



ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
NORTHWEST ROCKY MOUNTAIN WASHINGTON, D.C. INTERNATIONAL

March 12, 2015

VIA CERTIFIED MAIL

Ms. Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: 60-Day Notice of Intent to File Clean Air Act Citizen Suit

Dear Administrator McCarthy,

This letter is submitted on behalf of Sierra Club¹ and Physicians for Social Responsibility – Los Angeles,² to notify you, pursuant to section 304(b) of the Clean Air Act (“CAA” or “Act”) (42 U.S.C. § 7604(b)), that these organizations intend to sue the U.S. Environmental Protection Agency (“EPA”) for its failure to perform non-discretionary duties related to the implementation of the 2006 National Ambient Air Quality Standards (“NAAQS”) for particulate matter less than 2.5 microns in diameter (“PM2.5”) in the Los Angeles-South Coast Air Basin, CA (“South Coast”) nonattainment area. These organizations ask that you direct your staff to take the immediate actions described below as required under the Act.

According to EPA, exposure to PM2.5 has been linked to premature death, heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms. *See* 78 Fed. Reg. 3,086, 3,086 (Jan. 15, 2013). Many of these impacts are suffered most acutely by our most vulnerable, including people with heart or lung disease, children, and the elderly. *Id.* at 3,104.

In 2006, EPA revised the NAAQS for particulate matter, setting a 35 µg/m³ 24-hour standard for PM2.5. 71 Fed. Reg. 61144 (Oct. 17, 2006); 40 C.F.R. § 50.13. Effective December 14, 2009, EPA designated the South Coast as a nonattainment area for this standard. 74 Fed. Reg. 58,688 (Nov. 13, 2009); 40 C.F.R. § 81.305.

On February 13, 2013, the California Air Resources Board submitted the South Coast’s 2012 Air Quality Management Plan to EPA. *See* Submittal from Mary Nichols to Jared Blumenfeld (Feb. 13, 2013), *available at* <http://www.arb.ca.gov/planning/sip/planarea/scabsip/2012%20AQMP%20Submittal%20Letter%20to%20U.S.%20EPA.pdf>. Pursuant to CAA section

¹ Sierra Club, 85 Second Street, 2nd Floor, San Francisco, CA 94105.

² Physicians for Social Responsibility – Los Angeles, 617 S. Olive Street, Suite 200, Los Angeles, CA 90014-1629.

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110(k), upon submission EPA had 18 months, or until August 13, 2014, to approve the plan, disapprove the plan, or approve in part and disapprove in part. 42 U.S.C. § 7410(k)(1)(B), (k)(2).

EPA has failed to complete its nondiscretionary duty to approve, disapprove, or approve in part and disapprove in part the South Coast's 2012 Air Quality Management Plan. Unless this deficiency is promptly addressed, Sierra Club and Physicians for Social Responsibility – Los Angeles intend to file suit in U.S. District Court sixty days after your receipt of this letter. Please feel free to contact me at (415) 217-2000 to further discuss the basis for this claim, or to explore possible options for resolving this claim short of litigation.

Sincerely,



Adrian Martinez
Elizabeth Forsyth
Counsel for Sierra Club, and
Physicians for Social Responsibility – Los Angeles,

cc: Jared Blumenfeld, Regional Administrator, EPA Region 9