

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIERRA CLUB)
 2101 Webster St., Suite 1300)
 Oakland, CA 94612)
)
 Plaintiff,)
)
 v.)
)
 SCOTT PRUITT, in his official capacity as)
 Administrator of the United States Environmental)
 Protection Agency)
 Ariel Rios Building)
 1200 Pennsylvania Avenue, N.W.)
 Washington, DC 20460)
)
 Defendant.)

Civ. No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. The Administrator of the United States Environmental Protection Agency (“Administrator” or “EPA”) has failed to perform his non-discretionary duty to grant or deny a petition filed by the Sierra Club on August 8, 2016 (hereinafter “Petition”), asking EPA to object to the air pollution control operating permit (hereinafter “the Permit”) issued by the Tennessee Department of Environment and Conservation (“DEC”) under Title V of the Clean Air Act for Tennessee Valley Authority’s (“TVA”) Gallatin Fossil Plant (“Gallatin”). *See* 42 U.S.C. § 7661d(b)(2) (authorizing such petitions).

2. Although well more than sixty days have passed since Sierra Club filed its August 8, 2016 petition with the EPA, the Administrator has not granted or denied Sierra Club’s

Petition, in contravention of the mandatory sixty-day deadline for such action imposed under the Clean Air Act. *See* 42 U.S.C. § 7661d(b)(2). The Administrator, therefore, has violated and continues to violate his nondiscretionary duty under the Clean Air Act.

3. Accordingly, Sierra Club seeks a declaration that the Administrator is in violation of the Clean Air Act and an order compelling the Administrator to grant or deny Sierra Club's Petition by a date certain.

II. JURISDICTION

4. The instant action arises under the Clean Air Act, 42 U.S.C. § 7661d(b). This Court has jurisdiction over Sierra Club's claims pursuant to 42 U.S.C. § 7604(a) and 28 U.S.C. §§ 1331, 1361. This Court has authority to order declaratory and injunctive relief pursuant to 42 U.S.C. § 7604 and 28 U.S.C. §§ 1361, 2201, and 2202.

III. NOTICE

5. By certified letter dated October 12, 2016, Sierra Club provided the Defendant with written notice of the Administrator's failure to perform his nondiscretionary duty at issue in this case and of its intent to bring this action, as required by 42 U.S.C. § 7604(b) and 40 C.F.R. §§ 54.2, 54.3. A copy of this notice is provided as Exhibit A to this Complaint. A period of more than sixty days has elapsed since Defendant was notified of Sierra Club's claim and intent to file suit. Therefore, notice was proper. *See* 42 U.S.C. § 7604(b)(2).

IV. VENUE

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e)(1). A substantial part of the events or omissions giving rise to Sierra Club's claim occurred in the District of Columbia. Defendant Administrator Pruitt is an officer of the United States, sued for acts and omissions in his official capacity as Administrator of the EPA, and EPA has its principal

office in the District of Columbia.

V. PARTIES

7. Plaintiff Sierra Club is the oldest and largest grassroots environmental organization in the United States, with over 750,000 members nationally, including over 8,000 members in Tennessee. Sierra Club's mission is to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's resources and ecosystems; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. Sierra Club and its members are greatly concerned about the effects of air pollution on the environment and human health and have a long history of involvement in activities related to air quality and source permitting under the Clean Air Act.

8. Sierra Club is a "person" within the meaning of 42 U.S.C. § 7602(e). As such, Sierra Club may commence a civil action under 42 U.S.C. § 7604(a).

9. The Administrator's failure to perform the mandatory duty described in this Complaint has injured and continues to injure the health, recreational, environmental, organizational, and procedural interests of Sierra Club and its members.

10. Sierra Club members live, work, travel, and recreate in areas where they are exposed to dangerous air pollutants emitted from the Gallatin Plant. Such air pollutants, which include particulate matter and sulfur dioxide, as well as nitrogen oxides, volatile organic compounds, carbon monoxide, and hazardous air pollutants, are associated with a variety of adverse health effects and damage to wildlife and vegetation. The Permit upon which Sierra Club's Petition is based purports to authorize Gallatin to release such air pollutants, thereby threatening the health of Sierra Club members and their use and enjoyment of the air,

environment, wildlife, and scenery adversely impacted by such pollutants.

11. EPA's failure to respond to Sierra Club's Petition creates doubt and concern for Sierra Club members about whether the Gallatin Plant is operating in compliance with the requirements of the Clean Air Act and whether they are being protected from exposure to air pollutants to the extent required by law.

12. During the permitting process for Gallatin, Sierra Club provided comments critical of the Permit's terms and limits. Subsequently, Sierra Club petitioned EPA to object to the issuance of the Permit. The Clean Air Act gives Sierra Club a procedural right to a timely, sixty-day decision on its Petition. *See* 42 U.S.C. § 7661d(b)(2). EPA's continuing failure to respond to Sierra Club's Petition causes harm by depriving Sierra Club and its members of protections to which they are entitled under the Clean Air Act and their procedural right to a timely decision on the Petition. EPA's failure to act prevents Sierra Club and its members from challenging an unfavorable EPA decision or benefiting from a favorable decision on the Petition.

13. Granting the relief requested in this lawsuit would redress Sierra Club and its members' injuries.

14. Scott Pruitt is sued in his official capacity as the Administrator of the EPA. The Administrator is responsible for taking various actions to implement and enforce the Clean Air Act, including the mandatory duty at issue in this case.

VI. LEGAL BACKGROUND

15. The core purpose of the Clean Air Act is the protection of public health against the effects of harmful air pollution. *See* 42 U.S.C. § 7401(b)(1). To help meet this goal, the 1990 amendments to the Clean Air Act created the Title V permit program, an operating permit program that applies to all major sources of air pollution. *See* 42 U.S.C. §§ 7661-7661f.

16. Major sources of air pollution must obtain a valid operating permit issued pursuant to Title V of the Clean Air Act, which records applicable air pollution control requirements in a single document. *See* 42 U.S.C. §§ 7661a(a), 7661c(a). Sources regulated under Title V of the Act may not operate except in compliance with their Title V permits, 42 U.S.C. § 7661a(a), and such permits “shall include enforceable emission limitations and standards . . . and such other conditions as are necessary to assure compliance with applicable requirements of [the Air Pollution Prevention and Control] chapter, including the requirements of the applicable implementation plan.” 42 U.S.C. § 7661c(a); *see also* 40 C.F.R. § 70.6(a)(1).

17. The Clean Air Act provides that the EPA Administrator may approve state programs to administer the Title V permitting program with respect to sources within their borders. *See* 42 U.S.C. § 7661a(d). EPA fully approved Tennessee’s administration of its Title V permit program in 2001. *See* Tennessee Air Pollution Control Regulations Chapter 1200-03-09; *see also* 40 C.F.R. Part 70, Appendix A, Tennessee (a)(2) (“The State’s operating permit program is hereby granted final full approval effective on November 30, 2001.”).

18. Before Tennessee DEC may issue a Title V permit, the state agency must send the proposed Title V permit to EPA for review. 42 U.S.C. § 7661d(a)(1). EPA then has forty-five days to review the proposed permit. 42 U.S.C. § 7661d(b). EPA must object to the issuance of the permit if EPA finds that the permit does not comply with all applicable requirements under the Clean Air Act. *Id.*

19. If the Administrator does not object in writing to the issuance of the proposed permit on his own accord, any person may, within sixty days after the expiration of EPA’s review period, petition the Administrator to take such action. 42 U.S.C. § 7661d(b)(2).

20. The Clean Air Act sets a mandatory deadline by which EPA must respond to any

such petition, requiring that the Administrator “shall grant or deny such petition within 60 days after the petition is filed.” *Id.*

21. If EPA objects to a permit, the permitting authority may not issue the permit unless it is revised. 42 U.S.C. § 7661d(b)(3). If the permitting authority has issued the permit prior to receipt of an objection by the Administrator, the Administrator shall modify, terminate, or revoke such permit. *Id.*

22. If the Administrator fails to comply with a non-discretionary duty, such as acting on a petition to object within the statutorily mandated sixty-day time frame, the Clean Air Act allows any person to bring suit to compel the Administrator to do so. *See* 42 U.S.C. § 7604(a).

VII. FACTUAL BACKGROUND

23. Gallatin is a major stationary source of air pollution located in Sumner County, Tennessee and subject to Title V of the Clean Air Act. The facility’s operation consists primarily of four large coal-fired boilers.

24. On February 11, 2016, Tennessee DEC noticed a proposed Title V permit for the Gallatin Plant with a thirty-day public comment period. Sierra Club submitted timely comments on the Proposed Permit on March 11, 2016.

25. EPA’s forty-five day review period for the proposed permit began on May 13, 2016, and ended on June 27, 2016.

26. On August 8, 2016, Sierra Club filed a petition requesting that the Administrator object to the issuance of the Gallatin Title V permit on the basis that it: includes impermissibly lax compliance requirements for opacity, particulate matter, and fugitive dust emissions; fails to incorporate reporting requirements to ensure compliance with a governing 2011 Consent Decree; includes startup/shutdown provisions that are inconsistent with the Clean Air Act; and imposes

an unreasonably permissive emissions limit for sulfur dioxide. Sierra Club's Petition was timely filed within sixty days following the conclusion of EPA's forty-five day review period, *see* 42 U.S.C. § 7661d(b)(2), and was based on objections that were raised with reasonable specificity during the public comment period for the proposed permit, in accordance with 42 U.S.C. § 7661d(b)(2).

27. EPA had sixty days, until October 8, 2016, to grant or deny Sierra Club's Petition. 42 U.S.C. § 7661d(b)(2). As of the date of filing of this complaint, EPA has not yet granted or denied the Petition.

VIII. CLAIM FOR RELIEF

28. Sierra Club incorporates the allegations in all preceding paragraphs of this Complaint as if set forth in full herein.

29. The Administrator had a nondiscretionary duty to grant or deny Sierra Club's Petition within sixty days after it was filed. 42 U.S.C. § 7661d(b)(2) ("The Administrator shall grant or deny such petition within 60 days after the petition is filed") (emphasis added).

30. More than sixty days have passed since Sierra Club filed its August 8, 2016 Petition requesting that EPA object to the Title V Permit for Gallatin.

31. As of the date of filing this Complaint, the Administrator has not granted or denied Sierra Club's Petition. Thus, the Administrator has violated and continues to violate the Clean Air Act, 42 U.S.C. § 7661d(b)(2).

32. This Clean Air Act violation constitutes a "failure of the Administrator to perform any act or duty under [the Air Pollution Prevention and Control] chapter which is not discretionary with the Administrator" within the meaning of the Clean Air Act's citizen suit provision. 42 U.S.C. § 7604(a). The Administrator has been in violation of his non-

discretionary duty for 219 days, the violation is ongoing, and will continue unless remedied by this Court.

IX. REQUEST FOR RELIEF

WHEREFORE, Sierra Club respectfully requests this Court enter judgment providing the following relief:

A) A declaration that the Administrator has violated the Clean Air Act by failing to grant or deny Sierra Club's Petition requesting that EPA object to the Title V operating permit for Gallatin;

B) An order compelling the Administrator to perform his mandatory duty to grant or deny Sierra Club's Petition for objection to the Title V operating permit for Gallatin by an expeditious certain date;

C) An order retaining jurisdiction over this matter until such time as the Administrator has complied with his non-discretionary duty under the Clean Air Act;

D) An order awarding Sierra Club its costs of litigation, including reasonable attorneys' fees; and

E) Such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: May 15, 2017

/s/ Kathryn Amirpashaie

Kathryn M. Amirpashaie
DC Bar Id. No. 1001491
Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Avenue NE
Leesburg, VA 20176
Tel: (703) 771-8394
kmalawoffice@gmail.com

Zachary M. Fabish
DC Bar Id. No. 986127
The Sierra Club
50 F Street NW, Eighth Floor
Washington, DC 20009
Tel: (202) 675-7917
zachary.fabish@sierraclub.org

Counsel for Plaintiff Sierra Club

EXHIBIT A

Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Avenue NE, Leesburg, Virginia 20176

Kathryn M. Amirpashaie

Telephone: 703.771.8394
E-Mail: kmalawoffice@gmail.com

October 12, 2016

VIA CERTIFIED MAIL

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Mail code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: Notice of Intent to Sue under the Federal Clean Air Act

Dear Administrator Gina McCarthy:

This letter provides notice, pursuant to 42 U.S.C. § 7604(b), that the Sierra Club intends to file a citizen suit against the United States Environmental Protection Agency (“EPA”) and the Administrator of the EPA, based on your failure to perform a nondiscretionary duty set forth under Title V of the Clean Air Act (“CAA” or “Act”). Specifically, Sierra Club intends to file suit over your failure to, within the time frame required by 42 U.S.C. § 7661d(b)(2), grant or deny the petition submitted by Sierra Club seeking an objection by EPA to the Title V Operating Permit renewal, Permit No. 83-0025/561209 (hereafter “Proposed Permit”), proposed by the Tennessee Department of Environment and Conservation (“TDEC”) for Tennessee Valley Authority’s Gallatin Fossil Plant (“Gallatin”). Sierra Club’s petition was delivered via electronic filing and e-mail to EPA on August 8, 2016. As of today, more than 60 days have passed without EPA taking action on said petition, in violation of the Administrator’s nondiscretionary duty under CAA section 505(b)(2) to grant or deny the petition within 60 days after it was filed. See 42 U.S.C. § 7661d(b)(2).

I. Gallatin Is Subject to Title V of the Clean Air Act

Title V of the CAA requires specified sources of air pollution to obtain an operating permit from a permitting authority. 42 U.S.C. § 7661a(a). Tennessee's construction and operating permit programs have been approved by EPA and, accordingly, TDEC is responsible for issuing Title V permits to facilities within the State. See Tennessee Air Pollution Control Regulations Chapter 1200-03-09; see also 40 C.F.R. Part 70, Appendix A, Tennessee (a)(2) ("The State's operating permit program is hereby granted final full approval effective on November 30, 2001.").

Gallatin's Title V permit was issued on February 24, 2003, and expired February 24, 2008. On August 22, 2007, the Plant submitted an application for renewal of its permit. On February 11, 2016, TDEC issued a Proposed Title V Permit renewal to Gallatin, initiating a 30-day public comment period. On March 11, 2016, Sierra Club submitted timely comments on the Proposed Permit. In pertinent part, Sierra Club's comments raised issue with: the permit's unacceptably lax compliance mechanisms for opacity, particulate matter ("PM"), and fugitive dust emissions; its impermissible startup/shutdown/malfunction provisions; its failure to include appropriate monitoring and reporting provisions to ensure compliance with a 2011 Consent Decree; and its unreasonably high sulfur dioxide ("SO₂") emissions limit.

II. EPA Failed to Grant or Deny Sierra Club's Petition to Object to the Proposed Permit for the Gallatin Plant within the Statutorily Required Time Frame

As per CAA section 505(b)(1), within 45 days of receipt of a proposed Title V permit, the Administrator of the EPA "shall . . . object" to the permit's issuance if it "contains provisions that are determined by the Administrator as not in compliance with the applicable requirements of [the CAA], including the requirements of an applicable implementation plan." 42 U.S.C. § 7661d(b)(1). If EPA does not object during this period, any person may petition the Administrator for issuance of an objection within 60 days after the expiration of the 45-day review period. 42 U.S.C. § 7661d(b)(2). Accordingly, the timing for EPA to object to the Proposed Permit for Gallatin and for the public to petition EPA to object to the Proposed Permit was as follows: EPA's 45-day review period ended on June 27, 2016; the 60-day public petition period ended on August 26, 2016. See E-Mail from Eva Land, U.S. EPA Region 4, to Isabelle Riu, Sierra Club Legal Assistant, Subject: Petition Deadline for TVA's Gallatin Title V Permit, June 27, 2016, attached hereto as Exhibit 1.

EPA did not object to the Gallatin Proposed Permit within the allotted 45-day time frame. Consequently, Sierra Club filed a petition to object to the Proposed Permit on August 8, 2016, within 60 days after the expiration of EPA's 45-day review period, in accordance with 42 U.S.C. § 7661d(b)(2). The Petition to EPA was properly based on issues raised during the public

comment period for the Proposed Permit. Specifically, the Petition raised objection with the Proposed Permit's impermissibly lax compliance requirements for opacity, PM, and fugitive dust, its failure to incorporate monitoring and reporting requirements to ensure compliance with a governing 2011 Consent Decree, its inclusion of startup/shutdown provisions inconsistent with the CAA, and an unreasonably permissive SO₂ limit.

According to CAA section 505(b)(2), the Administrator was required to respond to Sierra Club's August 8, 2016 petition within 60 days, either granting or denying the Petition. 42 U.S.C. § 7661d(b)(2) ("The Administrator shall grant or deny such petition within 60 days after the petition is filed."). However, as of October 12, 2016, EPA has yet to respond to the petition to object to the Gallatin Title V Permit.

III. Citizens May Sue EPA for Failure to Timely Grant or Deny a Petition to Object

Section 304(a)(2) of the CAA provides that any person may sue the Administrator of the EPA "where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary." 42 U.S.C. § 7604(a)(2). Section 505(b)(2) of the CAA expressly provides that the "Administrator shall grant or deny [a petition to object] within 60 days after the petition is filed." 42 U.S.C. § 7661d(b)(2) (emphasis added). This provision imposes a mandatory, nondiscretionary duty upon EPA to act within 60 days of the filing of a petition under this section. Accordingly, in the event that the Administrator fails to perform this nondiscretionary duty, citizens may bring suit to compel such action.

IV. Sierra Club Intends to File a Citizen Suit to Compel EPA to Grant or Deny the Petition to Object

Sierra Club filed a timely petition to object to the Proposed Title V Permit for Gallatin on August 8, 2016. The Administrator had 60 days—until October 7, 2016—to grant or deny the petition to object to the Proposed Permit. *See* 42 U.S.C. § 7661d(b)(2). As of October 12, 2016, the Administrator has not yet granted or denied the Petition to Object. Therefore, the Administrator has failed to perform the nondiscretionary duty to grant or deny Sierra Club's Petition within the statutorily mandated time frame, in violation of 42 U.S.C. § 7661d(b)(2).

The CAA requires citizens to provide the Administrator with 60 days notice prior to bringing an action under CAA section 304(a)(2) where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator. 42 U.S.C. § 7604(b)(2); *see also* 40 C.F.R. 54.2(a). Accordingly, through this letter, Sierra Club hereby notifies EPA and the Administrator of its intent to file suit against EPA and the Administrator of the EPA under CAA section 304(a)(2) for failing to perform the nondiscretionary duty of granting or denying Sierra Club's August 8, 2016 petition to object to

the Proposed Title V Permit renewal for Gallatin. If the violation remains unresolved at the end of the 60-day notice period, Sierra Club intends to seek the following relief:

1. An order compelling EPA and the Administrator to grant or deny Sierra Club's Petition within 60 days from the date of the order;
2. Attorneys' fees and other litigation costs; and
3. Other appropriate relief as allowed.

If you would like to discuss the matters identified in this letter or offer a proposal for resolving this issue, please contact me directly at kmalawoffice@gmail.com or (703) 771-8394.

Sincerely,

/s/ Kathryn Amirpashaie

Kathryn M. Amirpashaie, Esq.
Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Avenue NE
Leesburg, VA 20176
Tel.: 703.771.8394
E-mail: kmalawoffice@gmail.com

Zachary M. Fabish, Esq.
The Sierra Club
50 F Street NW, Eighth Floor
Washington, DC 20009
Tel.: 202.675.7917
E-mail: zachary.fabish@sierraclub.org

Counsel for the Sierra Club

cc via e-mail only:

Michael Lee (lee.michaelg@epa.gov)

Randy Terry (terry.randy@epa.gov)

Arthur Hofmeister (hofmeister.arthur@epa.gov)

Keri Powell (powell.keri@epa.gov)

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Sent To: (Gallatin NOI) EPA
 Street and Apt. No. or PO Box No.: 1200 Pennsylvania Ave NW
 City, State, ZIP+4®: Washington DC 20460

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Failure to perform a mandatory duty under 42 U.S.C. 7604(a)(2) [grant or deny a petition to object to a Title V CAA permit]

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 5/15/17	SIGNATURE OF ATTORNEY OF RECORD: <i>K. A. ...</i>
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



SIERRA CLUB

Plaintiff(s)

v.

SCOTT PRUITT, in his official capacity as
Administrator of the United States Environmental
Protection Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Kathryn M. Amirpashaie
Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Ave. NE
Leesburg, VA 20176

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



SIERRA CLUB

Plaintiff(s)

v.

SCOTT PRUITT, in his official capacity as
Administrator of the United States Environmental
Protection Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Jeff Sessions
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Kathryn M. Amirpashaie
Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Ave. NE
Leesburg, VA 20176

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



SIERRA CLUB

Plaintiff(s)

v.

SCOTT PRUITT, in his official capacity as
Administrator of the United States Environmental
Protection Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Channing D. Phillips
U.S. Attorney for the District of Columbia
c/o Civil Process Clerk
U.S. Attorney's Office
555 4th Street NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Kathryn M. Amirpashaie
Law Office of Kathryn M. Amirpashaie, PLC
406 Blue Ridge Ave. NE
Leesburg, VA 20176

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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_____ on *(date)* _____ ; or

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_____ on *(date)* _____ ; or

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Other *(specify)*:

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: