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20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
22 **OAKLAND DIVISION**

23 CENTER FOR BIOLOGICAL DIVERSITY,
24 et al.,

25 Plaintiffs,

26 v.

27 GINA McCARTHY, in her official capacity
28 as the Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 4:16-cv-04092-PJH

**[PROPOSED] REVISED CONSENT
DECREE**

WHEREAS, on July 21, 2016, Plaintiffs Center for Biological Diversity, Center for Environmental Health, and Clean Air Council (collectively “Plaintiffs”) filed the above

1 captioned matter against Gina McCarthy, in her official capacity as Administrator of the United
2 States Environmental Protection Agency (hereinafter “EPA” or “Defendant”);

3 WHEREAS, on November 14, 2016, pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs
4 filed a first amended complaint (Dkt. No. 27) (the “Complaint”);

5 WHEREAS, Plaintiffs allege that EPA has failed to undertake certain non-discretionary
6 duties under the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401-7671q, and that such alleged
7 failure is actionable under section 304(a)(2) of the CAA, § 7604(a)(2);

8 WHEREAS, on March 12, 2008, pursuant to CAA section 109(a)(1), 42 U.S.C. §
9 7409(d)(1), EPA promulgated a final rule revising the ozone National Ambient Air Quality
10 Standard (“NAAQS”), *Final Rule*, 73 Fed. Reg. 16,436 (Mar. 27, 2008) (the “2008 ozone
11 NAAQS”);

12 WHEREAS, on May 21, 2012, and on June 11, 2012, pursuant to CAA section 107(d)
13 and 181, 42 U.S.C. §§ 7407(d) and 7511, EPA promulgated two separate final rules to
14 establish initial air quality designations for the entire United States for the 2008 ozone
15 NAAQS, *Final Rule*, 77 Fed. Reg. 30,088 (May 21, 2012), and *Final Rule*, 77 Fed. Reg.
16 34,221 (June 11, 2012) (collectively the “2008 ozone designations”);

17 WHEREAS the 2008 ozone designations became effective on July 20, 2012;

18 WHEREAS, pursuant to CAA section 182, 42 U.S.C. § 7511a, states that contain areas
19 that are designated nonattainment are required to provide State implementation plan (“SIP”)
20 submissions to EPA within certain timelines established in the CAA, which have been
21 interpreted by the EPA in various regulations and guidance documents;

22 WHEREAS, pursuant to CAA section 184, 42 U.S.C. § 7511c, states that are included
23 in an ozone transport region (“OTR”) are required to provide SIP submissions to EPA within
24 certain timelines established in the CAA, which have been interpreted by the EPA in various
25 regulations and guidance documents;

26 WHEREAS, in Claim 1, Plaintiffs allege that EPA has failed to perform a duty
27 mandated by CAA section 110(k)(1)(B), 42 U.S.C. § 7410(k)(1)(B), to make a finding of
28 failure to submit, for certain 2008 ozone NAAQS nonattainment and OTR SIP submissions

1 addressing the following element or elements under 42 U.S.C. §§ 7511a and 7511c,
 2 respectively, from the areas and states listed below, *see* First Am. Compl. ¶ 1 (Dkt. No. 27):

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)
Los Angeles – South Coast Air Basin, California (“CA”)	Clean Fuel for Boilers, Extreme Nonattainment New Source Review (“NNSR”) and Vehicles Miles Traveled-Transportation Control Measures (“VMT-TCMs”) to Offset Growth
San Joaquin Valley, CA	Extreme NNSR
Los Angeles-San Bernardino Counties (Antelope Valley & Mojave Desert), CA	Severe 15 NNSR and VMT-TCMs to Offset Growth
Riverside County (Coachella Valley), CA	Severe 15 NNSR and VMT-TCMs to Offset Growth
Sacramento Metro, CA	VMT-TCMs to Offset Growth, Severe 15 NNSR for Yolo-Solano, Non-CTG VOC Reasonably Available Control Technology (“RACT”) for Major Sources for El Dorado, Sacramento, and Yolo-Solano, NOx RACT for Major Sources for El Dorado, Sacramento, and Yolo-Solano, Auto and Light-Duty Truck Assembly Coatings CTG RACT for El Dorado and Yolo-Solano, Fiberglass Boat Manufacturing Materials CTG RACT for El Dorado and Yolo-Solano, 2006 Flat Wood Paneling Coatings CTG RACT for El Dorado and Yolo-Solano, Flexible Packaging Printing Material CTG RACT for El Dorado and Yolo-Solano, Industrial Cleaning Solvents (2006) CTG RACT for El Dorado and Yolo-Solano, Large Appliance Coatings (2007) CTG RACT for El Dorado and Yolo-Solano, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT for El Dorado and Yolo-Solano, Metal Furniture Coatings (2007) CTG RACT for El Dorado and Yolo-Solano, Miscellaneous Industrial Adhesives (2006) ¹ CTG RACT for El Dorado, Sacramento and Yolo-Solano, Miscellaneous Metal Products Coatings (2008) CTG RACT for El Dorado and Yolo-Solano, Paper, Film, and Foil Coatings (2007) CTG RACT for El Dorado and Yolo-Solano, and Plastic Parts Coatings (2008) CTG RACT for El Dorado and Yolo-Solano
Ventura County, CA	Serious NNSR
Baltimore, Maryland (“MD”)	Inspection and Maintenance Basic

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 27 ¹ The Complaint incorrectly lists the issuance date for the Miscellaneous Industrial Adhesives
 28 CTG RACT as 2006 (parenthetical reference). The Control Techniques Guidelines for
 Miscellaneous Industrial Adhesives were actually issued in 2008. Paragraphs 1 and 3 below
 include the correct parenthetical date reference.

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)
District of Columbia	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources, Refinery Vacuum Producing Systems, and Wastewater Separators and Process Unit Turnarounds CTG RACT
Maine	Non-CTG VOC RACT for Major Sources and Industrial Cleaning Solvents (2006) CTG RACT
Maryland	NO _x RACT for Major Sources
Massachusetts	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT
New Hampshire	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources
New Jersey	Fiberglass Boat Manufacturing Materials CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT
Pennsylvania	Auto and Light-Duty Truck Assembly Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT
Rhode Island	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT
Vermont	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)
	Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Industrial Adhesives (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT
Virginia	Non-CTG VOC RACT for Major Sources, NO _x RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance Coatings (2007) CTG RACT, and Metal Furniture Coatings (2007) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT
Calaveras County, CA	Marginal NNSR
Kern County (Eastern Kern), CA	Marginal NNSR
Mariposa County, CA	Marginal NNSR
Washington, VA	Marginal NNSR
Chicago-Naperville, IL	Marginal NNSR
Cincinnati, IN	Marginal NNSR
Washington, MD	Marginal NNSR

WHEREAS, EPA received a nonattainment SIP submission from the California Air Resources Board dated January 4, 2017 addressing the following elements under 42 U.S.C. §§ 7511a and 7511c for the Sacramento, CA Metro – El Dorado area for the 2008 ozone NAAQS: Non-CTG VOC RACT for Major Sources; NO_x RACT for Major Sources; Auto and Light-Duty Truck Assembly Coatings CTG; Fiberglass Boat Manufacturing Materials CTG RACT; 2006 Flat Wood Paneling Coatings CTG RACT; Flexible Packaging Printing Material CTG RACT (2006); Industrial Cleaning Solvents (2006) CTG RACT; Large Appliance Coatings (2007) CTG RACT; Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT; Metal Furniture Coatings (2007); Miscellaneous Industrial Adhesives (2008) CTG RACT; Miscellaneous Metal Products Coatings (2008) CTG RACT; Paper, Film, and Foil Coatings (2007) CTG RACT; and Plastic Parts Coatings (2008) CTG RACT. EPA found the SIP submission complete on January 5, 2017. Claim 1 is therefore moot as to those elements for the Sacramento, CA Metro – El Dorado area;

1 WHEREAS, EPA must then determine whether a State's submittal is complete within
 2 six months after EPA receives the submission. 42 U.S.C. § 7410(k)(1)(B). If EPA does not
 3 determine completeness of the plan or revision within six months, then the submittal is deemed
 4 complete by operation of law after six months, *id.*;

5 WHEREAS, pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. § 7410(k)(2)-(4), EPA
 6 is required to approve in whole or in part, disapprove, or conditionally approve in whole or in
 7 part, each plan or revision, within 12 months of a determination of completeness by EPA or a
 8 determination deemed by operation of law to be complete;

9 WHEREAS, in Claim 2, Plaintiffs allege that EPA has failed to perform a duty
 10 mandated by CAA sections 110(k)(2)-(4), 42 U.S.C. §§ 7410(k)(2)-(4), to take final action to
 11 approve or disapprove, in whole or in part, certain 2008 ozone NAAQS nonattainment and
 12 OTR SIP submissions addressing the following element or elements under 42 U.S.C. §§ 7511a
 13 and 7511c, respectively, from the areas and states listed below, *see* First Am. Compl. ¶ 1 (Dkt.
 14 No. 27):

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
Los Angeles-South Coast Air Basin, CA	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Factory Surface Coating of Flat Wood Paneling CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/18/2015
Sacramento Metro	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT,	10/30/2014

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Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
(Placer County), CA	Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline Plants CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, Flexible Packaging Printing Material CTG RACT, Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Appliance Coatings (2007) CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Processes CTG RACT, SOCMI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Large Appliances CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback	

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
	Asphalt CTG RACT, and Wood Furniture CTG RACT	
San Joaquin Valley, CA	Non-CTG VOC RACT for Major Sources, RACT NOx for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline CTG RACT, and Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT	1/18/2015
Connecticut	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline CTG RACT, and Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT	1/18/2015
Sacramento-Yolo-Solano, CA	Aerospace CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Factory Surface Coating of Flat Wood Paneling CTG RACT, Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, SOCOMI Air Oxidation Processes CTG RACT, SOCOMI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Large Appliances CTG	7/31/2007

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Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
	RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	
Pennsylvania	Aerospace CTG RACT, Bulk Gasoline CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, SOCOMI Air Oxidation Processes CTG RACT, SOCOMI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Large Appliances CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	3/28/2007

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Completion Date
Los Angeles and San Bernardino Counties (Western Mojave Desert) [Antelope Valley & Mojave Desert], CA	Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Solvent Metal Cleaning CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, and Use of Cutback Asphalt CTG RACT	7/31/2007
Los Angeles and San Bernardino Counties (Western Mojave Desert) [Antelope Valley & Mojave Desert], CA	Graphic Arts – Rotogravure and Flexography CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	1/11/2008
New York (“NY”)	Industrial Cleaning Solvents (2006) CTG RACT	8/21/2013
Imperial County, CA	NNSR – Moderate	3/7/2014
NY-N. New Jersey-Long Island, NY	NNSR – Moderate	10/4/2013
Jamestown, NY	NNSR – Marginal	10/4/2013
New York OTR	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	6/22/2015
Delaware OTR	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	7/24/2015
Riverside County (Coachella Valley), CA	RACT NOx for Major Sources and RACT Non-CTG VOC for Major Sources	1/18/2015

1 WHEREAS, the relief requested in the Complaint includes, among other things, an
2 order from this Court to establish a date certain by which EPA must fulfill its obligations;

3 WHEREAS, Plaintiffs and EPA have agreed to a settlement of this action without
4 admission of any issue of fact or law, except as expressly provided herein;

5 WHEREAS, Plaintiffs and EPA, by entering into this Consent Decree, do not waive or
6 limit any claim, remedy, or defense, on any grounds, related to any final EPA action;

7 WHEREAS, Plaintiffs and EPA consider this Consent Decree to be an adequate and
8 equitable resolution of the claims in this matter and therefore wish to effectuate a settlement;

9 WHEREAS, it is in the interest of the public, Plaintiffs, Defendant EPA, and judicial
10 economy to resolve this matter without protracted litigation;

11 WHEREAS, Plaintiffs and EPA agree that this Court has jurisdiction over this matter
12 pursuant to the citizen suit provision in CAA section 304(a)(2), 42 U.S.C. § 7604(a)(2), and
13 that venue is proper in the Northern District of California pursuant to 28 U.S.C. § 1391(e) and
14 N.D. Cal. Civ. Local Rule 3-2(c)-(d); and

15 WHEREAS, the Court, by entering this Consent Decree, finds that the Consent Decree
16 is fair, reasonable, in the public interest, and consistent with the Clean Air Act;

17 NOW THEREFORE, before the taking of testimony, without trial or determination of
18 any issues of fact or law, and upon the consent of Plaintiffs and Defendant EPA, it is hereby
19 ordered, adjudged and decreed that:

20 1. The appropriate EPA official will sign a notice issuing a finding of failure to
21 submit (“FFS”) no later than the date indicated below for the following states and elements of
22 sections 182 and 184, 42 U.S.C. §§ 7511a and 7511c, for the 2008 ozone NAAQS:

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
Los Angeles – South Coast Air Basin, California (“CA”)	Clean Fuel for Boilers, Extreme Nonattainment New Source Review (“NNSR”) and Vehicles Miles Traveled-Transportation Control Measures (“VMT-TCM”) to Offset Growth	1/19/2017
San Joaquin Valley, CA	Extreme NNSR	1/19/2017

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
Los Angeles-San Bernardino Counties (Antelope Valley & Mojave Desert), CA	Severe 15 NNSR, VMT-TCMs to Offset Growth	1/19/2017
Riverside County (Coachella Valley), CA	Severe 15 NNSR and VMT-TCMs to Offset Growth	1/19/2017
Sacramento Metro, CA	VMT-TCMs to Offset Growth, Severe 15 NNSR for Yolo-Solano, Non-CTG VOC Reasonably Available Control Technology (“RACT”) for Major Sources for Sacramento and Yolo-Solano, NOx RACT for Major Sources for Sacramento and Yolo-Solano, Auto and Light-Duty Truck Assembly Coatings CTG RACT for Yolo-Solano, Fiberglass Boat Manufacturing Materials CTG RACT for Yolo-Solano, 2006 Flat Wood Paneling Coatings CTG RACT for Yolo-Solano, Flexible Packaging Printing Material CTG RACT for Yolo-Solano, Industrial Cleaning Solvents (2006) CTG RACT for Yolo-Solano, Large Appliance Coatings (2007) CTG RACT for Yolo-Solano, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT for Yolo-Solano, Metal Furniture Coatings (2007) CTG RACT for Yolo-Solano, Miscellaneous Industrial Adhesives (2008) CTG RACT for Sacramento and Yolo-Solano, Miscellaneous Metal Products Coatings (2008) CTG RACT for Yolo-Solano, Paper, Film, and Foil Coatings (2007) CTG RACT for Yolo-Solano, and Plastic Parts Coatings (2008) CTG RACT for Yolo-Solano	1/19/2017
Ventura County, CA	Serious NNSR	1/19/2017
Baltimore, Maryland (“MD”)	Inspection and Maintenance Basic	1/19/2017
District of Columbia	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Refinery Vacuum Producing Systems, and Wastewater Separators and Process Unit Turnarounds CTG RACT	1/19/2017
Maine	Non-CTG VOC RACT for Major Sources and Industrial Cleaning Solvents (2006) CTG RACT	1/19/2017

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
Maryland	NOx RACT for Major Sources	1/19/2017
Massachusetts	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
New Hampshire	Non-CTG VOC RACT for Major Sources and NOx RACT for Major Sources	1/19/2017
New Jersey	Fiberglass Boat Manufacturing Materials CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Pennsylvania	Auto and Light-Duty Truck Assembly Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Rhode Island	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil	1/19/2017

Area / State	Elements(s) (under CAA Section(s) 182 and/or 184)	Date
	Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	
Vermont	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	1/19/2017
Virginia	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Large Appliance Coatings (2007) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, and Paper, Film, and Foil Coatings (2007) CTG RACT	1/19/2017
Calaveras County, CA	Marginal NNSR	1/19/2017
Kern County (Eastern Kern), CA	Marginal NNSR	1/19/2017
Mariposa County, CA	Marginal NNSR	1/19/2017
Washington DC-MD-VA, VA	Marginal NNSR	1/19/2017
Chicago-Naperville, IL	Marginal NNSR	1/19/2017
Cincinnati, IN	Marginal NNSR	1/19/2017
Washington DC-MD-VA, MD	Marginal NNSR	1/19/2017

2. If any State makes an above-listed SIP submittal, and EPA makes a completeness determination as to that submittal pursuant to CAA section 110(k)(1)(B), 42

1 U.S.C. § 7410(k)(1)(B), at any time prior to the date specified in Paragraph 1, then EPA's
 2 obligation to take the action required by Paragraph 1 with respect to that submittal is
 3 automatically terminated.

4 3. The appropriate EPA official shall sign a notice of final rulemaking to approve,
 5 disapprove, conditionally approve, or approve in part and conditionally approve or disapprove
 6 in part, certain plans pursuant to sections 110(k)(2)-(4) of the CAA, 42 U.S.C. §§ 7410(k)(2)-
 7 (4), no later than the action date indicated below for the following states and elements of
 8 sections 182 and 184, 42 U.S.C. §§ 7511a and 7511c, for the 1997 or 2008 ozone NAAQS:

	Area / State	SIP Elements	Action Date
a.	Los Angeles-South Coast Air Basin, CA	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Factory Surface Coating of Flat Wood Paneling CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, 2006 Flat Wood Paneling Coatings CTG RACT, Flexible Packaging Printing Material CTG RACT, Industrial Cleaning Solvents (2006) CTG RACT, Large Appliance Coatings (2007) CTG RACT, Lithographic Printing Materials and Letterpress Printing Materials (2006) CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, and Plastic Parts Coatings (2008) CTG RACT	July 31, 2017
b.	Sacramento Metro (Placer County), CA	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline Plants CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Fiberglass Boat Manufacturing Materials CTG RACT, Flexible Packaging Printing Material CTG RACT, Fugitive Emissions from Synthetic Organic Chemical	November 30, 2017

	Area / State	SIP Elements	Action Date
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27		Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Appliance Coatings (2007) CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Metal Furniture Coatings (2007) CTG RACT, Miscellaneous Industrial Adhesives (2008) CTG RACT, Miscellaneous Metal Products Coatings (2008) CTG RACT, Paper, Film, and Foil Coatings (2007) CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Processes CTG RACT, SOCMI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Large Appliances CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	
28	c. San Joaquin Valley, CA	Non-CTG VOC RACT for Major Sources, RACT NOx for Major Sources, Aerospace	July 31, 2018

	Area / State	SIP Elements	Action Date
		CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline CTG RACT, and Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT	
d.	Connecticut	Non-CTG VOC RACT for Major Sources, NOx RACT for Major Sources, Aerospace CTG RACT, Auto and Light-Duty Truck Assembly Coatings CTG RACT, Bulk Gasoline CTG RACT, and Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT	June 30, 2017
e.	Sacramento Metro (Yolo-Solano), CA	Aerospace CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Factory Surface Coating of Flat Wood Paneling CTG RACT, Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, SOCFI Air Oxidation Processes CTG RACT, SOCFI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface	March 30, 2018

	Area / State	SIP Elements	Action Date
		Coating of Large Appliances CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	
f.	Pennsylvania	Aerospace CTG RACT, Bulk Gasoline CTG RACT, Equipment leaks from Natural Gas/Gasoline Processing Plants CTG RACT, Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment CTG RACT, Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Leaks from Petroleum Refinery Equipment CTG RACT, Manufacture of High-Density Polyethylene, Polypropylene and Polystyrene Resins CTG RACT, Manufacture of Pneumatic Rubber Tires CTG RACT, Manufacture of Synthesized Pharmaceutical Products CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds CTG RACT, SOCOMI Air Oxidation Processes CTG RACT, SOCOMI Distillation and Reactor Processes CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating for Insulation of Magnet Wire CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Large Appliances CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT,	September 29, 2017

	Area / State	SIP Elements	Action Date
		Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	
g.	Los Angeles-San Bernardino Counties (West Mojave Desert), CA (Antelope Valley portion)	Graphic Arts – Rotogravure and Flexography CTG RACT, Large Petroleum Dry Cleaners CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Solvent Metal Cleaning CTG RACT, Surface Coating of Automobiles and Light-Duty Trucks CTG RACT, Surface Coating of Cans CTG RACT, Surface Coating of Coils CTG RACT, Surface Coating of Fabrics CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, and Use of Cutback Asphalt CTG RACT	September 29, 2017
h.	Los Angeles-San Bernardino Counties (West Mojave Desert), CA (Mojave Desert portion)	Graphic Arts – Rotogravure and Flexography CTG RACT, Leaks from Gasoline Tank Trucks and Vapor Collection Systems CTG RACT, Petroleum Liquid Storage in External Floating Roof Tanks CTG RACT, Shipbuilding/repair CTG RACT, Solvent Metal Cleaning CTG RACT, Storage of Petroleum Liquids in Fixed Roof Tanks CTG RACT, Surface Coating of Metal Furniture CTG RACT, Surface Coating of Miscellaneous Metal Parts and Products CTG RACT, Surface coating of Paper CTG RACT, Tank Truck Gasoline Loading Terminals CTG RACT, Use of Cutback Asphalt CTG RACT, and Wood Furniture CTG RACT	January 31, 2018
i.	New York (“NY”)	Industrial Cleaning Solvents (2006) CTG RACT	November 30, 2017
j.	Imperial County, CA	NNSR – Moderate	July 31, 2017
k.	NY-N. New Jersey-Long Island, NY	NNSR – Moderate	November 30, 2017
l.	Jamestown, NY	NNSR – Marginal	November 30, 2017
m.	New York OTR	RACT NO _x for Major Sources and RACT Non-CTG VOC for Major Sources	November 30, 2017

	Area / State	SIP Elements	Action Date
n.	Delaware OTR	RACT NO _x for Major Sources and RACT Non-CTG VOC for Major Sources	September 29, 2017
o.	Riverside County (Coachella Valley), CA	RACT NO _x for Major Sources and RACT Non-CTG VOC for Major Sources	July 31, 2017

4. If any State withdraws an above-listed submittal, then EPA's obligation to take the action required by Paragraph 3 with respect to that submittal is automatically terminated.

5. EPA shall, within 15 days of signature, send the rulemaking package for each action taken pursuant to Paragraph 1 of this Consent Decree to the Office of the Federal Register for review and publication. EPA shall, within 15 business days of signature, send the rulemaking package for each action taken pursuant to Paragraph 3 of this Consent Decree to the Office of the Federal Register for review and publication.

6. After EPA has completed the actions set forth in Paragraphs 1 and 3 of this Consent Decree and after notice of each final action required by Paragraph 1 and 3 have been published in the Federal Register, and the issue of costs of litigation, including attorney fees has been resolved, EPA may move to have this Decree terminated and the action dismissed. Plaintiffs shall have fourteen (14) days in which to respond to such motion, unless the parties stipulate to a longer time for Plaintiffs to respond.

7. The deadlines established by this Consent Decree may be extended (a) by written stipulation of Plaintiffs and EPA with notice to the Court, or (b) by the Court upon motion of EPA for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by Plaintiffs and any reply by EPA. Any other provision of this Consent Decree also may be modified by the Court following motion of an undersigned party for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by a non-moving party and any reply.

8. If a lapse in EPA appropriations occurs within one hundred and twenty (120) days prior to a deadline in Paragraphs 1 or 3 in this Decree, that deadline shall be extended

1 automatically one day for each day of the lapse in appropriations. Nothing in this paragraph
2 shall preclude EPA from seeking an extension of deadlines pursuant to Paragraph 7.

3 9. Plaintiffs and EPA agree that this Consent Decree constitutes a complete
4 settlement of Claim 1 as described in Paragraph 1 and also of Claim 2 as described in
5 Paragraph 3.

6 10. In the event of a dispute between Plaintiffs and EPA concerning the
7 interpretation or implementation of any aspect of this Consent Decree, the disputing party shall
8 provide the other party with a written notice via electronic mail or other means, outlining the
9 nature of the dispute and requesting informal negotiations. These parties shall meet and confer
10 in order to attempt to resolve the dispute. If these parties are unable to resolve the dispute
11 within ten (10) business days after receipt of the notice, either party may petition the Court to
12 resolve the dispute.

13 11. No motion or other proceeding seeking to enforce this Consent Decree or for
14 contempt of Court shall be properly filed unless the procedure set forth in Paragraph 10 has
15 been followed, and the moving party has provided the other party with written notice received
16 at least ten (10) business days before the filing of such motion or proceeding.

17 12. The deadline for filing a motion for costs of litigation (including attorney fees)
18 for activities performed prior to entry of the Consent Decree is hereby extended until ninety
19 (90) days after this Consent Decree is entered by the Court. During this period, the Parties
20 shall seek to resolve informally any claim for costs of litigation (including attorney fees), and if
21 they cannot, the Plaintiffs will file a motion for costs of litigation (including attorney fees) or a
22 stipulation or motion to extend the deadline to file such a motion. EPA reserves the right to
23 oppose any such request. The Court shall retain jurisdiction to resolve any requests for costs of
24 litigation, including attorney fees.

25 13. This Court shall retain jurisdiction over this matter to enforce the terms of this
26 Consent Decree and to consider any requests for costs of litigation, including attorney fees.

27 14. Nothing in the terms of this Consent Decree shall be construed (a) to confer
28 upon this Court jurisdiction to review any issues that are within the exclusive jurisdiction of the

1 United States Courts of Appeals under CAA section 307(b)(1), 42 U.S.C. § 7607(b)(1),
2 including final action take pursuant to section 110(k) of the CAA, 42 U.S.C. § 7410(k),
3 approving, disapproving, or approving in part and disapproving in part a SIP submittal, or (b)
4 to waive any claims, remedies, or defenses that the parties may have under CAA section
5 307(b)(1), 42 U.S.C. § 7607(b)(1).

6 15. Nothing in this Consent Decree shall be construed to limit or modify any
7 discretion accorded EPA by the Clean Air Act or by general principles of administrative law in
8 taking the actions which are the subject of this Consent Decree, including the discretion to
9 alter, amend, or revise any final actions promulgated pursuant to this Consent Decree. EPA's
10 obligation to perform each action specified in this Consent Decree does not constitute a
11 limitation or modification of EPA's discretion within the meaning of this paragraph.

12 16. Except as expressly provided herein, nothing in this Consent Decree shall be
13 construed as an admission of any issue of fact or law nor to waive or limit any claim, remedy,
14 or defense, on any grounds, related to any final action EPA takes with respect to the actions
15 addressed in this Consent Decree.

16 17. Plaintiffs reserve the right to seek additional costs of litigation, including
17 reasonable attorney fees, incurred subsequent to entry of this Consent Decree. EPA reserves
18 the right to oppose any such request for additional costs of litigation, including attorney fees.

19 18. It is hereby expressly understood and agreed that this Consent Decree was
20 jointly drafted by Plaintiffs and EPA. Accordingly, the parties hereby agree that any and all
21 rules of construction to the effect that ambiguity is construed against the drafting party shall be
22 inapplicable in any dispute concerning the terms, meaning, or interpretation of this Consent
23 Decree.

24 19. The parties agree and acknowledge that before this Consent Decree can be
25 finalized and entered by the Court, EPA must provide notice of this Consent Decree in the
26 Federal Register and an opportunity for public comment pursuant to CAA section 113(g), 42
27 U.S.C. § 7413(g). After this Consent Decree has undergone notice and comment, the
28 Administrator and/or the Attorney General, as appropriate, shall promptly consider any written

1 comments in determining whether to withdraw or withhold their consent to the Consent
2 Decree, in accordance with CAA section 113(g). If the Administrator and/or the Attorney
3 General do not elect to withdraw or withhold consent, EPA shall promptly file a motion that
4 requests that the Court enter this Consent Decree.

5 20. Any notices required or provided for by this Consent Decree shall be in writing,
6 via electronic mail or other means, and sent to the following (or to any new address of counsel
7 as filed and listed in the docket of the above-captioned matter, at a future date):

8
9 For Plaintiffs:

Robert Ukeiley
255 Mountain Meadows Road
Boulder, CO 80302
Tel: 303-442-4033
Email: rukeiley@igc.org

12
13 For Defendant EPA:

Leslie M. Hill
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Environment & Natural Resources Division
Environmental Defense Section
601 D Street N.W., Suite 8000
Washington D.C. 20004
Tel. (202) 514-0375
Email: leslie.hill@usdoj.gov

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18 21. EPA and Plaintiffs recognize and acknowledge that the obligations imposed
19 upon EPA under this Consent Decree can only be undertaken using appropriated funds legally
20 available for such purpose. No provision of this Consent Decree shall be interpreted as or
21 constitute a commitment or requirement that the United States obligate or pay funds in
22 contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision
23 of law.

24 22. If for any reason the Court should decline to approve this Consent Decree in the
25 form presented, this agreement is voidable at the sole discretion of either party and the terms of
26 the proposed Consent Decree may not be used as evidence in any litigation between the parties.

27 23. The undersigned representatives of Plaintiffs and Defendant EPA certify that
28 they are fully authorized by the party, or parties, they represent to consent to the Court's entry

1 of the terms and conditions of this Decree.

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SO ORDERED on this 19th day of January, 2017.

PHYLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Judge Phyllis J. Hamilton

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COUNSEL FOR PLAINTIFFS: /s/ Robert Ukeiley (email authorization 1/10/17)
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