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 12 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 **OAKLAND DIVISION**

<p>14 CENTER FOR BIOLOGICAL DIVERSITY 15 <i>et al.</i>, 16 Plaintiffs, 17 v. 18 MICHAEL S. REGAN, in his official capacity 19 as the Administrator of the United States 20 Environmental Protection Agency, 21 Defendant.</p>
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Case No. 4:22-cv-2285-HSG

**JOINT NOTICE TO COURT OF
 STIPULATION TO MODIFY CONSENT
 DECREE (DKT. NO. 23-1)**

22 Defendant Michael S. Regan, in his official capacity as the Administrator of the United
 23 States Environmental Protection Agency (hereinafter “EPA”), and Plaintiffs Center for
 24 Biological Diversity and Center for Environmental Health (collectively, “Plaintiffs”) file this
 25 stipulation notifying the Court that the parties have agreed to extend the deadline for proposed
 26 rulemaking regarding EPA’s review of the secondary National Ambient Air Quality Standards
 27 (“NAAQS”) for nitrogen oxides (“NOx”), sulfur oxides (“SOx”), and particulate matter (“PM”).
 28 The aforementioned deadline is set forth in Paragraph 1.a of the Consent Decree approved by the

1 Court on October 12, 2022 (Dkt. No. 26).¹ Paragraph 4 of the Consent Decree provides, *inter*
2 *alia*, that “[t]he deadlines established by this Consent Decree may be extended (a) by written
3 stipulation of Plaintiffs and EPA with notice to the Court[.]” Dkt. No. 23-1, Consent Decree ¶ 4.

4 WHEREAS, the Consent Decree provides that the appropriate EPA official shall “sign a
5 notice of proposed rulemaking setting forth its proposed decision pursuant to 42 U.S.C. §
6 7409(d)(1) concerning its review of the secondary NAAQS for NO_x and SO_x, and the
7 secondary NAAQS for PM for ecological effects, and including such revisions to these NAAQS
8 and/or such new secondary NAAQS for NO_x, SO_x, and PM as may be appropriate in
9 accordance with 42 U.S.C. §§ 7408 and 7409(b) no later than Feb. 9, 2024.” Dkt. No. 23-1,
10 Consent Decree ¶ 1.a;

11 WHEREAS, on September 27, 2023, the Clean Air Scientific Advisory Committee
12 (“CASAC”) issued its report on its review of EPA’s Policy Assessment for the review of the
13 secondary NAAQS for NO_x, SO_x, and PM;

14 WHEREAS, EPA requires additional time to address issues raised in the CASAC review
15 and to prepare its proposed rulemaking to satisfy the Consent Decree obligation described
16 above;

17 WHEREAS, therefore, the parties have agreed to an extension of the proposed rule
18 deadline in Paragraph 1.a of the Consent Decree until April 9, 2024;

19 NOW THEREFORE, Plaintiffs and EPA hereby stipulate as follows:

20 1. EPA’s deadline to perform the action described in Paragraph 1.a of the Consent
21 Decree (Dkt. No. 23-1, ¶ 1.a) is extended until April 9, 2024.

22 Respectfully submitted,

23 Date: November 7, 2023

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27 ¹ On October 12, 2022, this Court entered an order granting the Parties’ Joint Motion to Enter
28 Consent Decree. Dkt. No. 26. The contents of the Consent Decree are reflected in Docket Entry
23-1. *See* Dkt. No. 23-1.

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/s/ Ryan Maher (email authorization 11/2/2023)

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