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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

EDL

12 C 12 6472
Civ. No.

13 SIERRA CLUB,
14 Plaintiffs,
15 v.
16 LISA P. JACKSON,
17 in her official capacity as
18 Administrator
United States Environmental Protection Agency
19 Defendant.

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

(Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*)

INTRODUCTION

1
2 1. Particulate matter less than 2.5 microns in diameter (“PM2.5”), sometimes
3 referred to as fine particulate, is a major cause of serious air quality problems in many parts of
4 the United States. Exposure to PM2.5 causes death of innocent people, as well as numerous
5 respiratory problems, including decreased lung function, asthma and bronchitis, and is also
6 associated with hospital admissions, cardiopulmonary disease and lung cancer. The detrimental
7 effects of PM2.5 are not limited to human health; PM2.5 also contributes to regional haze,
8 thereby contributing to the visibility range limitations in some of our Nation’s most treasured
9 natural areas.

10 2. To better protect the public from the damage caused by PM2.5, the United States
11 Environmental Protection Agency (“EPA”) promulgated a revised PM2.5 National Ambient Air
12 Quality Standard in 2006. Under the Clean Air Act, each state is required to submit a plan,
13 within three years of the promulgation or revision of a National Ambient Air Quality Standard,
14 which addresses specific requirements to provide for the implementation, maintenance and
15 enforcement of the new standard. These are known as “Infrastructure” state implementation
16 plans (“SIPs”). Without Infrastructure plans, citizens are not afforded full protection against the
17 harmful effects of PM2.5.

18 3. EPA is required to take final action on a state’s Infrastructure state
19 implementation plan submittal by approving in full, disapproving in full, or approving in part and
20 disapproving in part within 12 months of the date a submittal is deemed administratively
21 complete. Furthermore, if a state fails to submit its Infrastructure state implementation plan by
22 the required date, EPA is required to issue a finding stating so, known as a “finding of failure to
23 submit.” EPA has failed to take final action on Illinois’s, Michigan’s, Nebraska’s, South
24 Dakota’s, Wisconsin’s, and California’s Infrastructure state implementation plan submittals or
25 parts of those submittals.

1 Additionally, EPA has failed to promulgate a Federal Implementation Plan (“FIP”) for the
2 requirements of 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the following states for the 2006 PM2.5
3 NAAQS: Alaska, Colorado, District of Columbia, Idaho, Illinois, Iowa, Louisiana, Maryland,
4 Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, Pennsylvania, South Dakota,
5 Utah, Virginia, West Virginia, Wisconsin, and Wyoming. Accordingly, Plaintiff SIERRA
6 CLUB brings this action against Defendant LISA P. JACKSON, in her official capacity as EPA
7 Administrator, to compel her to perform her mandatory duties with respect to these PM2.5
8 Infrastructure state implementation plans.

9
10 **JURISDICTION**

11 4. This case is a Clean Air Act citizen suit. Therefore, the Court has jurisdiction
12 over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. §
13 7604(a) (Clean Air Act citizen suits).

14 5. An actual controversy exists between the parties. This case does not concern
15 federal taxes, is not a proceeding under 11 U.S.C. §§ 505 of 1146, and does not involve the
16 Tariff Act of 1930. Thus, this Court has jurisdiction to order declaratory relief under 28 U.S.C. §
17 2201. If the Court orders declaratory relief, 28 U.S.C. § 2202 authorizes this Court to issue
18 injunctive relief.

19
20 **NOTICE**

21 6. Sierra Club mailed to EPA by certified mail, return receipt requested, written
22 notice of intent to sue regarding the violations alleged in this Complaint. EPA received the
23 notice letter regarding Wisconsin by no later than August 27, 2012 and the notice letter regarding
24 Illinois, Michigan, Nebraska, South Dakota, and California by no later than September 24, 2012.
25 EPA received the notice letter for failure to promulgate FIPs by no later than August 13, 2012.

1 More than sixty days have passed since EPA received these notice letters. EPA has not remedied
2 the violations alleged in this Complaint. Therefore, a present and actual controversy exists
3 between the parties.

4 **VENUE**

5 7. Defendant EPA resides in this judicial district. This civil action is brought against
6 an officer of the United States acting in her official capacity and a substantial part of the events
7 or omissions giving rise to the claims in this case occurred in the Northern District of California.
8 One of the claims in this Complaint concerns EPA's failure to perform mandatory duties with
9 regard to California. EPA Region 9 is headquartered in San Francisco. Thus several of the
10 events and omissions at issue in this action occurred at EPA's Region 9 headquarters in San
11 Francisco. In addition, Plaintiff Sierra Club is headquartered in San Francisco. Accordingly,
12 venue is proper in this Court pursuant to 28 U.S.C. § 1391(e).

13 **INTRADISTRICT ASSIGNMENT**

14 8. A substantial part of the events and omissions giving rise to the claims in this case
15 occurred in the County of San Francisco. Accordingly, assignment to the San Francisco Division
16 or the Oakland Division is proper pursuant to Civil L.R. 3-2(c) and (d).

17 **PARTIES**

18 9. Plaintiff SIERRA CLUB is a national grassroots nonprofit conservation
19 organization formed in 1892. Sierra Club's purpose includes practicing and promoting the
20 responsible use of earth's ecosystems, and protecting and restoring the quality of the natural and
21 human environment.
22

23 10. Sierra Club has over 600,000 members nationally. Members and staff of Sierra
24 Club live, work, recreate, and travel throughout the areas at issue in this case and will continue to
25

1 do so on a regular basis. PM2.5 in the affected states threatens, and will continue to threaten, the
2 health and welfare of the Sierra Club's staff and members. Sierra Club staff's and members'
3 ability to enjoy the aesthetic qualities and recreational opportunities as well as their economic
4 wellbeing is diminished in the affected areas due to impacts from PM2.5 pollution.

5 11. EPA's failure to timely perform the mandatory duties described herein also
6 adversely affects Sierra Club, as well as its staff and members, by depriving it of procedural
7 protection and opportunities as well as information which it is entitled to under the Clean Air
8 Act. The failure of EPA to perform the mandatory duties also creates uncertainty for Sierra
9 Club's staff and members as to whether they are exposed to excess air pollution.

10 12. The above injuries will continue until the Court grants the relief requested herein.

11 13. Defendant LISA P. JACKSON is the Administrator of the United States
12 Environmental Protection Agency. In that role Administrator Jackson has been charged by
13 Congress with the duty to administer the Clean Air Act, including the mandatory duties at issue
14 in this case.

15
16 **LEGAL BACKGROUND**

17 14. Congress enacted the Clean Air Act to "speed up, expand, and intensify the war
18 against air pollution in the United States with a view to assuring that the air we breathe
19 throughout the Nation is wholesome once again." H.R.Rep. No. 1146, 91st Cong., 2d Sess. 1,1,
20 1970 U.S.Code Cong. & Admin. News 5356, 5356. To promote this, the Act requires EPA to set
21 National Ambient Air Quality Standards for certain pollutants, including PM2.5. National
22 Ambient Air Quality Standards establish maximum allowable concentrations in the air of these
23 pollutants.

24 15. Each National Ambient Air Quality Standard must be stringent enough to protect
25 public health and welfare. Effects on welfare include, but are not limited to, effects on soils,

1 water, vegetation, manmade materials, wildlife, visibility (*i.e.*, haze), climate, damage to
2 property, economic impacts and effects on personal comfort and well-being.

3 16. The Clean Air Act requires each state to submit a state implementation plan for
4 every promulgation or revision of a National Ambient Air Quality Standard, within three years
5 of that standard's promulgation or revision, that provides for the "implementation, maintenance,
6 and enforcement" of the standard. 42 U.S.C. § 7410(a)(1). These are often referred to as
7 "infrastructure" state implementation plans.

8 17. An infrastructure state implementation plan submittal must meet the requirements
9 listed under 42 U.S.C. § 7410(a)(2). *See* 42 U.S.C. §§ 7410(a)(2)(A)-(M).

10 18. The Clean Air Act requires EPA to determine whether any state implementation
11 plan submittal is administratively complete. *See* 42 U.S.C. 7410(k)(1)(B). If, six months after a
12 state submits a state implementation plan, EPA has not made the completeness finding and has
13 not found the submittal to be incomplete, the submittal is deemed administratively complete by
14 operation of law. *Id.*

15 19. EPA has a mandatory duty to take final action on any administratively complete
16 state implementation plan submittal by approving in full, disapproving in full or approving in
17 part and disapproving in part within 12 months of the date it is deemed administratively
18 complete. 42 U.S.C. § 7410(k)(2) and (3).

19 20. If a state fails to submit any required state implementation plan, there is no
20 submittal that may be deemed administratively complete and EPA must make a determination
21 stating that the state failed to submit the required state implementation plan. 42 U.S.C. §
22 7410(k)(1)(B). This is referred to as a "finding of failure to submit."

23 21. Under the Clean Air Act, EPA "shall promulgate a Federal implementation plan
24 at any time within 2 years after" it "(A) finds that a State has failed to make a required
25 submission or finds that the plan or plan revision submitted by the State does not satisfy the

1 minimum criteria established under [42 U.S.C. § 7410(k)(1)(A)]” 42 U.S.C. § 7410(c)(1).
2 EPA’s mandatory duty to promulgate a FIP is relieved only if “the State corrects the deficiency,
3 and the Administrator approves the plan or plan revision” before the FIP is promulgated. *Id.*

4 5 **FACTS**

6 22. On October 17, 2006, EPA published notice of promulgating a revision to the
7 PM2.5 24-hour National Ambient Air Quality Standard. 71 Fed. Reg. 61144 (Oct. 17, 2006).

8 23. Thus, states were required to submit Infrastructure SIPs for the 2006 PM2.5
9 National Ambient Air Quality Standard by no later than October 17, 2009. *See* 42 U.S.C. §

10 7410(a)(1). 24. By no later than August 24, 2011, either EPA or operation law of deemed
11 Illinois’ 2006 PM2.5 infrastructure state implementation submittal addressing the requirement of
12 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3 PSD only) and 7410(a)(2)(E)(ii) complete (available
13 at [http://www.epa.gov/air/urbanair/sipstatus/reports/il_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/il_infrabypoll.html#x110_a_2_pm-2.5_2006)
14 [2.5_2006](http://www.epa.gov/air/urbanair/sipstatus/reports/il_infrabypoll.html#x110_a_2_pm-2.5_2006)). (Last viewed November 12, 2012).

15 25. By no later than August 24, 2011, either EPA or operation law of deemed
16 Michigan’s 2006 PM2.5 infrastructure state implementation submittal addressing the
17 requirement of 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3 PSD only) and 7410(a)(2)(E)(ii)
18 complete. (Available at
19 [http://www.epa.gov/air/urbanair/sipstatus/reports/mi_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/mi_infrabypoll.html#x110_a_2_pm-2.5_2006)
20 [2.5_2006](http://www.epa.gov/air/urbanair/sipstatus/reports/mi_infrabypoll.html#x110_a_2_pm-2.5_2006)). (Last viewed November 12, 2012).

21 26. By no later than August 30, 2011, either EPA or operation of law deemed
22 Nebraska’s 2006 PM2.5 infrastructure state implementation plan submittal addressing the
23 requirements under 42 U.S.C. § 7410(a)(2)(A)-(C), (D)(i)(I)(Prong 1 – Interstate Transport –
24 significant contribution only), (D)(i)(II)(Prong 3, PSD), (D)(ii), (E)-(M), complete. *See* EPA,
25 Status of State SIP Infrastructure Requirements— Nebraska (available at

1 [http://www.epa.gov/air/urbanair/sipstatus/reports/ne_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/ne_infrabypoll.html#x110_a_2_pm-2.5_2006_)
2 [2.5_2006_](http://www.epa.gov/air/urbanair/sipstatus/reports/ne_infrabypoll.html#x110_a_2_pm-2.5_2006_)) (last viewed Nov. 12, 2012).

3 27. By no later than September 4, 2011, either EPA or operation of law deemed South
4 Dakota's 2006 PM2.5 infrastructure state implementation plan submittal addressing the
5 requirements under 42 U.S.C. § 7410(a)(2)(A)-(D)(i) and (E)-(M) complete. See EPA, Status of
6 State SIP Infrastructure Requirements— South Dakota (available at
7 [http://www.epa.gov/air/urbanair/sipstatus/reports/sd_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/sd_infrabypoll.html#x110_a_2_pm-2.5_2006_)
8 [2.5_2006_](http://www.epa.gov/air/urbanair/sipstatus/reports/sd_infrabypoll.html#x110_a_2_pm-2.5_2006_)). (last viewed Nov. 12, 2012).

9 28. By no later than January 7, 2010, either EPA or operation of law deemed
10 California's 2006 PM2.5 infrastructure state implementation plan submittal addressing the
11 requirements under 42 U.S.C. § 7410(a)(2)(A)-(B), (D)-(H), and (K)-(M) complete. See EPA,
12 Status of State SIP Infrastructure Requirements—California (available at
13 [http://www.epa.gov/air/urbanair/sipstatus/reports/ca_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/ca_infrabypoll.html#x110_a_2_pm-2.5_2006_)
14 [2.5_2006_](http://www.epa.gov/air/urbanair/sipstatus/reports/ca_infrabypoll.html#x110_a_2_pm-2.5_2006_))(last viewed Nov. 29, 2012).

15 29. By no later than July 24, 2011 either EPA or operation of law deemed
16 Wisconsin's 2006 PM2.5 infrastructure state implementation plan submittal addressing the
17 requirements under 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3, PSD and Prong 4, visibility) and
18 7410(a)(2)(E)(ii) complete. See EPA, Status of State SIP Infrastructure Requirements—
19 Wisconsin (available at
20 [http://www.epa.gov/air/urbanair/sipstatus/reports/wi_infrabypoll.html#x110_a_2_pm-](http://www.epa.gov/air/urbanair/sipstatus/reports/wi_infrabypoll.html#x110_a_2_pm-2.5_2006_)
21 [2.5_2006_](http://www.epa.gov/air/urbanair/sipstatus/reports/wi_infrabypoll.html#x110_a_2_pm-2.5_2006_))(last viewed Nov. 29, 2012).

22 30. On June 9, 2010, EPA made a finding that several states, including, *inter alia*,
23 Alaska, Colorado, District of Columbia, Idaho, Illinois, Iowa, Louisiana, Maryland, Michigan,
24 Minnesota, Montana, Nebraska, North Dakota, Oregon, Pennsylvania, South Dakota, Utah,
25 Virginia, West Virginia, Wisconsin, and Wyoming, had failed to submit SIPs to satisfy the

1 attainment and maintenance interstate transport requirements—42 U.S.C. § 7410(a)(2)(D)(i)(I)—
2 of the 2006 PM_{2.5} NAAQS. 75 Fed. Reg. 32673 (June 9, 2010) (effective July 9, 2010). Since
3 this finding, EPA has not yet approved any state implementation plan for any of these states
4 addressing these requirements.

5 31. EPA contends that the following states had some or all of the requirements of 42
6 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2006 PM_{2.5} NAAQS satisfied by the Cross State Air
7 Pollution Rule (“CSAPR”) or subsequent revisions: Iowa, Illinois, Maryland, Michigan,
8 Minnesota, Nebraska, Pennsylvania, Virginia, West Virginia, and Wisconsin. *See* 76 Fed. Reg.
9 48208 (Aug. 8, 2011) (CSAPR); 77 Fed. Reg. 10324 (Feb. 21, 2012) (Revisions to CSAPR); 77
10 Fed. Reg. 34,830 (June 12, 2012) (Further Revisions to CSAPR); EPA, “Status of State SIP
11 Infrastructure Requirements,” (available at
12 http://www.epa.gov/air/urbanair/sipstatus/reports/map_i.html) (click on a state, then “110(a)(2)
13 PM-2.5 (2006)”) (last visited November 3, 2012). However, CSAPR was vacated by a decision
14 of the U.S. Court of Appeals for the D.C. Circuit. *See EME Homer City Generation, L.P. v.*
15 *EPA*, 11-1302 (D.C. Circ.) (available at
16 <http://www.epa.gov/airtransport/pdfs/CourtDecision.pdf>). Therefore, because CSAPR is not an
17 effective rule, EPA still has a mandatory duty to promulgate a FIP for those states. *See e.g.*
18 *Sierra Club v. Johnson*, Civ. Act. No. 04-2163-JR, Slip. Op. at 7-8 (D.D.C. Apr. 6, 2005).

19 32. EPA is in violation of its mandatory duty to promulgate a FIP satisfying the
20 requirements of 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2006 PM_{2.5} NAAQS by no later than
21 July 9, 2012 for the following states: Alaska, Colorado, District of Columbia, Idaho, Illinois,
22 Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon,
23 Pennsylvania, South Dakota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

CLAIMS FOR RELIEF

CLAIM ONE

(EPA's Failure to Take Final Action on several States' 2006 PM2.5 Infrastructure State Implementation Plan Submittals)

33. Plaintiff incorporates by reference paragraphs 1 through 32.

34. The Clean Air Act requires EPA to determine whether any state implementation plan submittal is administratively complete. *See* 42 U.S.C. 7410(k)(1)(B).

35. If, six months after a state submits a state implementation plan, EPA has not made the completeness finding and has not found the submittal to be incomplete, the submittal is deemed administratively complete by operation of law. *Id.*

36. EPA must take final action on an administratively complete submittal by approving in full, disapproving in full, or approving in part and disapproving in part within 12 months of the date of the submittal's completeness finding. 42 U.S.C. § 7410(k)(2) and (3).

37. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take final action on Illinois' 2006 PM2.5 infrastructure state implementation plan submittal for 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3 PSD only) and 7410(a)(2)(E)(ii) by no later than August 24, 2012.

38. EPA has failed to perform this mandatory duty by not approving in full, disapproving in full, or approving in part and disapproving in part Illinois' 2006 PM2.5 infrastructure state implementation plan submittal for 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3 PSD only) and 7410(a)(2)(E)(ii) by no later than August 24, 2012.

39. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take final action on Michigan's 2006 PM2.5 infrastructure state implementation plan submittal for 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3 PSD only) and 7410(a)(2)(E)(ii) by no later than August 24, 2012.

1 40. EPA has failed to perform this mandatory duty by not approving in full,
2 disapproving in full, or approving in part and disapproving in part Michigan's 2006 PM2.5
3 infrastructure state implementation plan submittal for 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3
4 PSD only) and 7410(a)(2)(E)(ii) by no later than August 24, 2012.

5 41. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take
6 final action on Nebraska's 2006 PM2.5 infrastructure state implementation plan submittal for 42
7 U.S.C. § 7410(a)(2)(A)-(C), (D)(i)(I)(Prong 1 – Interstate Transport – significant contribution
8 only), (D)(i)(II)(Prong 3, PSD), (D)(ii), (E)-(M) by no later than August 30, 2012.

9 42. EPA has failed to perform this mandatory duty by not approving in full,
10 disapproving in full, or approving in part and disapproving in part Nebraska's 2006 PM2.5
11 infrastructure state implementation plan submittal for 42 U.S.C. § 7410(a)(2)(A)-(C),
12 (D)(i)(I)(Prong 1 – Interstate Transport – significant contribution only), (D)(i)(II)(Prong 3, PSD),
13 (D)(ii), (E)-(M) by no later than August 30, 2012.

14 43. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take
15 final action on South Dakota's 2006 PM2.5 infrastructure state implementation plan submittal
16 for 42 U.S.C. § 7410(a)(2)(A)-(D)(i) and (E)-(M) by no later than September 4, 2012.

17 44. EPA has failed to perform this mandatory duty by not approving in full,
18 disapproving in full, or approving in part and disapproving in part South Dakota's 2006 PM2.5
19 infrastructure state implementation plan submittal for 42 U.S.C. § 7410(a)(2)(A)-(D)(i) and (E)-
20 (M) by no later than September 4, 2012.

21 45. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take
22 final action on California's 2006 PM2.5 infrastructure state implementation plan submittal
23 addressing the addressing the requirements under 42 U.S.C. § 7410(a)(2)(A)-(B), (D)-(H), and
24 (K)-(M) by no later than January 7, 2011.

25

1 46. EPA has failed to perform this mandatory duty by not approving in full,
2 disapproving in full, or approving in part and disapproving in part California's 2006 PM2.5
3 infrastructure state implementation plan submittal addressing the requirements under 42 U.S.C. §
4 7410(a)(2)(A)-(B), (D)-(H), and (K)-(M) by no later than January 7, 2011.

5 45. Pursuant to 42 U.S.C. § 7410(k)(2) and (3), EPA has a mandatory duty to take
6 final action on Wisconsin's 2006 PM2.5 infrastructure state implementation plan submittal
7 addressing the requirements under 42 U.S.C. §§ 7410(a)(2)(D)(i)(II)(Prong 3, PSD and Prong 4,
8 visibility) and 7410(a)(2)(E)(ii) by no later than July 24, 2012.

9 46. EPA has failed to perform this mandatory duty by not approving in full,
10 disapproving in full, or approving in part and disapproving in part Wisconsin's 2006 PM2.5
11 infrastructure state implementation plan submittal addressing the requirements under 42 U.S.C.
12 §§ 7410(a)(2)(D)(i)(II)(Prong 3, PSD and Prong 4, visibility) and 7410(a)(2)(E)(ii) by no later
13 than July 24, 2012.

14
15 **CLAIM TWO**
(EPA's Failure to Promulgate FIPs)
16

17 49. Pursuant to 42 U.S.C. § 7410(c)(1), EPA has a mandatory duty to promulgate a
18 FIP for 2006 PM2.5 infrastructure state implementation plans addressing the requirements under
19 42 U.S.C. § 7410(a)(2)(D)(i)(I)—for Alaska, Colorado, District of Columbia, Idaho, Illinois,
20 Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon,
21 Pennsylvania, South Dakota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming by July 9,
22 2012.

23 50. EPA has failed to perform this mandatory duty by failing to promulgate a FIP
24 satisfying the requirements of 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2006 PM2.5 NAAQS by no
25 later than July 9, 2012 for Alaska, Colorado, District of Columbia, Idaho, Illinois, Iowa,

1 Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon,
2 Pennsylvania, South Dakota, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

3
4 **REQUEST FOR RELIEF**

5 WHEREFORE, Sierra Club respectfully request that the Court:

- 6 A. Declare that the Administrator is in violation of the Clean Air Act with regard to her
7 failure to perform each mandatory duty listed above;
- 8 B. Issue a mandatory injunction requiring the Administrator to perform her mandatory
9 duties by certain dates;
- 10 C. Retain jurisdiction of this matter for purposes of enforcing and effectuating the Court's
11 order;
- 12 D. Grant Sierra Club its reasonable costs of litigation, including attorneys' and expert fees;
13 and
- 14 E. Grant such further relief as the Court deems just and proper.

15
16 Respectfully submitted,

17
18 s/Andrea Issod

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23 Dated: December 21, 2012