months, then the submittal is deemed complete by operation of law after six months, id.;

WHEREAS, pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. § 7410(k)(2)-(4), EPA is required to approve in whole or in part, disapprove, or conditionally approve in whole or in part, each plan or revision, within 12 months of a determination of completeness by EPA or a determination deemed by operation of law to be complete;

WHEREAS, in Claim 2, Plaintiffs allege that EPA has failed to perform a duty mandated by CAA sections 110(k)(2)-(4), 42 U.S.C. §§ 7410(k)(2)-(4), to take final action to approve or disapprove, in whole or in part, certain 2008 ozone NAAQS nonattainment and OTR SIP submissions addressing the following element or elements under 42 U.S.C. §§ 7511a and 7511c, respectively, from the areas and states listed below, *see* First Am. Compl. ¶ 1 (Dkt. No. 27):

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1	A / 54-4-	Flow	Completion Date
1	Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
2	Los Angeles-	Non-CTG VOC RACT for Major Sources, NOx	1/18/2015
3	South Coast	RACT for Major Sources, Aerospace CTG RACT,	1/10/2013
3	Air Basin,	Auto and Light-Duty Truck Assembly Coatings	
4	CA	CTG RACT, Equipment leaks from Natural	
5		Gas/Gasoline Processing Plants CTG RACT,	
3		Factory Surface Coating of Flat Wood Paneling	
6		CTG RACT, Fiberglass Boat Manufacturing	
7		Materials CTG RACT, 2006 Flat Wood Paneling	
′		Coatings CTG RACT, Flexible Packaging Printing	
8		Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings	
9		(2007) CTG RACT, Large Appliance Coatings	
		Materials and Letterpress Printing Materials (2006)	
10		CTG RACT, Metal Furniture Coatings (2007) CTG	
11		RACT, Miscellaneous Industrial Adhesives (2006)	
11		CTG RACT, Miscellaneous Metal Products	
12		Coatings (2008) CTG RACT, Paper, Film, and Foil	
13		Coatings (2007) CTG RACT, and Plastic Parts	
	Sacramento	Coatings (2008) CTG RACT Non-CTG VOC RACT for Major Sources, NOx	10/30/2014
14	Metro	RACT for Major Sources, Aerospace CTG RACT,	10/30/2014
15	(Placer	Auto and Light-Duty Truck Assembly Coatings	
	County), CA	CTG RACT, Bulk Gasoline Plants CTG RACT,	
16		Equipment leaks from Natural Gas/Gasoline	
17		Processing Plants CTG RACT, Fiberglass Boat	
10		Manufacturing Materials CTG RACT, Flexible	
18		Packaging Printing Material CTG RACT, Fugitive Emissions from Synthetic Organic Chemical	
19		Polymer and Resin Manufacturing Equipment CTG	
20		RACT, Graphic Arts – Rotogravure and	
20		Flexography CTG RACT, Large Appliance	
21		Coatings (2007) CTG RACT, Large Petroleum Dry	
22		Cleaners CTG RACT, Leaks from Gasoline Tank	
		Trucks and Vapor Collection Systems CTG RACT,	
23		Leaks from Petroleum Refinery Equipment CTG	
24		RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT,	
		Manufacture of Pneumatic Rubber Tires CTG	
25		RACT, Manufacture of Synthesized	
26		Pharmaceutical Products CTG RACT, Metal	
		Furniture Coatings (2007) CTG RACT,	
27		Miscellaneous Industrial Adhesives (2006) CTG	
28		RACT, Miscellaneous Metal Products Coatings	
		(2008) CTG RACT, Paper, Film, and Foil Coatings	

1	Aro	a / State	Elements(s) (under CAA Section(s) 182 and/or	Completion Date
	Ale	a / State	184)	Completion Date
2			(2007) CTG RACT, Petroleum Liquid Storage in	
3			External Floating Roof Tanks CTG RACT,	
			Refinery Vacuum Producing Systems, Wastewater	
4			Separators and Process Unit Turnarounds CTG	
5			RACT, Synthetic Organic Chemical Manufacturing	
			Industry (SOCMI) Air Oxidation Processes CTG	
6			RACT, SOCMI Distillation and Reactor Processes	
7			CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of	
			Petroleum Liquids in Fixed Roof Tanks CTG	
8			RACT, Surface Coating for Insulation of Magnet	
9			Wire CTG RACT, Surface Coating of Automobiles	
			and Light-Duty Trucks CTG RACT, Surface	
10			Coating of Cans CTG RACT, Surface Coating of	
11			Coils CTG RACT, Surface Coating of Fabrics	
11			CTG RACT, Surface Coating of Large Appliances	
12			CTG RACT, Surface Coating of Metal Furniture	
13			CTG RACT, Surface Coating of Miscellaneous	
13			Metal Parts and Products CTG RACT, Surface	
14			coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback	
15			Asphalt CTG RACT, and Wood Furniture CTG	
13			RACT	
16	San	Joaquin	Non-CTG VOC RACT for Major Sources, RACT	1/18/2015
17		ey, ĈA	NOx for Major Sources, Aerospace CTG RACT,	
1,			Auto and Light-Duty Truck Assembly Coatings	
18			CTG RACT, Bulk Gasoline CTG RACT, and	
19			Equipment leaks from Natural Gas/Gasoline	
			Processing Plants CTG RACT	1 /10 /00 1 7
20	Coni	necticut	Non-CTG VOC RACT for Major Sources, NOx	1/18/2015
21			RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings	
			CTG RACT, Bulk Gasoline CTG RACT, and	
22			Equipment leaks from Natural Gas/Gasoline	
23			Processing Plants CTG RACT	
	Sacr	amento-	Aerospace CTG RACT, Equipment leaks from	7/31/2007
24	Yolo	o-Solano,	Natural Gas/Gasoline Processing Plants CTG	
25	CA		RACT, Factory Surface Coating of Flat Wood	
			Paneling CTG RACT, Fugitive Emissions from	
26			Synthetic Organic Chemical Polymer and Resin	
27			Manufacturing Equipment CTG RACT, Graphic	
			Arts – Rotogravure and Flexography CTG RACT,	
28			Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection	
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[PROPOSED] CONSENT DECREE CASE NO. 4:16-cv-04092-PJH

1	Area / State	Elements(s) (under CAA Section(s) 182 and/or	Completion Date
2		184) Systems CTC DACT Looks from Detroloum	
		Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of	
3		High-Density Polyethylene, Polypropylene and	
4		Polystyrene Resins CTG RACT, Manufacture of	
		Pneumatic Rubber Tires CTG RACT, Manufacture	
5		of Synthesized Pharmaceutical Products CTG	
6		RACT, Petroleum Liquid Storage in External	
١		Floating Roof Tanks CTG RACT, Refinery	
7		Vacuum Producing Systems, Wastewater	
		Separators and Process Unit Turnarounds CTG	
8		RACT, SOCMI Air Oxidation Processes CTG	
9		RACT, SOCMI Distillation and Reactor Processes	
		CTG RACT, Shipbuilding/repair CTG RACT,	
10		Solvent Metal Cleaning CTG RACT, Storage of	
11		Petroleum Liquids in Fixed Roof Tanks CTG	
		RACT, Surface Coating for Insulation of Magnet	
12		Wire CTG RACT, Surface Coating of Automobiles	
13		and Light-Duty Trucks CTG RACT, Surface	
13		Coating of Cans CTG RACT, Surface Coating of	
14		Coils CTG RACT, Surface Coating of Fabrics CTG	
1.5		RACT, Surface Coating of Large Appliances CTG	
15		RACT, Surface Coating of Metal Furniture CTG	
16		RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of	
		Paper CTG RACT, Tank Truck Gasoline Loading	
17		Terminals CTG RACT, Use of Cutback Asphalt	
18		CTG RACT, and Wood Furniture CTG RACT	
	Pennsylvania	Aerospace CTG RACT, Bulk Gasoline CTG	3/28/2007
19		RACT, Equipment leaks from Natural	0,20,200,
20		Gas/Gasoline Processing Plants CTG RACT,	
20		Fugitive Emissions from Synthetic Organic	
21		Chemical Polymer and Resin Manufacturing	
22		Equipment CTG RACT, Graphic Arts –	
22		Rotogravure and Flexography CTG RACT, Large	
23		Petroleum Dry Cleaners CTG RACT, Leaks from	
.		Gasoline Tank Trucks and Vapor Collection	
24		Systems CTG RACT, Leaks from Petroleum	
25		Refinery Equipment CTG RACT, Manufacture of	
		High-Density Polyethylene, Polypropylene and	
26		Polystyrene Resins CTG RACT, Manufacture of	
27		Pneumatic Rubber Tires CTG RACT, Manufacture	
- 1		of Synthesized Pharmaceutical Products CTG	
28		RACT, Petroleum Liquid Storage in External	
		Floating Roof Tanks CTG RACT, Refinery	

1	Area / State	Elements(s) (under CAA Section(s) 182 and/or	Completion Date
2		184)	
		Vacuum Producing Systems, Wastewater	
3		Separators and Process Unit Turnarounds CTG RACT, SOCMI Air Oxidation Processes CTG	
4		RACT, SOCMI Distillation and Reactor Processes	
7		CTG RACT, Shipbuilding/repair CTG RACT,	
5		Solvent Metal Cleaning CTG RACT, Storage of	
6		Petroleum Liquids in Fixed Roof Tanks CTG	
6		RACT, Surface Coating for Insulation of Magnet	
7		Wire CTG RACT, Surface Coating of Automobiles	
		and Light-Duty Trucks CTG RACT, Surface	
8		Coating of Cans CTG RACT, Surface Coating of	
9		Coils CTG RACT, Surface Coating of Fabrics	
		CTG RACT, Surface Coating of Large Appliances	
10		CTG RACT, Surface Coating of Metal Furniture	
11		CTG RACT, Surface Coating of Miscellaneous	
11		Metal Parts and Products CTG RACT, Surface	
12		coating of Paper CTG RACT, Tank Truck Gasoline	
12		Loading Terminals CTG RACT, Use of Cutback	
13		Asphalt CTG RACT, and Wood Furniture CTG	
14		RACT	T /0.1 /0.0.T
1.5	Los Angeles	Graphic Arts – Rotogravure and Flexography CTG	7/31/2007
15	and San	RACT, Large Petroleum Dry Cleaners CTG RACT,	
16	Bernardino Counties	Leaks from Gasoline Tank Trucks and Vapor	
	(Western	Collection Systems CTG RACT, Solvent Metal Cleaning CTG RACT, Surface Coating of	
17	Mojave	Automobiles and Light-Duty Trucks CTG RACT,	
18	Desert)	Surface Coating of Cans CTG RACT, Surface	
	[Antelope	Coating of Coils CTG RACT, Surface Coating of	
19	Valley &	Fabrics CTG RACT, Surface Coating of Metal	
20	Mojave	Furniture CTG RACT, Surface Coating of	
20	Desert], CA	Miscellaneous Metal Parts and Products CTG	
21		RACT, Surface coating of Paper CTG RACT, and	
22		Use of Cutback Asphalt CTG RACT	
22	Los Angeles	Graphic Arts – Rotogravure and Flexography CTG	1/11/2008
23	and San	RACT, Leaks from Gasoline Tank Trucks and	
_	Bernardino	Vapor Collection Systems CTG RACT, Petroleum	
24	Counties	Liquid Storage in External Floating Roof Tanks	
25	(Western	CTG RACT, Shipbuilding/repair CTG RACT,	
	Mojave	Solvent Metal Cleaning CTG RACT, Storage of	
26	Desert)	Petroleum Liquids in Fixed Roof Tanks CTG	
27	[Antelope	RACT, Surface Coating of Metal Furniture CTG	
	Valley & Mojave	RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of	
28	Desert], CA	Paper CTG RACT, Tank Truck Gasoline Loading	
	Descrij, CA	1 aper CTO KACT, Talik Truck Gasolille Loadling	

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Area / State	Elements(s) (under CAA Section(s) 182 and/or	Completion Date
	184)	_
	Terminals CTG RACT, Use of Cutback Asphalt	
	CTG RACT, and Wood Furniture CTG RACT	
New York	Industrial Cleaning Solvents (2006) CTG RACT	8/21/2013
("NY")		
Imperial	NNSR – Moderate	3/7/2014
County, CA		
NY-N. New	NNSR – Moderate	10/4/2013
Jersey-Long		
Island, NY		
Jamestown,	NNSR – Marginal	10/4/2013
NY		
New York	RACT NOx for Major Sources and RACT Non-	6/22/2015
OTR	CTG VOC for Major Sources	
Delaware	RACT NOx for Major Sources and RACT Non-	7/24/2015
OTR	CTG VOC for Major Sources	
Riverside	RACT NOx for Major Sources and RACT Non-	1/18/2015
County	CTG VOC for Major Sources	
(Coachella		
Valley), CA		

WHEREAS, the relief requested in the Complaint includes, among other things, an order from this Court to establish a date certain by which EPA must fulfill its obligations;

WHEREAS, Plaintiffs and EPA have agreed to a settlement of this action without admission of any issue of fact or law, except as expressly provided herein;

WHEREAS, Plaintiffs and EPA, by entering into this Consent Decree, do not waive or limit any claim, remedy, or defense, on any grounds, related to any final EPA action;

WHEREAS, Plaintiffs and EPA consider this Consent Decree to be an adequate and equitable resolution of the claims in this matter and therefore wish to effectuate a settlement;

WHEREAS, it is in the interest of the public, Plaintiffs, Defendant EPA, and judicial economy to resolve this matter without protracted litigation;

WHEREAS, Plaintiffs and EPA agree that this Court has jurisdiction over this matter pursuant to the citizen suit provision in CAA section 304(a)(2), 42 U.S.C. § 7604(a)(2), and that venue is proper in the Northern District of California pursuant to 28 U.S.C. § 1391(e) and N.D. Cal. Civ. Local Rule 3-2(c)-(d); and

WHEREAS, the Court, by entering this Consent Decree, finds that the Consent Decree is fair, reasonable, in the public interest, and consistent with the Clean Air Act;

NOW THEREFORE, before the taking of testimony, without trial or determination of any issues of fact or law, and upon the consent of Plaintiffs and Defendant EPA, it is hereby ordered, adjudged and decreed that:

1. The appropriate EPA official will sign a notice issuing a finding of failure to submit ("FFS") no later than the date indicated below for the following states and elements of sections 182 and 184, 42 U.S.C. §§ 7511a and 7511c, for the 2008 ozone NAAQS:

Area / State	Elements(s) (under CAA Section(s) 182	Date
	and/or 184)	1.110.100.10
Los Angeles –	Clean Fuel for Boilers, Extreme Nonattainment	1/19/2017
South Coast Air	New Source Review ("NNSR") and Vehicles	
Basin, California	Miles Traveled-Transportation Control Measures	
("CA")	("VMT-TCM") to Offset Growth	
San Joaquin	Extreme NNSR	1/19/2017
Valley, CA		
Los Angeles-San	Severe 15 NNSR, VMT-TCMs to Offset Growth	1/19/2017
Bernardino		
Counties		
(Antelope Valley		
& Mojave		
Desert), CA		
Riverside County	Severe 15 NNSR and VMT-TCMs to Offset	1/19/2017
(Coachella	Growth	
Valley), CA		
Sacramento	VMT-TCMs to Offset Growth, Severe 15 NNSR	1/19/2017
Metro, CA	for Yolo-Solano, Non-CTG VOC Reasonably	
	Available Control Technology ("RACT") for	
	Major Sources for El Dorado, Sacramento, and	
	Yolo-Solano, NOx RACT for Major Sources for	
	El Dorado, Sacramento, and Yolo-Solano, Auto	
	and Light-Duty Truck Assembly Coatings CTG	
	RACT for El Dorado and Yolo-Solano,	
	Fiberglass Boat Manufacturing Materials CTG	
	RACT for El Dorado and Yolo-Solano, 2006	
	Flat Wood Paneling Coatings CTG RACT for El	
	Dorado and Yolo-Solano, Flexible Packaging	
	Printing Material CTG RACT for El Dorado and	
	Yolo-Solano, Industrial Cleaning Solvents	
	(2006) CTG RACT for El Dorado and Yolo-	

1	Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
2		Solano, Large Appliance Coatings (2007) CTG	
3		RACT for El Dorado and Yolo-Solano,	
4		Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT for El	
5		Dorado and Yolo-Solano, Metal Furniture	
6		Coatings (2007) CTG RACT for El Dorado and Yolo-Solano, Miscellaneous Industrial	
7		Adhesives (2006) CTG RACT for El Dorado, Sacramento and Yolo-Solano, Miscellaneous	
8		Metal Products Coatings (2008) CTG RACT for El Dorado and Yolo-Solano, Paper, Film, and	
9		Foil Coatings (2007) CTG RACT for El Dorado	
10		and Yolo-Solano, and Plastic Parts Coatings (2008) CTG RACT for El Dorado and Yolo-	
11		Solano	1 (10)001 =
12	Ventura County,	Serious NNSR	1/19/2017
13	Baltimore, Maryland ("MD")	Inspection and Maintenance Basic	1/19/2017
14	District of	Non-CTG VOC RACT for Major Sources, NOx	1/19/2017
	Columbia	RACT for Major Sources, Refinery Vacuum	
15		Producing Systems, and Wastewater Separators	
16	Maine	and Process Unit Turnarounds CTG RACT Non-CTG VOC RACT for Major Sources and	1/19/2017
17	Iviaille	Industrial Cleaning Solvents (2006) CTG RACT	1/19/2017
1/	Maryland	NOx RACT for Major Sources	1/19/2017
18	Massachusetts	Non-CTG VOC RACT for Major Sources, NOx	1/19/2017
19		RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT,	
20		Fiberglass Boat Manufacturing Materials CTG	
21		RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006)	
22		CTG RACT, Large Appliance Coatings (2007)	
23		CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG	
24		RACT, Metal Furniture Coatings (2007) CTG	
		RACT, Miscellaneous Industrial Adhesives (2006) CTG RACT, Miscellaneous Metal	
25		Products Coatings (2008) CTG RACT, Paper,	
26		Film, and Foil Coatings (2007) CTG RACT, and	
27		Plastic Parts Coatings (2008) CTG RACT	1 /10 /001 5
	New Hampshire	Non-CTG VOC RACT for Major Sources and	1/19/2017
28		NOx RACT for Major Sources	

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Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
New Jersey	Fiberglass Boat Manufacturing Materials CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Pennsylvania	Auto and Light-Duty Truck Assembly Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Rhode Island	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Vermont	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Industrial Adhesives (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Virginia	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG	1/19/2017

Area / State	Elements(s) (under CAA Section(s) 182	Date
	and/or 184)	
	RACT, 2006 Flat Wood Paneling Coatings CTG	
	RACT, Flexible Packaging Printing Material	
	CTG RACT, Large Appliance Coatings (2007)	
	CTG RACT, Metal Furniture Coatings (2007)	
	CTG RACT, and Paper, Film, and Foil Coatings	
	(2007) CTG RACT	
Calaveras	Marginal NNSR	1/19/2017
County, CA		
Kern County	Marginal NNSR	1/19/2017
(Eastern Kern),		
CA		
Mariposa County,	Marginal NNSR	1/19/2017
CA		
Washington DC-	Marginal NNSR	1/19/2017
MD-VA, VA		
Chicago-	Marginal NNSR	1/19/2017
Naperville, IL		
Cincinnati, IN	Marginal NNSR	1/19/2017
Washington DC-	Marginal NNSR	1/19/2017
MD-VA, MD		

- 2. If any State makes an above-listed SIP submittal, and EPA makes a completeness determination as to that submittal pursuant to CAA section 110(k)(1)(B), 42 U.S.C. § 7410(k)(1)(B), at any time prior to the date specified in paragraph 1, then EPA's obligation to take the action required by paragraph 1 with respect to that submittal is automatically terminated.
- 3. The appropriate EPA official shall sign a notice of final rulemaking to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, certain plans pursuant to sections 110(k)(2)-(4) of the CAA, 42 U.S.C. §§ 7410(k)(2)-(4), no later than the action date indicated below for the following states and elements of sections 182 and 184, 42 U.S.C. §§ 7511a and 7511c, for the 1997 or 2008 ozone NAAQS:

	Area / State	SIP Elements	Action Date
a.	Los Angeles- South Coast	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck	July 31, 2017

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1		Area / State	SIP Elements	Action Date
2		Air Basin,	Assembly Coatings CTG RACT, Equipment	
3		CA	leaks from Natural Gas/Gasoline Processing	
,			Plants CTG RACT, Factory Surface Coating of	
4			Flat Wood Paneling CTG RACT, Fiberglass	
5			Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG	
6			RACT, Flexible Packaging Printing Material	
0			CTG RACT, Industrial Cleaning Solvents	
7			(2006) CTG RACT, Large Appliance Coatings	
8			(2007) CTG RACT, Lithographic Printing	
			Materials and Letterpress Printing Materials	
9			(2006) CTG RACT, Metal Furniture Coatings	
10			(2007) CTG RACT, Miscellaneous Industrial Adhesives (2006) CTG RACT, Miscellaneous	
11			Metal Products Coatings (2008) CTG RACT,	
11			Paper, Film, and Foil Coatings (2007) CTG	
12			RACT, and Plastic Parts Coatings (2008) CTG	
13			RACT	N 1 20 2017
	b.	Sacramento Metro	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace	November 30, 2017
14		(Placer	CTG RACT, Auto and Light-Duty Truck	
15		County), CA	Assembly Coatings CTG RACT, Bulk	
1.0			Gasoline Plants CTG RACT, Equipment leaks	
16			from Natural Gas/Gasoline Processing Plants	
17			CTG RACT, Fiberglass Boat Manufacturing	
18			Materials CTG RACT, Flexible Packaging Printing Material CTG RACT, Fugitive	
			Emissions from Synthetic Organic Chemical	
19			Polymer and Resin Manufacturing Equipment	
20			CTG RACT, Graphic Arts – Rotogravure and	
21			Flexography CTG RACT, Large Appliance	
21			Coatings (2007) CTG RACT, Large Petroleum	
22			Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection	
23			Systems CTG RACT, Leaks from Petroleum	
			Refinery Equipment CTG RACT, Manufacture	
24			of High-Density Polyethylene, Polypropylene	
25			and Polystyrene Resins CTG RACT,	
			Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized	
26			Pharmaceutical Products CTG RACT, Metal	
27			Furniture Coatings (2007) CTG RACT,	
28			Miscellaneous Industrial Adhesives (2006)	
20			CTG RACT, Miscellaneous Metal Products	

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1		Area / State	SIP Elements	Action Date
2			Cookings (2008) CTC DACT Dancer Files and	
3			Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, Petroleum	
3			Liquid Storage in External Floating Roof	
4			Tanks CTG RACT, Refinery Vacuum	
5			Producing Systems, Wastewater Separators	
			and Process Unit Turnarounds CTG RACT, Synthetic Organic Chemical Manufacturing	
6			Industry (SOCMI) Air Oxidation Processes	
7			CTG RACT, SOCMI Distillation and Reactor	
8			Processes CTG RACT, Shipbuilding/repair	
			CTG RACT, Solvent Metal Cleaning CTG	
9			RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for	
10			Insulation of Magnet Wire CTG RACT,	
11			Surface Coating of Automobiles and Light-	
			Duty Trucks CTG RACT, Surface Coating of	
12			Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG	
13			RACT, Surface Coating of Large Appliances	
14			CTG RACT, Surface Coating of Metal	
			Furniture CTG RACT, Surface Coating of	
15			Miscellaneous Metal Parts and Products CTG	
16			RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG	
17			RACT, Use of Cutback Asphalt CTG RACT,	
			and Wood Furniture CTG RACT	
18	c.	San Joaquin	Non-CTG VOC RACT for Major Sources,	July 31, 2018
19		Valley, CA	RACT NOx for Major Sources, Aerospace	
20			CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk	
20			Gasoline CTG RACT, and Equipment leaks	
21			from Natural Gas/Gasoline Processing Plants	
22	1	C	CTG RACT	J 20 2017
23	d.	Connecticut	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace	June 30, 2017
23			CTG RACT, Auto and Light-Duty Truck	
24			Assembly Coatings CTG RACT, Bulk	
25			Gasoline CTG RACT, and Equipment leaks	
			from Natural Gas/Gasoline Processing Plants CTG RACT	
26	e.	Sacramento	Aerospace CTG RACT, Equipment leaks from	March 30, 2018
27		Metro (Yolo-	Natural Gas/Gasoline Processing Plants CTG	1.141011 50, 2010
28		Solano), CA	RACT, Factory Surface Coating of Flat Wood	
			Paneling CTG RACT, Fugitive Emissions	

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1			Area / State	SIP Elements	Action Date
2				from Synthetic Organic Chemical Polymer and	
3				Resin Manufacturing Equipment CTG RACT,	
				Graphic Arts – Rotogravure and Flexography	
4				CTG RACT, Large Petroleum Dry Cleaners	
5				CTG RACT, Leaks from Gasoline Tank	
				Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery	
6				Equipment CTG RACT, Manufacture of High-	
7				Density Polyethylene, Polypropylene and	
8				Polystyrene Resins CTG RACT, Manufacture	
8				of Pneumatic Rubber Tires CTG RACT,	
9				Manufacture of Synthesized Pharmaceutical	
10				Products CTG RACT, Petroleum Liquid	
10				Storage in External Floating Roof Tanks CTG	
11				RACT, Refinery Vacuum Producing Systems,	
12				Wastewater Separators and Process Unit Turnarounds CTG RACT, SOCMI Air	
12				Oxidation Processes CTG RACT, SOCMI	
13				Distillation and Reactor Processes CTG	
14				RACT, Shipbuilding/repair CTG RACT,	
14				Solvent Metal Cleaning CTG RACT, Storage	
15				of Petroleum Liquids in Fixed Roof Tanks	
16				CTG RACT, Surface Coating for Insulation of	
10				Magnet Wire CTG RACT, Surface Coating of	
17				Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT,	
18				Surface Coating of Coils CTG RACT, Surface	
				Coating of Fabrics CTG RACT, Surface	
19				Coating of Large Appliances CTG RACT,	
20				Surface Coating of Metal Furniture CTG	
				RACT, Surface Coating of Miscellaneous	
21				Metal Parts and Products CTG RACT, Surface	
22				coating of Paper CTG RACT, Tank Truck	
				Gasoline Loading Terminals CTG RACT, Use	
23				of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	
24		f.	Pennsylvania	Aerospace CTG RACT, Bulk Gasoline CTG	September 29, 2017
25			1 ching y i varia	RACT, Equipment leaks from Natural	September 25, 2017
25				Gas/Gasoline Processing Plants CTG RACT,	
26				Fugitive Emissions from Synthetic Organic	
27				Chemical Polymer and Resin Manufacturing	
27				Equipment CTG RACT, Graphic Arts –	
28				Rotogravure and Flexography CTG RACT,	
	l			Large Petroleum Dry Cleaners CTG RACT,	

[PROPOSED] CONSENT DECREE CASE NO. 4:16-cv-04092-PJH

1		Area / State	SIP Elements	Action Date
2			Leaks from Gasoline Tank Trucks and Vapor	
3			Collection Systems CTG RACT, Leaks from	
]			Petroleum Refinery Equipment CTG RACT,	
4			Manufacture of High-Density Polyethylene,	
5			Polypropylene and Polystyrene Resins CTG	
7			RACT, Manufacture of Pneumatic Rubber	
6			Tires CTG RACT, Manufacture of	
7			Synthesized Pharmaceutical Products CTG	
<i>'</i>			RACT, Petroleum Liquid Storage in External	
8			Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater	
9			Separators and Process Unit Turnarounds CTG	
9			RACT, SOCMI Air Oxidation Processes CTG	
10			RACT, SOCMI Distillation and Reactor	
11			Processes CTG RACT, Shipbuilding/repair	
11			CTG RACT, Solvent Metal Cleaning CTG	
12			RACT, Storage of Petroleum Liquids in Fixed	
12			Roof Tanks CTG RACT, Surface Coating for	
13			Insulation of Magnet Wire CTG RACT,	
14			Surface Coating of Automobiles and Light-	
1.5			Duty Trucks CTG RACT, Surface Coating of	
15			Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG	
16			RACT, Surface Coating of Large Appliances	
17			CTG RACT, Surface Coating of Metal	
17			Furniture CTG RACT, Surface Coating of	
18			Miscellaneous Metal Parts and Products CTG	
10			RACT, Surface coating of Paper CTG RACT,	
19			Tank Truck Gasoline Loading Terminals CTG	
20			RACT, Use of Cutback Asphalt CTG RACT,	
21	<u> </u>	T A1	and Wood Furniture CTG RACT	C
21	g.	Los Angeles- San	Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners	September 29, 2017
22		Bernardino	CTG RACT, Leaks from Gasoline Tank	
23		Counties	Trucks and Vapor Collection Systems CTG	
23		(West	RACT, Solvent Metal Cleaning CTG RACT,	
24		Mojave	Surface Coating of Automobiles and Light-	
25		Desert), CA	Duty Trucks CTG RACT, Surface Coating of	
23		(Antelope	Cans CTG RACT, Surface Coating of Coils	
26		Valley	CTG RACT, Surface Coating of Fabrics CTG	
27		portion)	RACT, Surface Coating of Metal Furniture	
21			CTG RACT, Surface Coating of	
28			Miscellaneous Metal Parts and Products CTG	

	Area / State	SIP Elements	Action Date
		RACT, Surface coating of Paper CTG RACT, and Use of Cutback Asphalt CTG RACT	
h.	Los Angeles- San Bernardino Counties (West Mojave Desert), CA (Mojave Desert portion)	Graphic Arts – Rotogravure and Flexography CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	January 31, 2018
i.	New York ("NY")	Industrial Cleaning Solvents (2006) CTG RACT	November 30, 2017
j.	Imperial County, CA	NNSR – Moderate	July 31, 2017
k.	NY-N. New Jersey-Long Island, NY	NNSR – Moderate	November 30, 2017
1.	Jamestown, NY	NNSR – Marginal	November 30, 2017
m.	New York OTR	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	November 30, 2017
n.	Delaware OTR	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	September 29, 2017
О.	Riverside County (Coachella Valley), CA	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	July 31, 2017

- 4. If any State withdraws an above-listed submittal, then EPA's obligation to take the action required by Paragraph 3 with respect to that submittal is automatically terminated.
- 5. EPA shall, within 15 days of signature, send the rulemaking package for each action taken pursuant to paragraphs 1 and 3 of this Consent Decree to the Office of the Federal Register for review and publication.

- 6. After EPA has completed the actions set forth in Paragraphs 1 and 3 of this Consent Decree and after notice of each final action required by paragraph 1 and 3 have been published in the Federal Register, and the issue of costs of litigation, including attorney fees has been resolved, EPA may move to have this Decree terminated and the action dismissed. Plaintiffs shall have fourteen (14) days in which to respond to such motion, unless the parties stipulate to a longer time for Plaintiffs to respond.
- 7. The deadlines established by this Consent Decree may be extended (a) by written stipulation of Plaintiffs and EPA with notice to the Court, or (b) by the Court upon motion of EPA for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by Plaintiffs and any reply by EPA. Any other provision of this Consent Decree also may be modified by the Court following motion of an undersigned party for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by a non-moving party and any reply.
- 8. If a lapse in EPA appropriations occurs within one hundred and twenty (120) days prior to a deadline in Paragraphs 1 or 3 in this Decree, that deadline shall be extended automatically one day for each day of the lapse in appropriations. Nothing in this paragraph shall preclude EPA from seeking an extension of deadlines pursuant to Paragraph 7.
- 9. Plaintiffs and EPA agree that this Consent Decree constitutes a complete settlement of Claim 1 as described in paragraph 1 and also of Claim 2 as described in Paragraph 3.
- 10. In the event of a dispute between Plaintiffs and EPA concerning the interpretation or implementation of any aspect of this Consent Decree, the disputing party shall provide the other party with a written notice via electronic mail or other means, outlining the nature of the dispute and requesting informal negotiations. These parties shall meet and confer in order to attempt to resolve the dispute. If these parties are unable to resolve the dispute within ten (10) business days after receipt of the notice, either party may petition the Court to resolve the dispute.
 - 11. No motion or other proceeding seeking to enforce this Consent Decree or for

contempt of Court shall be properly filed unless the procedure set forth in Paragraph 10 has been followed, and the moving party has provided the other party with written notice received at least ten (10) business days before the filing of such motion or proceeding.

- 12. The deadline for filing a motion for costs of litigation (including attorney fees) for activities performed prior to entry of the Consent Decree is hereby extended until ninety (90) days after this Consent Decree is entered by the Court. During this period, the Parties shall seek to resolve informally any claim for costs of litigation (including attorney fees), and if they cannot, the Plaintiffs will file a motion for costs of litigation (including attorney fees) or a stipulation or motion to extend the deadline to file such a motion. EPA reserves the right to oppose any such request. The Court shall retain jurisdiction to resolve any requests for costs of litigation, including attorney fees.
- 13. This Court shall retain jurisdiction over this matter to enforce the terms of this Consent Decree and to consider any requests for costs of litigation, including attorney fees.
- 14. Nothing in the terms of this Consent Decree shall be construed (a) to confer upon this Court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals under CAA section 307(b)(1), 42 U.S.C. § 7607(b)(1), including final action take pursuant to section 110(k) of the CAA, 42 U.S.C. § 7410(k), approving, disapproving, or approving in part and disapproving in part a SIP submittal, or (b) to waive any claims, remedies, or defenses that the parties may have under CAA section 307(b)(1), 42 U.S.C. § 7607(b)(1).
- 15. Nothing in this Consent Decree shall be construed to limit or modify any discretion accorded EPA by the Clean Air Act or by general principles of administrative law in taking the actions which are the subject of this Consent Decree, including the discretion to alter, amend, or revise any final actions promulgated pursuant to this Consent Decree. EPA's obligation to perform each action specified in this Consent Decree does not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.
- 16. Except as expressly provided herein, nothing in this Consent Decree shall be construed as an admission of any issue of fact or law nor to waive or limit any claim, remedy,

or defense, on any grounds, related to any final action EPA takes with respect to the actions addressed in this Consent Decree.

- 17. Plaintiffs reserve the right to seek additional costs of litigation, including reasonable attorney fees, incurred subsequent to entry of this Consent Decree. EPA reserves the right to oppose any such request for additional costs of litigation, including attorney fees.
- 18. It is hereby expressly understood and agreed that this Consent Decree was jointly drafted by Plaintiffs and EPA. Accordingly, the parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning, or interpretation of this Consent Decree.
- 19. The parties agree and acknowledge that before this Consent Decree can be finalized and entered by the Court, EPA must provide notice of this Consent Decree in the Federal Register and an opportunity for public comment pursuant to CAA section 113(g), 42 U.S.C. § 7413(g). After this Consent Decree has undergone notice and comment, the Administrator and/or the Attorney General, as appropriate, shall promptly consider any written comments in determining whether to withdraw or withhold their consent to the Consent Decree, in accordance with CAA section 113(g). If the Administrator and/or the Attorney General do not elect to withdraw or withhold consent, EPA shall promptly file a motion that requests that the Court enter this Consent Decree.
- 20. Any notices required or provided for by this Consent Decree shall be in writing, via electronic mail or other means, and sent to the following (or to any new address of counsel as filed and listed in the docket of the above-captioned matter, at a future date):

For Plaintiffs: Robert Ukeiley

255 Mountain Meadows Road

Boulder, CO 80302 Tel: 303-442-4033

Email: rukeiley@igc.org

For Defendant EPA: Leslie M. Hill

U.S. Department of Justice

Environment & Natural Resources Division Environmental Defense Section 601 D Street N.W., Suite 8000 Washington D.C. 20004 Tel. (202) 514-0375 Email: leslie.hill@usdoj.gov

- 21. EPA and Plaintiffs recognize and acknowledge that the obligations imposed upon EPA under this Consent Decree can only be undertaken using appropriated funds legally available for such purpose. No provision of this Consent Decree shall be interpreted as or constitute a commitment or requirement that the United States obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law.
- 22. If for any reason the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of either party and the terms of the proposed Consent Decree may not be used as evidence in any litigation between the parties.
- 23. The undersigned representatives of Plaintiffs and Defendant EPA certify that they are fully authorized by the party, or parties, they represent to consent to the Court's entry of the terms and conditions of this Decree.

SO ORDERED on this	day of	, 2017.

PHYLLIS J. HAMILTON UNITED STATES DISTRICT JUDGE

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