

**ENVIRONMENTAL ADVOCATES
ATTORNEYS AT LAW**

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December 6, 2019

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Andrew Wheeler, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Mail Code 1101A)
Washington, D.C. 20460

Re: Notice of Intent to Sue Pursuant to Section 304(b)(2) of the Clean Air Act for Failure of the Administrator to Act on Clean Air Act State Implementation Plan Submissions from California

Dear Administrator Wheeler:

I am writing on behalf of Our Children's Earth Foundation ("OCE") to notify you of ongoing violations of the federal Clean Air Act by you, as Administrator of the Environmental Protection Agency ("EPA"), for your failure to timely act, as required by Section 110(k)(2) of the Clean Air Act, 42 U.S.C. § 7410(k)(2), on numerous state implementation plan ("SIP") revisions submitted by the State of California. OCE intends to file a lawsuit seeking to address your failure to perform these nondiscretionary duties set forth in 42 U.S.C. § 7410(k)(2) 60 days from the date of this letter under Section 304 of the Clean Air Act, 42 U.S.C. § 7604. The SIP submissions that you have failed to timely address include those listed in the attached spreadsheet.

A. Failure To Perform Nondiscretionary Duties

Under the Clean Air Act, states are required to submit SIPs to the EPA to implement, maintain, and enforce National Ambient Air Quality Standards ("NAAQS"). *See* 42 U.S.C. § 7410(a). The Clean Air Act further requires the Administrator to fully or partially approve or disapprove a SIP submission within twelve (12) months after such submission has been deemed complete, either by the Administrator or as a matter of law. *See* 42 U.S.C. § 7410(k)(2). If the EPA does not make a completeness finding, SIP submissions are deemed complete by operation of law six (6) months after submission. *See* 42 U.S.C. § 7410(k)(1)(B). Therefore, at most, EPA had eighteen (18) months within which to take final action to approve, disapprove, or partially approve or disapprove the aforementioned SIPs from the States of California. As of the date of this letter,

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EPA has failed to fully or partially approve or disapprove the aforementioned SIP submissions listed in the attachment. Because EPA has failed to take action on the above SIP submissions by the statutory deadline, EPA is now in violation of Clean Air Act Section 110(k)(2), 42 U.S.C. § 7410(k)(2).

B. Notice of Intent to Sue

After the expiration of sixty (60) days from the date of this notice of intent to sue, OCE intends to file suit against you in federal court for your failure to act in accordance with, or fulfill, the duties described in Section A of this letter.

C. Identity of Persons Giving Notice and Their Counsel

As required by 40 C.F.R. § 54.3, the name and address of OCE, the noticing party, is as follows:

Our Children's Earth Foundation
1625 Trancas St. #2218
Napa, CA 94558-9998
Tel: (510) 910-4535
E-mail: annic.beaman@gmail.com

OCE is a non-profit public benefit corporation with members throughout the United States, including many members in California, dedicated to protecting the public, especially children, from the health impacts of pollution and other environmental hazards and to improving environmental quality for the public benefit. Part of OCE's mission is to participate in environmental decisionmaking, enforce federal and state environmental laws (including via citizen suits), to reduce pollution, and to educate the public concerning environmental laws and their enforcement.

OCE has retained the following legal counsel to represent it in this matter:

Christopher A. Sproul, Esq.
Environmental Advocates
5135 Anza Street
San Francisco, CA 94121
Tel: (415) 533-3376
Fax: (415) 358-5695
E-mail: csproul@enviroadvocates.com

D. Offer to Negotiate

During the sixty (60) day notice period, OCE is willing to discuss effective measures to correct your failure to comply with your nondiscretionary duties and to discuss any information bearing upon this notice. If you wish to pursue such discussions prior to litigation, we request that you expeditiously initiate them so that these discussions may be completed before the end of the sixty

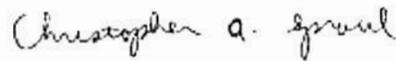
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(60) day notice period. OCE does not intend to delay the filing of a complaint in federal court if the discussions fail to resolve these matters within the sixty (60) day notice period, and it intends to seek all appropriate relief, including injunctive relief and all costs of litigation, including, but not limited to, attorneys' fees, expert witness fees, and other costs.

We believe this notice provides information sufficient for you to determine the mandatory duty we allege you have failed to perform. If, however, you have any questions, please feel free to contact us for clarification.

We look forward to hearing from you.

Sincerely,



Christopher Sproul
Environmental Advocates
Counsel for Our Children's Earth Foundation

SPeCS Review Page IDs	Area	SPeCS Review Page Name	State Submittal Date	Administrative Completion	Final Action Deadline
20420, 20418	Lassen County APCD	Lassen County, Permit Exemptions and Requirements	11/25/1987	5/25/1988	5/25/1989
20444	Modoc County APCD	Modoc County, Permit Applications	12/31/1990	6/31/1991	6/31/1992
20400	Feather River AQMD	Feather River, Permits; ERC Banking	3/25/1993	9/25/1993	9/25/1994
20402	Great Basin Unified APCD	Great Basin, Permits; Standards for Authorities to Construct	11/18/1993	5/18/1994	5/18/1995
20540	San Joaquin Valley Unified APCD	San Joaquin, Permit; Experimental Research Operations	11/18/1993	5/18/1994	5/18/1995
20520	Sacramento Metropolitan AQMD	Sacramento; General Permit Requirements	9/28/1994	3/28/1995	3/28/1996
20122	Lake County AQMD	CA/Lake County Chapter III, Maintenance, Malfunction, Evasion and Inspection	12/22/1994	6/22/1995	6/22/1996
20304	South Coast AQMD	CA/South Coast Rule 430, Breakdown Provisions	10/18/1996	4/18/1997	4/18/1998
20484, 20486	Northern Sierra AQMD	Northern Sierra, Permits; Applications and Exemptions to Rule 501	10/28/1996	4/28/1997	4/28/1998
76349, 13932	San Bernardino County (part); excluding Searles Valley Planning area and South Coast Air Basin	Mojave Desert PM10 - NSR and PM10 Plan	7/15/1997	1/15/1998	1/15/1999
20460	Mojave Desert AQMD	Mojave Desert AQMD Permits - Emission Reduction Credit Registry	8/1/1997	2/1/1998	2/1/1999
20522	Sacramento Metropolitan AQMD	Sacramento, Permits; Alternative Compliance	12/19/1997	6/19/1998	6/19/1999
20366	Antelope Valley AQMD	Antelope Valley; Posting of Permit to Operate	3/10/1998	9/10/1998	9/10/1999
20554	Santa Barbara County APCD	Santa Barbara; Standards for Granting Applications	3/10/1998	9/10/1998	9/10/1999
20578	South Coast AQMD	South Coast; Standards for Approving Permits	9/29/1998	3/29/1999	3/29/2000
20404	Great Basin Unified APCD	Great Basin, Permits; Construction or Reconstruction of Major Sources of Hazardous Air Pollutants	9/7/1999	3/7/2000	3/7/2001

20416	Kern County APCD	E. Kern, Permits; New Source Review	7/26/2000	1/26/2001	1/26/2002
20352, 20346, 20350, 20356, 20364, 20358, 20348, 20362	Antelope Valley AQMD	Antelope Valley, Permits; Definitions, Electric Energy Generating Facilities, Emission Reduction Credits, Emissions Calculations, General, Requirements, and Permits to Operate (rescinded)	10/30/2001	4/30/2002	4/30/2003
20470, 20462, 20466, 20468	Mojave Desert AQMD	Mojave Desert AQMD Permits - Definitions, Electric Energy Generating Facilities, Emissions Calculations, and Requirements	12/14/2001	6/14/2002	6/14/2003
20396	El Dorado County APCD	El Dorado, Permits; New Source Review	12/18/2001	6/18/2002	6/18/2003
20476	Monterey Bay Air Resources District	Monterey Bay, NSR; Banking of Emissions Reductions	8/6/2002	2/6/2003	2/6/2004
20406	Great Basin Unified APCD	Great Basin; New Source Review Requirements for Determining Impact on Air Quality	10/20/2005	4/20/2006	4/20/2007
20572, 20570, 20574	South Coast AQMD	South Coast; NSR Emission Calculations, NSR ERCs, NSR Requirements	10/20/2005	4/20/2006	4/20/2007
20576, 20584, 20580, 20582	South Coast AQMD	South Coast; Permit Conditions in Federally Issued PTC, Permit to Construct, Permit to Operate, Temporary Permit to Operate	6/16/2006	12/16/2006	12/16/2007
20354, 20360	Antelope Valley AQMD	Antelope Valley, Permits; Emissions Offsets and Procedure	12/29/2006	6/29/2007	6/29/2008
20464	Mojave Desert AQMD	Mojave Desert AQMD Permits - Emissions Offsets	12/29/2006	6/29/2007	6/29/2008
13837	Riverside County (Coachella Valley) Area	Coachella 1997 Ozone - CM only	11/28/2007	5/28/2008	5/28/2009

13930	Los Angeles and San Bernardino Counties (Western Mojave Desert)	Western Mojave Desert 1997 Ozone Plan - Except ROP & I/M	6/26/2008	12/26/2008	12/26/2009
20518	Placer County APCD	Placer; General Permit Requirements	12/7/2010	6/7/2011	6/7/2012
20478	North Coast Unified AQMD	North Coast, Permits; NSR & PSD	2/28/2011	8/28/2011	8/28/2012
20030	California Air Resources Board	CA Outboard Marine Tank Rule	5/2/2011	11/2/2011	11/2/2012
20032	California Air Resources Board	CA Ocean Going Vessel Fuel Rule	5/11/2011	11/11/2011	11/11/2012
20480	North Coast Unified AQMD	North Coast; Required Permits	9/27/2011	3/27/2012	3/27/2013
19900	Antelope Valley AQMD	CA/Antelope Valley Federal CAA Section 185 Penalty Rule	12/14/2011	6/14/2012	6/14/2013
20170	Mojave Desert AQMD	Mojave Desert AQMD - CAA Section 185 Penalty Rule	12/14/2011	6/14/2012	6/14/2013
20408	Imperial County APCD	Imperial, Permits; Potential to Emit	2/23/2012	8/23/2012	8/23/2013
199417	San Joaquin Valley	San Joaquin Valley 2006 PM2.5 - Moderate Subpart 1 QM/CM	3/4/2013	9/4/2013	9/4/2014
20286	South Coast AQMD	CA/South Coast Rule 222, Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant To Regulation II	5/13/2014	11/13/2014	11/13/2015
199349	Los Angeles-San Bernardino Counties (West Mojave Desert)	Western Mojave Desert 2008 Ozone - 2014 EI	7/7/2014	1/7/2015	1/7/2016
198421	Nevada County (Western part)	Western Nevada County 2008 Ozone - 2014 EI	7/7/2014	1/7/2015	1/7/2016
80851	Imperial County	Imperial 2008 Ozone Plan - EI	7/17/2014	1/17/2015	1/17/2016
85152	Kern County (Eastern Kern)	Eastern Kern 2008 Ozone Plan - EI	7/17/2014	1/17/2015	1/17/2016
199354	Riverside County (Coachella Valley)	Coachella 2008 Ozone - 2014 EI	7/17/2014	1/17/2015	1/17/2016
84327	Sacramento Metro	Sacramento 2008 Ozone Plan - EI	7/17/2014	1/17/2015	1/17/2016
199363	San Diego County	San Diego 2008 Ozone - 2014 EI	7/17/2014	1/17/2015	1/17/2016

17159	San Joaquin Valley	San Joaquin Valley 2006 PM2.5 - Moderate Subpart 4 QM/CM	11/6/2014	5/6/2015	5/6/2016
20474	Monterey Bay Air Resources District	Monterey Bay, Permits; Sources Not Requiring Permits	4/7/2015	10/7/2015	10/7/2016
20118, 20120	Kern County APCD	CA Eastern Kern Agricultural Operations AgBMP Rule 402.2 and CA/East Kern County Rule 402, Fugitive Dust	6/26/2015	12/26/2015	12/26/2016
20410	Imperial County APCD	Imperial, Permits; Emission Reduction Credits	11/13/2015	5/13/2016	5/13/2017
20586	Tehama County APCD	Tehama County, Permits; NA NSR	11/13/2015	5/13/2016	5/13/2017
16135	Statewide	CA/Imperial County rescission of Rule 111, Equipment Breakdown	3/28/2016	9/28/2016	9/28/2017
20542	San Luis Obispo County APCD	San Luis Obispo; Federal Requirements for New & Modified Major Sources in Nonattainment Areas	6/20/2016	12/20/2016	12/20/2017
20454	Mojave Desert AQMD	Mojave Desert AQMD Permits - Equipment Not Requiring a Permit	8/22/2016	2/22/2017	2/22/2018
20244	San Diego County APCD	CA/San Diego County Miscellaneous Surface Coating Operations and Other Processes Emitting VOC Rule 66.1	8/22/2016	2/22/2017	2/22/2018
20482	Northern Sierra AQMD	Northern Sierra, Permit; New Source Review Designated Nonattainment Areas	9/6/2016	3/6/2017	3/6/2018
20552, 20550, 194721, 20548, 20546	Santa Barbara County APCD	Santa Barbara APCD Rule 102 Definitions, Santa Barbara APCD Rule 105 Applicability, Santa Barbara APCD Rule 202 Exemptions to Rule 201, Santa Barbara APCD Rule 204 Applications, and Santa Barbara APCD Rule 809 Federal Minor Source New Source Review	10/18/2016	4/18/2017	4/18/2018
87180	California Air Resources Board	CARB Consumer Products Regulations - 2016 Submittal	12/1/2016	6/1/2017	6/1/2018
16133	Statewide	CA/East Kern County withdraw Rule 111, Equipment Breakdown	12/6/2016	6/6/2017	6/6/2018
20064, 20066	Feather River AQMD	CA/Feather River County Motor Vehicle and Mobile Equipment Coating Operations Rule 3.19 and CA/Feather River Surface Preparation and Clean-Up Rule 3.14	1/24/2017	7/24/2017	7/24/2018
20452, 20446, 20450	Mojave Desert AQMD	Mojave Desert AQMD Permits - General, Prevention of Significant Deterioration, and Procedures	1/24/2017	7/24/2017	7/24/2018
20340	Antelope Valley AQMD	Antelope Valley, Rule 219 Equipment not requiring permit	2/24/2017	8/24/2017	8/24/2018

199404	Plumas County	Portola 2012 PM2.5 - CM	2/28/2017	8/28/2017	8/28/2018
14043	Ventura County	Ventura 2008 Ozone Plan	4/11/2017	10/11/2017	10/11/2018
89381, 13911	Los Angeles-South Coast Air Basin	South Coast 2006 PM2.5 - Serious CM and South Coast 2012 PM2.5 Portion of 2016 AQMP - MODERATE	4/27/2017	10/27/2017	10/27/2018
13839	Riverside County (Coachella Valley)	Coachella 2008 Ozone Plan	4/27/2017	10/27/2017	10/27/2018
13985	Sacramento Metro	Sacramento 2008 Ozone RACT	5/5/2017	11/5/2017	11/5/2018
20276, 20560	South Coast AQMD	CA/South Coast Rule 1110.2, Gaseous and Liquid Fueled Engines and South Coast, Permits; Definitions	5/8/2017	11/8/2017	11/8/2018
14050	Los Angeles-San Bernardino Counties (West Mojave Desert)	Western Mojave Desert 2008 Ozone Plan	6/2/2017	12/2/2017	12/2/2018
20058, 20056	El Dorado County APCD	El Dorado 101 General Provisions and Definitions and El Dorado 215 Architectural Coatings	8/9/2017	2/9/2018	2/9/2019
26162	Kern County (Eastern Kern)	Eastern Kern 2008 Ozone RACT	8/9/2017	2/9/2018	2/9/2019
20238, 20234, 20236	San Diego County APCD	San Diego 61.3.1 Transfer of Gasoline, San Diego 69.3.1 Stationary Gas Turbine Engines, and San Diego County APCD Rule 67.21 Adhesive Material Application Operations	8/9/2017	2/9/2018	2/9/2019
20322	Yolo-Solano AQMD	Yolo Solano 2.31 Solvent Cleaning and Degreasing	8/9/2017	2/9/2018	2/9/2019
20158	Mojave Desert AQMD	Mojave Desert AQMD Rule 1162 - Polyester Resin Operations w/supporting doc'n	10/3/2017	4/3/2018	4/3/2019
18139	San Joaquin Valley	San Joaquin Valley 1997 PM2.5 - CM Serious	10/23/2017	4/23/2018	4/23/2019
20174	Mojave Desert AQMD	Mojave Desert AQMD Rule 1158 - Electric Power Generating Facilities	11/13/2017	5/13/2018	5/13/2019
31159	Sacramento Metro	Yolo-Solano 2008 Ozone RACT	11/13/2017	5/13/2018	5/13/2019
20250	San Diego County APCD	San Diego, Definitions	11/13/2017	5/13/2018	5/13/2019
18147	Sacramento Metro	Sacramento 2008 Ozone Plan - Except EI	12/18/2017	6/18/2018	6/18/2019
20306	South Coast AQMD	South Coast Rule 1118 Control of Emission from Refinery Flares	2/16/2018	8/16/2018	8/16/2019
17509	California Air Resources Board	South Coast On-Road Heavy-Duty Vehicle Incentive	5/2/2018	11/2/2018	11/2/2019

13693	California Department of Pesticide Regulation	CA Department of Pesticide Regulation, No. 15-002, Field Fumigant Use Requirements	5/2/2018	11/2/2018	11/2/2019
18197	Kern County APCD	Eastern Kern APCD Rule 210.1A NNSR	5/22/2018	11/22/2018	11/22/2019
18285	Butte County AQMD	Butte County AQMD Rule 101 Definitions and rescinding Rule 102 Definitions	5/23/2018	11/23/2018	11/23/2019
18293	Kern County APCD	Eastern Kern APCD Rule 425 Stationary Gas Turbines (Oxides of Nitrogen)	5/23/2018	11/23/2018	11/23/2019
199610, 18320, 18322, 18326, 18328, 18330, 18332	Mojave Desert AQMD	Mojave Desert AQMD Rule 461 Gasoline Transfer and Dispensing, Mojave Desert AQMD Rule 462 Organic Liquid Loading, Mojave Desert AQMD Rule 463 Storage of Organic Liquids, Mojave Desert AQMD Rule 1115 Metal Parts & Products Coating Operations, Mojave Desert AQMD Rule 1157 Boilers and Process Heaters, Mojave Desert AQMD Rule 1160 Internal Combustion Engines, and Mojave Desert AQMD Rule 1161 Portland Cement Kilns	5/23/2018	11/23/2018	11/23/2019
18334	Sacramento Metropolitan AQMD	Sacramento Metro AQMD Rule 468 Surface Coating of Plastic Parts and Products	5/23/2018	11/23/2018	11/23/2019
18337	San Joaquin Valley Unified APCD	San Joaquin Valley Unified APCD Rule 9510 Indirect Source Review	5/23/2018	11/23/2018	11/23/2019
18339	South Coast AQMD	South Coast AQMD Rule 1168 Adhesive and Sealant Applications	5/23/2018	11/23/2018	11/23/2019