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9

10 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 SIERRA CLUB and NATURAL RESOURCES)
DEFENSE COUNCIL,)
14)
Plaintiffs,)
15)
v.)
16)
GINA MCCARTHY, in her official capacity as)
17 Administrator of the United States Environmental)
Protection Agency,)
18)
Defendant.)
19

Case No: 3:13-cv-03953 SI

**JOINT NOTICE OF STIPULATED
EXTENSION OF CONSENT DECREE
DEADLINE**

20
21 Pursuant to Paragraph 6 of the Consent Decree entered by this Court on March 2, 2015 (ECF
22 No. 163), Plaintiffs Sierra Club and Natural Resources Defense Council and Defendant Gina
23 McCarthy, Administrator of the United States Environmental Protection Agency (“EPA”) hereby
24 notify the Court of a stipulation by Plaintiffs and EPA to extend one of the deadlines for EPA to take
25 action to promulgate area designations under the consent decree with respect to certain areas
26 specified *infra*.

27 Under the Consent Decree, no later than July 2, 2016, EPA is required to sign for publication
28 a notice of EPA’s promulgation of area designations for the 2010 revised primary Sulfur Dioxide

1 (“SO₂”) National Ambient Air Quality Standard (“NAAQS”) pursuant to section 107(d) of the Clean
2 Air Act, and within ten (10) business days following such signature deliver the notice to the Office
3 of the Federal Register for review and prompt publication, for undesignated areas of the country
4 which:

5 (a) based on air quality monitoring in the three (3) full calendar years preceding
6 such deadline have monitored violations of the 2010 revised primary SO₂
7 NAAQS; or

8 (b) contain any stationary source that has not been “announced for retirement”
9 pursuant to subparagraph (c) by the date of [the] Consent Decree, and that,
10 according to the data in EPA’s Air Markets Database, either (1) emitted more
11 than 16,000 tons of SO₂ in 2012, or (2) emitted more than 2,600 tons of SO₂ and
12 had an annual average emission rate of 0.45 lbs SO₂/Mmbtu or higher in 2012;
13 where

14 (c) “announced for retirement” means any stationary source in the United States
15 with a coal-fired unit that as of January 1, 2010, had a capacity of over five (5)
16 megawatts (MW) and that has announced that it will cease burning coal at that
17 unit through a company public announcement, public utilities commission
18 filing, consent decree, public legal settlement, final state or federal permit filing,
19 or other similar means of communication.

20 ECF No. 163 ¶ 1.

21 Pursuant to Paragraph 6 of the Consent Decree, Plaintiffs and EPA have agreed to a brief 60-
22 day extension, until August 31, 2016, for the following five areas subject to the July 2, 2016
23 deadline and which were identified in EPA’s proposed action entitled “EPA Responses to Certain
24 State Designation Recommendations for the 2010 Sulfur Dioxide National Ambient Air Quality
25 Standard: Notice of Availability and Public Comment Period,” 81 Fed. Reg. 10,563 (Mar. 1, 2016)
26 at Docket ID Nos. EPA-HQ-OAR-2014-0464-0141, -0142, -0143 and -0144 as:

- 27 (1) EPA’s intended “Freestone County Area” in Freestone-Anderson Counties, Texas;
28 (2) EPA’s intended “Milam County Area” in Milam County, Texas;

- 1 (3) EPA's intended "Muskogee County Area" in Muskogee County, Oklahoma;
2 (4) EPA's intended "Rusk County Area" in Rusk-Gregg-Panola Counties, Texas; and
3 (5) EPA's intended "Titus County Area" in Titus County, Texas.
4

5 EPA will take the required action for all other areas subject to the July 2, 2016 deadline by
6 that date.

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8 Dated: June 17, 2016

Respectfully submitted,

9
10 /s/ Nicholas Morales
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12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 17th day of June, 2016, a true and correct copy of the foregoing
14 document was filed electronically with the Clerk of the Court using CM/ECF. I also certify that the
15 foregoing document is being served on all counsel of record via transmission of Notices of
16 Electronic Filing generated by CM/ECF.

17 /s/ Martha C. Mann
18 Martha C. Mann
19 United States Department of Justice
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