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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

June 7, 2017

Scott Pruitt
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Clean Air Act Notice of Intent to Sue pursuant to 42 U.S.C. § 7604(b)(2) for failure to take final action under 42 U.S.C. § 7410(k)(2) - (4) ozone nonattainment areas state implementation plans to address PAMS

Dear Administrator McCarthy,

On behalf of the Center for Biological Diversity and the Center for Environmental Health, I am writing to inform you that they intend to file suit against you for “a failure of the Administrator [of the United States Environmental Protection Agency (“EPA”)] to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). Specifically, under 42 U.S.C. § 7410(k)(2) - (4), EPA must take final action, and publish notice of that action in the Federal Register, on the California SIP submittal dated November 10, 1993 regarding Photochemical Assessment Monitoring Stations SIP Revision. As explained in more detail below, EPA has failed to perform this mandatory duty.

I. FAILURE TO APPROVE OR DISAPPROVE IN WHOLE OR PART

The Clean Air Act requires that if, six months after a state submits a SIP submittal, 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. 42 U.S.C. § 7410(k)(1)(B). 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 completeness finding. 42 U.S.C. § 7410(k)(2) - (4).

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California submitted SIP revision dated November 10, 1993 regarding Photochemical Assessment Monitoring Stations SIP Revisions. See attached. This submittal would have become administratively complete no later than May 10, 1994. Thus, EPA had a mandatory duty to take final action on this SIP submittal by no later than May 10, 1995. Even if EPA takes the position that it did not receive this SIP submittal until several days or weeks after November 10, 1993 and that EPA's mandatory duty runs from the date it receives a SIP submittal, the date for final action on this submittal is still past.

As required by 40 C.F.R. § 54.3, the persons providing this notice are:

The Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA. 94612
Attn: Jonathan Evans
Tel: (510) 844-7100 x318

Center for Environmental Health
2201 Broadway, Suite 302
Oakland, CA 94612
Attn: Caroline Cox
Tel: (510) 655-3900

While EPA regulations require this information, please direct all correspondences and communications regarding this matter to the undersigned counsel.

The Environmental Groups and their counsel would prefer to resolve this matter without the need for litigation. Therefore, we look forward to EPA coming into compliance within 60 days. If you do not do so, however, we will have to file or amend a complaint.

Sincerely,



Robert Ukeiley
Counsel for Center for Biological Diversity,
and Center for Environmental Health