

BRENT J. NEWELL (State Bar No. 210312)
LAW OFFICE OF BRENT J. NEWELL
245 Kentucky Street, Suite A4
Petaluma, CA 94952
Tel: (661) 586-3724
brent@lawofficenewell.com

Attorney for Plaintiffs
Committee for a Better Arvin,
Little Manila Rising,
Medical Advocates for Healthy Air,
and Sierra Club

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE FOR A BETTER ARVIN,
LITTLE MANILA RISING, MEDICAL
ADVOCATES FOR HEALTHY AIR, and
SIERRA CLUB,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, LEE ZELDIN, in his
official capacity as Administrator of the United
States Environmental Protection Agency, and
JOSH F.W. COOK, in his official capacity as
Regional Administrator for Region 9 of the
United States Environmental Protection Agency,

Defendants.

) Case No.

) **COMPLAINT FOR INJUNCTIVE AND**
) **DECLARATORY RELIEF**

INTRODUCTION

1. Plaintiffs Committee for a Better Arvin, Little Manila Rising, Medical Advocates for Healthy Air, and the Sierra Club (collectively “Air Advocates”) file this Clean Air Act citizen suit to compel Defendants to perform their nondiscretionary duty and protect public health from fine particulate matter with an aerodynamic diameter of 2.5 microns or less (“PM2.5”) in the San Joaquin Valley of California.

2. Defendants United States Environmental Protection Agency, Lee Zeldin, and Josh F.W. Cook (collectively “EPA”) have violated the Clean Air Act by failing to make a determination of attainment, or a finding of failure to attain, for the 2006 24-hour PM2.5 National Ambient Air Quality Standard in the San Joaquin Valley (“attainment determination”).

3. Air pollution in the San Joaquin Valley is a public health crisis. The American Lung Association ranks Valley counties among the worst in the United States for PM2.5 and ozone.

4. The Clean Air Act is a model of cooperative federalism, whereby EPA sets health-based National Ambient Air Quality Standards (“NAAQS” or “standards”) and the states develop the plans and strategies to attain those standards by the applicable attainment dates. States submit their plans and strategies to EPA for review and approval. EPA shall approve a submission as part of the SIP if it meets the Act’s minimum requirements. EPA and citizens may enforce the EPA-approved SIP as a matter of federal law to hold states and regulated entities accountable.

5. In 2006, EPA established a NAAQS for PM2.5 of 35 $\mu\text{g}/\text{m}^3$ averaged over a 24-hour period (“2006 24-hour PM2.5 standard”).

6. EPA approved California’s request for a maximum five-year extension of the applicable serious area attainment date, extending the attainment date from December 31, 2019 to December 31, 2024.

7. EPA shall, as expeditiously as practicable but no later than June 30, 2025, determine whether the San Joaquin Valley attained, or failed to attain, the 2006 24-hour PM2.5 standard. To date, EPA has failed to make an attainment determination.

JURISDICTION

8. This Court has jurisdiction over this action to compel the performance of a

1 nondiscretionary duty pursuant to 42 U.S.C. § 7604(a)(2) (citizen suit provision of the Clean Air Act)
2 and 28 U.S.C. § 1331 (federal question jurisdiction).

3 9. The declaratory and injunctive relief Air Advocates request is authorized by 28 U.S.C. §§
4 2801(a) and 2202, and 42 U.S.C. § 7604.

5 NOTICE

6 10. On July 2, 2025, Air Advocates provided EPA written notice of the claims stated in this
7 action at least 60 days before commencing this action (hereafter “Notice Letter”), as required by Clean
8 Air Act section 304(b)(2), 42 U.S.C. § 7604(b)(2) and 40 C.F.R. §§ 54.2 and 54.3. A copy of the Notice
9 Letter, sent by certified mail, return receipt requested, is attached as Exhibit 1. Although more than 60
10 days have elapsed since Air Advocates provided written notice, EPA has failed to make an attainment
11 determination for the 2006 24-hour PM_{2.5} standard in the San Joaquin Valley. EPA has violated and
12 continues to violate the Clean Air Act.

13 VENUE

14 11. Venue lies in the Northern District of California pursuant to 28 U.S.C. § 1391(e)(1),
15 because the Regional Administrator for Region 9 is located in San Francisco County and because EPA’s
16 alleged violations relate to the duties of the Regional Administrator in San Francisco.

17 INTRADISTRICT ASSIGNMENT

18 12. Because the failure to perform a nondiscretionary duty alleged in this Complaint relates
19 to the duties of the Regional Administrator located in San Francisco County, assignment to the San
20 Francisco Division or the Oakland Division of this Court is proper under Civil L.R. 3-2(c) and (d).

21 PARTIES

22 13. Plaintiff COMMITTEE FOR A BETTER ARVIN is a nonprofit corporation organized
23 and existing under the laws of the State of California, and based in Arvin, California. COMMITTEE
24 FOR A BETTER ARVIN brings this action on behalf of itself and its members. The mission of
25 COMMITTEE FOR A BETTER ARVIN is to improve the quality of life in Arvin, to inform and unite
26 the community, to address problems facing the community, and to secure equality for all residents.
27 COMMITTEE FOR A BETTER ARVIN and its members have engaged in advocacy for improved local
28 and regional air quality for many years.

1 14. Plaintiff LITTLE MANILA RISING is a nonprofit corporation organized and existing
2 under the laws of the State of California, and based in Stockton, California. LITTLE MANILA RISING
3 serves the South Stockton community, developing equitable solutions to the effects of historical
4 marginalization, institutionalized racism, and harmful public policy. LITTLE MANILA RISING offers a
5 wide spectrum of programs that address education, environment, redevelopment, public health, and air
6 quality. LITTLE MANILA RISING values all people's unique and diverse experiences and wishes to
7 see the residents of South Stockton enjoy healthy, prosperous lives.

8 15. Plaintiff MEDICAL ADVOCATES FOR HEALTHY AIR is a nonprofit organization
9 organized and existing under the laws of the State of California, and based in Fresno, California.
10 MEDICAL ADVOCATES FOR HEALTHY AIR brings this action on behalf of itself and its members.
11 MEDICAL ADVOCATES FOR HEALTHY AIR's members consist of medical professionals living in
12 the San Joaquin Valley who regularly treat patients suffering from respiratory ailments that are caused
13 or exacerbated by the Valley's unhealthy levels of air pollution. The mission of MEDICAL
14 ADVOCATES FOR HEALTHY AIR is to advocate for the expeditious attainment of state and federal
15 health-based air quality standards in the San Joaquin Valley through public education, litigation, and
16 other means.

17 16. Plaintiff SIERRA CLUB is a nonprofit corporation organized and existing under the laws
18 of the State of California, with its headquarters located in San Francisco, California. SIERRA CLUB
19 brings this action on behalf of itself and its members. As a national organization dedicated to the
20 protection of public health and the environment, including air quality, SIERRA CLUB has members
21 living in all eight counties comprising the San Joaquin Valley.

22 17. Plaintiffs COMMITTEE FOR A BETTER ARVIN, LITTLE MANILA RISING,
23 MEDICAL ADVOCATES FOR HEALTHY AIR, and SIERRA CLUB are persons within the meaning
24 of section 302(e) of the Clean Air Act, 42 U.S.C. § 7602(e), and may commence a civil action under
25 section 304(a) of the Act, 42 U.S.C. § 7604(a).

26 18. Members of Plaintiffs COMMITTEE FOR A BETTER ARVIN, LITTLE MANILA
27 RISING, MEDICAL ADVOCATES FOR HEALTHY AIR and SIERRA CLUB live, raise their
28 families, work, and recreate in the San Joaquin Valley. They are adversely affected by exposure to levels

1 of PM2.5 and ozone air pollution that exceed the health-based National Ambient Air Quality Standards.
2 The adverse effects of such pollution include actual or threatened harm to their health, their families’
3 health, their professional, educational, and economic interests, and their aesthetic and recreational
4 enjoyment of the environment in the San Joaquin Valley.

5 19. Members of Plaintiff MEDICAL ADVOCATES FOR HEALTHY AIR are medical
6 professionals who treat patients suffering from PM2.5 and ozone related health effects, have participated
7 in substantial research on the health effects of PM2.5 and ozone, and are concerned about the adverse
8 health effects that PM2.5 and ozone have on their patients, sensitive groups, and the public.

9 20. EPA’s failure to make an attainment determination for the 2006 24-hour PM2.5 standard
10 as alleged in this Complaint deprives Air Advocates’ members of certain procedural rights associated
11 with EPA’s required attainment determination, including notice of, and opportunity to comment on,
12 EPA’s action.

13 21. EPA’s failure to make an attainment determination for the 2006 24-hour PM2.5 standard
14 as alleged in this Complaint causes Air Advocates members’ injuries because EPA has failed to
15 implement the Clean Air Act’s remedial scheme. An EPA finding that the San Joaquin Valley has failed
16 to attain the 2006 24-hour PM2.5 standard shall trigger the implementation of attainment contingency
17 measures. A finding of failure to attain shall also require California to submit, within 12 months of the
18 applicable attainment date, a “Five Percent Plan” required by section 189(d) of the Act, 42 U.S.C.
19 7513a(d). EPA’s failure to implement the remedial scheme denies members the benefits of emissions
20 reductions from contingency measures and the new Five Percent Plan.

21 22. The Clean Air Act violations alleged in this Complaint have injured and continue to
22 injure Air Advocates’ members. The injunctive relief requested in this lawsuit would redress these
23 injuries by compelling Defendants to make an attainment determination, which Congress required as an
24 integral part of the remedial scheme for improving air quality in areas violating the NAAQS.

25 23. A finding of failure to attain the 2006 24-hour PM2.5 standard would redress these
26 injuries by triggering implementation of attainment contingency measures and requiring California to
27 submit the Five Percent Plan required by section 189(d) of the Act, 42 U.S.C. § 7513a(d).

28 24. Injunctive relief would redress members’ procedural injuries by providing notice and an

1 opportunity to comment on the attainment determination.

2 25. The declaratory relief requested in this lawsuit would redress Air Advocates members'
3 injuries by declaring that Defendants have a duty to make an attainment determination. Declaratory
4 relief would further redress these injuries by declaring that Defendants have violated the duty to make an
5 attainment determination.

6 26. Defendant UNITED STATES ENVIRONMENTAL PROTECTION AGENCY is the
7 federal agency Congress charged with implementation and enforcement of the Clean Air Act. As
8 described below, the Act assigns to the UNITED STATES ENVIRONMENTAL PROTECTION
9 AGENCY certain nondiscretionary duties.

10 27. Defendant LEE ZELDIN is sued in his official capacity as Administrator of the United
11 States Environmental Protection Agency. LEE ZELDIN is charged in that role with taking various
12 actions to implement and enforce the Clean Air Act, including the actions sought in this Complaint.

13 28. Defendant JOSH F.W. COOK is sued in his official capacity as Regional Administrator
14 for Region 9 of the United States Environmental Protection Agency. JOSH F.W. COOK is responsible
15 for implementing and enforcing the Clean Air Act in Region 9, including the actions sought in this
16 Complaint. Region 9 includes California and the San Joaquin Valley air basin.

17 **STATUTORY FRAMEWORK**

18 29. The Clean Air Act establishes a partnership between EPA and the states for the
19 attainment and maintenance of the National Ambient Air Quality Standards. *See* 42 U.S.C. §§ 7401-
20 7515. Under the Act, EPA has set health-based standards for six pollutants, including ozone and PM_{2.5}.
21 States must adopt a State Implementation Plan (“SIP”) that contains enforceable emissions limitations
22 necessary to attain the standards and meet applicable requirements of the Act. 42 U.S.C. §§ 7401(a)(1),
23 (a)(2)(A); 7502(c)(6). States must submit all such plans and plan revisions to the EPA. 42 U.S.C. §
24 7410(a)(1).

25 30. State Implementation Plans must include enforceable emissions standards and limitations
26 necessary to attain the NAAQS by the applicable attainment date, must demonstrate reasonable further
27 progress, and must include contingency measures to take effect if the plan fails to meet reasonable
28 further progress or attain the NAAQS by the applicable attainment date. 42 U.S.C. § 7502(c).

31. State Implementation Plans must demonstrate that the state's control strategy will ensure attainment of the standard by the applicable attainment date. *See* 42 U.S.C. § 7511a(c)(2)(A); *see also* 40 C.F.R. § 51.112(a) ("Each plan must demonstrate that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements.").

32. A State Implementation Plan must demonstrate reasonable further progress by showing that the emission inventory for the area continues to decline according to milestones every three years. 42 U.S.C. § 7511a(c)(2)(B). The Act defines reasonable further progress to mean "such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date." 42 U.S.C. § 7501(1).

33. A State Implementation Plan must include contingency measures that take effect without any further action by the state upon a plan's failure to meet Reasonable Further Progress, failure to attain the standard by the applicable date, failure to meet a quantitative milestone, or failure to submit a quantitative milestone report. 42 U.S.C. § 7502(c)(9); 40 C.F.R. § 51.1014(a).

34. Areas that EPA designates as nonattainment for a National Ambient Air Quality Standard must attain the standard by the applicable attainment date. Section 179(c)(1) of the Clean Air Act, 42 U.S.C. § 7509(c)(1), requires EPA to make an attainment determination—a finding that an area either attained or failed to attain a standard—as expeditiously as practicable but no later than six months after the area's applicable attainment date. A related provision for particulate matter nonattainment areas requires an attainment determination within six months following the area's applicable attainment date. 42 U.S.C. § 7513(b)(2).

35. The Clean Air Act requires implementation of contingency measures upon the failure of an area to make reasonable further progress or attain a NAAQS by the applicable attainment date. 42 U.S.C. §§ 7502(c)(9).

36. The Clean Air Act requires a serious nonattainment area which fails to attain the standard by the applicable attainment date to submit a Five Percent Plan within 12 months of that date. 42 U.S.C. § 7513a(d). The Five Percent Plan shall provide for attainment of the standard and annual emissions

1 reductions of particulate matter or particulate matter precursors of not less than five percent.

2 37. If EPA fails to perform a non-discretionary duty, including failing to make an attainment
3 determination, then the Act allows any person to bring suit to compel EPA to perform its non-
4 discretionary duty. 42 U.S.C. § 7604(a)(2).

5 **FACTUAL BACKGROUND**

6 **Fine Particulate Matter (PM2.5) Background**

7 38. PM2.5 is a directly emitted pollutant and forms secondarily in the atmosphere by the
8 precursor pollutants NO_x, ammonia, sulfur oxides, and VOC. Secondary PM2.5 forms primarily during
9 the winter in the San Joaquin Valley.

10 39. Short-term exposure to PM2.5 pollution causes premature death, causes decreased lung
11 function, exacerbates respiratory disease such as asthma, and causes increased hospital admissions.
12 Long-term exposure causes development of asthma in children, causes decreased lung function growth
13 in children, exacerbates respiratory disease such as asthma, increases the risk of death from
14 cardiovascular disease, and increases the risk of death from heart attacks. Individuals particularly
15 sensitive to PM2.5 exposure include older adults, people with heart and lung disease, and children.

16 40. According to the American Lung Association's State of the Air 2025 report, the San
17 Joaquin Valley counties of Kern, Tulare, Fresno, and Kings rank as the first, third, fifth, and sixth most
18 polluted counties in the United States for short-term exposure to PM2.5, respectively. For long-term
19 exposure to PM2.5, the report ranks Kern, Tulare, Fresno, Kings, and Stanislaus as the first, second,
20 third, fifth, and eighth most polluted counties in the United States, respectively.

21 41. In 2006, EPA promulgated the 2006 24-hour PM2.5 standard. To better protect the public
22 from short-term exposures, EPA increased the stringency of the national primary annual 24-hour PM2.5
23 NAAQS by lowering the allowable ambient concentration from 65 µg/m³ to 35 µg/m³. 71 Fed. Reg.
24 61144, 61145 (Oct. 17, 2006).

25 42. In 2016, EPA determined that the San Joaquin Valley could not practicably attain the
26 standard by the moderate area attainment date of December 31, 2015, and reclassified the Valley as a
27 serious nonattainment area. 81 Fed. Reg. 2993, 2993 (Jan. 20, 2016). As a serious nonattainment area,
28 EPA approved December 31, 2019 as the applicable attainment date. *Id.*

43. In 2020, California requested—and EPA approved—a five-year extension of the attainment date for the 2006 24-Hour PM_{2.5} standard, as authorized by section 188(e) of the Act, 42 U.S.C. § 7513(e). 85 Fed. Reg. 44192, 44205 (July 22, 2020). As a serious nonattainment area receiving a section 188(e) extension, EPA approved December 31, 2024 as the applicable attainment date. *Id.* EPA also approved the attainment demonstration for the plan to attain the 2006 24-hour PM_{2.5} standard, which relied on an “aggregate commitment” to achieve a specific amount of emissions reductions. *Id.* at 44204–44206

44. In 2022, the Ninth Circuit Court of Appeals held that EPA’s approval of the “aggregate commitment” was arbitrary and capricious when there was no rational connection between the facts found by the EPA regarding a funding shortfall and the EPA’s conclusion that California will nevertheless meet the attainment goals.” *Medical Advocates for Healthy Air v. EPA*, No. 20-72780, 2022 WL 1109656 at *2 (9th Cir. Apr. 13, 2022). The court “vacate[d] the portion of the final rule that determined that the relevant aggregate commitments satisfied the second factor of the three-factor test and remand[ed] to the EPA for further consideration of the second factor, and for further proceedings consistent with this decision.” *Id.* at *3.

45. The San Joaquin Valley has not attained the 2006 24-hour PM_{2.5} standard. EPA data show PM_{2.5} design values for 2017-2019, 2018-2020, 2019-2021, 2020-2022, 2021-2023, and 2022-2024 at 64 µg/m³, 72 µg/m³, 66 µg/m³, 65 µg/m³, 48 µg/m³, and 48 µg/m³ respectively, well above the 35 µg/m³ design value necessary to attain the standard. EPA published these design value data in tab 3b of a spreadsheet available on EPA’s website at https://www.epa.gov/system/files/documents/2025-06/pm25_designvalues_2022_2024_final_05_28_25.xlsx, and attached as Exhibit 2.

Ozone Background

46. Ground-level ozone is formed by a reaction between NO_x and VOC in the presence of heat and sunlight. Unlike ozone in the upper atmosphere which is formed naturally and protects the Earth from ultraviolet radiation, ozone at ground level is primarily formed from anthropogenic pollution.

47. Short-term exposure to ozone irritates lung tissue, decreases lung function, exacerbates respiratory disease such as asthma and Chronic Obstructive Pulmonary Disease (COPD), increases susceptibility to respiratory infections such as pneumonia, all of which contribute to an increased

1 likelihood of emergency department visits and hospitalizations. Short-term exposure to ozone also
2 increases the risk of premature death, especially among older adults. Long-term exposure to ozone
3 causes asthma in children, decreases lung function, damages the airways, leads to development of
4 COPD, and increases allergic responses.

5 48. According to the American Lung Association's State of the Air 2025 report, the San
6 Joaquin Valley counties of Tulare, Kern, and Fresno rank as the fourth, fifth, and seventh most ozone-
7 polluted counties in the United States, respectively.

8 49. On July 18, 1997, EPA promulgated a national primary ozone NAAQS of 0.080 parts per
9 million averaged over an 8-hour period to replace the less stringent 1-hour ozone NAAQS ("1997 8-
10 hour ozone standard"). 62 Fed. Reg. 38856 (July 18, 1997); 40 C.F.R. § 50.9(b) (2003).

11 50. Effective May 27, 2008, EPA completed a review of the 1997 8-hour ozone standard,
12 found it necessary to lower the allowable ambient concentration of ozone to 0.075 parts per million, and
13 promulgated the national primary NAAQS for ozone ("2008 8-hour ozone standard"). 73 Fed. Reg.
14 16436 (March. 27, 2008); 40 C.F.R. § 50.15. EPA revoked the 1997 8-hour ozone standard as part of the
15 transition to the 2008 standard, but retained the attainment contingency measures and the major
16 stationary source fee requirement for the 1997 8-hour ozone standard as controls to help ensure
17 attainment of the 2008 8-hour ozone standard. 40 C.F.R. §§ 51.1100(o)(13), (15), 51.1105(a)(1).

18 51. Effective June 4, 2010, EPA reclassified the San Joaquin Valley to an extreme ozone
19 nonattainment area for the 1997 8-hour ozone standard and established June 15, 2024 as the applicable
20 attainment date. 75 Fed. Reg. 24409, 24415 (May 5, 2010).

21 52. On April 14, 2025, Plaintiffs COMMITTEE FOR A BETTER ARVIN, MEDICAL
22 ADVOCATES FOR HEALTHY AIR, and SIERRA CLUB filed a complaint to compel EPA to make an
23 attainment determination for the 1997 8-hour ozone standard in *Committee for a Better Arvin v. EPA*,
24 No. 3:25-cv-03326-MMC (N.D. Cal.).

25 53. On July 10, 2025, EPA published a proposed finding of failure to attain the 1997 8-hour
26 ozone standard in the San Joaquin Valley. 90 Fed. Reg. 30607 (July 10, 2025).

27 ///

28 ///

COMPLAINT

FIRST CLAIM FOR RELIEF

Failure to Perform a Non-Discretionary Duty

to Make an Attainment Determination

(42 U.S.C. §§ 7509(c)(1), 7513(b)(2))

54. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1-53.

55. Effective February 19, 2016, EPA determined that the San Joaquin Valley could not practicably attain the 2006 24-hour PM_{2.5} standard by the moderate area attainment date of December 31, 2015, and reclassified the Valley as a serious nonattainment area. 81 Fed. Reg. 2993, 2993 (Jan. 20, 2016). As a serious nonattainment area, EPA approved December 31, 2019 as the applicable attainment date. *Id.*

56. Effective August 21, 2020, EPA approved California's request for a five-year extension of the applicable attainment date from December 31, 2019 to December 31, 2024. 85 Fed. Reg. 44192, 44205 (July 22, 2020).

57. Defendants have a mandatory duty to determine whether the San Joaquin Valley attained or failed to attain the 2006 24-hour PM_{2.5} standard no later than six months after the applicable December 31, 2024 attainment date, or no later than June 30, 2025. 42 U.S.C. §§ 7509(c)(1), 7513(b)(2).

58. In the alternative, if the vacatur of the approval of the aggregate commitments in *Medical Advocates for Healthy Air v. EPA*, No. 20-72780, 2022 WL 1109656 (9th Cir. Apr. 13, 2022), also vacated the five-year extension of the applicable attainment date, then Defendants have a mandatory duty to determine whether the San Joaquin Valley attained or failed to attain the 2006 24-hour PM_{2.5} standard no later than June 30, 2020. 42 U.S.C. §§ 7509(c)(1), 7513(b)(2).

59. Defendants have failed and continue to fail to make an attainment determination.

60. By failing to make an attainment determination, Defendants have violated and continue to violate their nondiscretionary duty to make an attainment determination pursuant to Clean Air Act sections 179(c)(1) and 188(b)(2), 42 U.S.C. §§ 7509(c)(1); 7513(b)(2).

61. This Clean Air Act violation constitutes a "failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator" within the meaning of the Act's citizen suit provision. 42 U.S.C. § 7604(a)(2). EPA's violation of the Act is ongoing and will

1 continue unless remedied by this Court.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiffs respectfully request the Court grant the following relief:

- 4 A. DECLARE that Defendants have a duty by June 30, 2025 to make an attainment
5 determination of whether the San Joaquin Valley attained or failed to attain the 2006 24-
6 hour PM2.5 standard;
- 7 B. DECLARE that Defendants have violated and continue to violate the Clean Air Act by
8 failing to make an attainment determination of whether the San Joaquin Valley attained or
9 failed to attain the 2006 24-hour PM2.5 standard;
- 10 C. ISSUE preliminary and permanent injunctions directing the Defendants to take final action
11 on the attainment determination for the 2006 24-hour PM2.5 standard by December 1,
12 2025;
- 13 D. RETAIN jurisdiction over this matter until such time as the Defendants have complied with
14 their nondiscretionary duties under the Clean Air Act;
- 15 E. AWARD to Plaintiffs their costs of litigation, including reasonable attorney's and expert
16 witness fees; and
- 17 F. GRANT such additional relief as the Court may deem just and proper.

18
19 Dated: September 2, 2025

Respectfully Submitted,

20 LAW OFFICE OF BRENT J. NEWELL

21 /s/ Brent J. Newell

22 Brent J. Newell

23 Attorney for Plaintiffs
24
25
26
27
28

I. PLAINTIFF(S) Committee for a Better Arvin, et al. County of Residence of First Listed Plaintiff: <i>Leave blank in cases where United States is plaintiff.</i> Attorney or Pro Se Litigant Information <i>(Firm Name, Address, and Telephone Number)</i> Law Office of Brent J. Newell 245 Kentucky Street, Suite A4, Petaluma, CA 94954 (661)586-3724	DEFENDANT(S) U.S. Environmental Protection Agency, et al. County of Residence of First Listed Defendant: <i>Use ONLY in cases where United States is plaintiff.</i> Defendant's Attorney's Name and Contact Information <i>(if known)</i>
---	---

☐ U.S. Government Plaintiff ☐ Federal Question
 (U.S. Government Not a Party)

☒ U.S. Government Defendant ☐ Diversity

Cite the U.S. Statute under which you are filing: *(Use jurisdictional statutes only for diversity)*
 42 U.S.C. § 7604(a)(2)
 Brief description of case: Clean Air Act; Failure to perform non-discretionary duty

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury -Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury – Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC § 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC § 158 ☐ 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent—Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 U.S.C. § 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC § 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced & Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☒ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 445 Amer. w/Disabilities—Employment ☐ 446 Amer. w/Disabilities—Other ☐ 448 Education	PRISONER PETITIONS HABEAS CORPUS ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty OTHER ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee—Conditions of Confinement			

☒ Original Proceeding ☐ Removed from State Court ☐ Remanded from Appellate Court ☐ Reinstated or Reopened ☐ Transferred from Another District ☐ Multidistrict Litigation—Transfer ☐ Multidistrict Litigation—Direct File

Plaintiff	Defendant
☐	☐ Citizen of California
☐	☐ Citizen of Another State
☐	☐ Citizen or Subject of a Foreign Country
☐	☐ Incorporated or Principal Place of Business In California
☐	☐ Incorporated and Principal Place of Business In Another State
☐	☐ Foreign Nation

☐ Check if the complaint contains a **jury demand**.

☐ Check if the complaint contains a **monetary demand**. Amount:

☐ Check if the complaint seeks **class action** status under Fed. R. Civ. P. 23.

☐ Check if the complaint seeks a **nationwide injunction** or Administrative Procedure Act vacatur.

Provide case name(s), number(s), and presiding judge(s).

(Place an "X" in One Box Only) ☒ **SAN FRANCISCO/OAKLAND** ☐ **SAN JOSE** ☐ **EUREKA-MCKINLEYVILLE**

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT s/ Brent Newell

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

- I. Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.
Attorney/Pro Se Litigant Information. Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.
- II. Jurisdiction.** Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:
 - (1) *United States plaintiff.* Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
 - (2) *United States defendant.* Applies when the United States, its agencies, or officers are defendants.
 - (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
 - (4) *Diversity of citizenship.* Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties’ citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.
- III. Cause of Action.** Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.
- IV. Nature of Suit.** Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.
- V. Origin.** Check one of the boxes:
 - (1) *Original Proceedings.* Cases originating in the United States district courts.
 - (2) *Removed from State Court.* Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
 - (3) *Remanded from Appellate Court.* Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
 - (4) *Reinstated or Reopened.* Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) *Transferred from Another District.* Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
 - (6) *Multidistrict Litigation Transfer.* Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
 - (7) *Multidistrict Litigation Direct File.* Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- VI. Residence (citizenship) of Principal Parties.** Mark for each principal party *only* if jurisdiction is based on diversity of citizenship.
- VII. Requested in Complaint.**
 - (1) *Jury demand.* Check this box if plaintiff’s complaint demanded a jury trial.
 - (2) *Monetary demand.* For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
 - (3) *Class action.* Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
 - (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.
- VIII. Related Cases.** If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.
- IX. Divisional Assignment.** Identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.” Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.

Exhibit 1

LAW OFFICE OF BRENT J. NEWELL

July 2, 2025

By Certified Mail, Return Receipt Requested

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code 1101A
Washington, D.C. 20460

Josh F.W. Cook, Regional Administrator
U.S. Environmental Protection Agency Region 9
75 Hawthorne Street
Mail Code ORA-1
San Francisco, CA 94105

Re: Clean Air Act Notice of Intent to Sue for Failure to Make an Attainment Determination for the 2006 24-hour PM2.5 National Ambient Air Quality Standard.

Dear Administrator Zeldin and Regional Administrator Cook:

The Committee for a Better Arvin, Healthy Environment for All Lives, Little Manila Rising, Medical Advocates for Healthy Air, and Sierra Club (collectively “Valley Groups”) give notice to the Environmental Protection Agency, Lee Zeldin, and Josh F.W. Cook (collectively “EPA”) of the Valley Groups’ intent to sue EPA for its failure to fulfill its mandatory duty to make an attainment determination on whether the San Joaquin Valley attained, or failed to attain, the 2006 24-hour PM2.5 National Ambient Air Quality Standard.

EPA establishes National Ambient Air Quality Standards and ensures that California adopts strategies to attain those standards by the statutory deadlines. In other words, EPA must take action to protect public health. In 2006, EPA strengthened the short-term 24-hour standard for PM2.5 by lowering the standard from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$. The attainment date for the 2006 24-hour standard in the San Joaquin Valley is December 31, 2024. Recent design value

data show that the Valley has a design value of $48 \mu\text{g}/\text{m}^3$ for the period 2022-2024 which means the Valley has failed to attain the standard by the attainment date. EPA shall make an attainment determination as soon as practicable but no later than June 30, 2025. A finding of failure to attain would trigger contingency measures to reduce more PM_{2.5} pollution and require California to adopt a new plan to attain the standard with minimum annual 5 percent reductions required by section 189(d) of the Clean Air Act, 42 U.S.C. § 7513a(d).

The Valley Groups send this notice pursuant to section 304(b) of the Clean Air Act (“Act”), 42 U.S.C. § 7604(b), and 40 C.F.R. §§ 54.2 and 54.3. At the conclusion of the 60-day notice period, the San Joaquin Valley Groups intend to file suit under section 304(a)(2) of the Act, 42 U.S.C. § 7604(a)(2), to prosecute EPA’s failure to perform its non-discretionary duty.

The San Joaquin Valley has “long been ‘an area with some of the worst air quality in the United States,’ and it has repeatedly failed to meet air quality standards.” *Association of Irrigated Residents v. EPA*, 10 F.4th 937, 944 (9th Cir. 2021) (quoting *Committee for a Better Arvin v. EPA*, 786 F.3d 1169, 1173 (9th Cir. 2015)). California regulators’ history of failure spans decades during which time EPA has found that the Valley has failed to attain several National Ambient Air Quality Standards by their respective deadlines.¹

Ozone and fine particulate matter (“PM_{2.5}”) pollution remains a public health crisis in the San Joaquin Valley. Short-term exposure to ozone irritates lung tissue, decreases lung function, exacerbates respiratory disease such as asthma and Chronic Obstructive Pulmonary Disease (COPD), increases susceptibility to respiratory infections such as pneumonia, all of which contribute to an increased likelihood of emergency department visits and hospitalizations. Short-term exposure to ozone also increases the risk of premature death, especially among older adults. Long-term exposure to ozone causes asthma in children, decreases lung function, damages the airways, leads to development of COPD, and increases allergic responses.²

Short-term exposure to PM_{2.5} pollution causes premature death, decreases lung function, exacerbates respiratory disease such as asthma, and causes increased hospital admissions. Long-term exposure causes development of asthma in children, decreased lung function growth in

¹ See 66 Fed. Reg. 56476 (Nov. 8, 2001) (1-hour ozone standard failure to attain by 1999); 67 Fed. Reg. 48039 (July 23, 2002) (PM-10 standard failure to attain by 2001); 76 Fed. Reg. 82133 (December 30, 2011) (1-hour ozone standard failure to attain by 2010); 81 Fed. Reg. 84481 (November 23, 2016) (1997 24-hour and annual PM_{2.5} standards failure to attain by 2015); 86 Fed. Reg. 67329 (Nov. 26, 2021) (disapproving 1997 annual PM_{2.5} implementation plan because of failure to attain the standard by December 31, 2020).

² AMERICAN LUNG ASSOCIATION STATE OF THE AIR 2025 at 27-29, available at <https://www.lung.org/getmedia/5d8035e5-4e86-4205-b408-865550860783/State-of-the-Air-2025.pdf> (last visited June 9, 2025).

children, increased risk of death from respiratory and cardiovascular disease, and increased risk of death from heart attacks.³

According to the American Lung Association, counties in the San Joaquin Valley air basin rank among the worst in the United States for PM_{2.5}. For short-term exposure to PM_{2.5}, the Valley counties of Kern, Tulare, Fresno, and Kings, rank as the first, third, fifth, and sixth most PM_{2.5}-polluted counties, respectively.⁴ With respect to long-term exposures, Kern, Tulare, Fresno, Kings, and Stanislaus rank as the first, second, third, fifth, and eighth most PM_{2.5}-polluted counties, respectively.⁵ For exposure to ozone, Tulare, Kern, and Fresno rank as the fourth, fifth, and seventh most ozone-polluted counties.⁶

EPA Failure to Determine whether the San Joaquin Valley Attained the 2006 24-hour PM_{2.5} National Ambient Air Quality Standard.

EPA has failed to make a mandatory attainment determination for the 2006 24-hour PM_{2.5} standard by June 30, 2025. In 2016, EPA determined that the San Joaquin Valley could not practicably attain the standard by the moderate area attainment date of December 31, 2015, and reclassified the Valley as a serious nonattainment area. 81 Fed. Reg. 2993, 2993 (Jan. 20, 2016). At the time, EPA directed California to submit a plan to attain the standard “as expeditiously as practicable and no later than December 31, 2019.” *Id.* In 2020, California requested—and EPA approved—a five-year extension of the attainment date for the 2006 24-Hour PM_{2.5} standard, as authorized by section 188(e) of the Act, 42 U.S.C. § 7513(e). 85 Fed. Reg. 44192, 44205 (July 22, 2020). EPA’s approval established December 31, 2024, as the new applicable attainment date. *Id.*

Current design value data show that the San Joaquin Valley has failed to attain the 2006 24-hour PM_{2.5} standard by the December 31, 2024 deadline. EPA data show PM_{2.5} design values for 2017-2019, 2018-2020, 2019-2021, 2020-2022, 2021-2023, and 2022-2024 at 64 µg/m³, 72 µg/m³, 66 µg/m³, 65 µg/m³, 48 µg/m³, and 48 µg/m³ respectively, well above the 35 µg/m³ design value necessary to attain the standard.⁷

³ *Id.* at 25-27.

⁴ *Id.* at 23.

⁵ *Id.*

⁶ *Id.*

⁷ See 2024 Design Value Reports, PM_{2.5} Design Values, Table 3b. Design Value History in Areas Previously Designated Nonattainment for the 2006 24-hour PM_{2.5} NAAQS available at <https://www.epa.gov/air-trends/air-quality-design-values#report> (last visited June 9, 2025), attached as Exhibit 1.

EPA has a mandatory duty under sections 179(c)(1) and 188(b)(2) of the Clean Air Act to determine whether the San Joaquin Valley either attained or failed to attain the 1997 annual PM2.5 standard within six months of the December 31, 2024 attainment deadline, or June 30, 2025. 42 U.S.C. §§ 7509(c)(1), 7513(b)(2). EPA's failure to perform its non-discretionary duty under sections 179(c)(1) and 188(b)(2) of the Act, 42 U.S.C. §§ 7509(c)(1) and 7513(b)(2), has violated and continues to violate the Act.

Identity of the Noticing Parties and their Attorney:

Healthy Environment for All Lives

Veronic Aguirre
HEAL
420 North A Avenue
Avenal, CA 93204
Telephone: (559) 328-7840
Email: vaguirre.gr@gmail.com

Medical Advocates for Healthy Air

Kevin Hamilton
MAHA
5919 E. Robinson Avenue
Fresno, CA 93727
Telephone: (559) 288-5244
Email: sjvmaha@gmail.com

Sierra Club

Mercedes Macias
Sierra Club
2101 Webster Street Suite 1300
Oakland, CA 94612
Telephone: (661) 972-4762
Email: mercedes.macias@sierraclub.org

Committee for a Better Arvin

Estela Escoto
Committee for a Better Arvin
1401 Chico Court
Arvin, CA 93203
Telephone: (310) 940-7014
Email: estelaescoto@hotmail.com

Little Manila Rising

Dillon Delvo
Little Manila Rising
2154 South San Joaquin Street,
Stockton, CA, 95206
Telephone: (209) 336-6332
Email: dillon@littlemanila.org

Attorney for Noticing Parties

Brent Newell
Law Office of Brent J. Newell
245 Kentucky Street, Suite A4
Petaluma, CA 94952
Telephone: (661) 586-3724
Email: brent@lawofficenewell.com

Conclusion

Following the 60-day period, the Valley Groups will file suit in U.S. District Court to compel EPA to perform its nondiscretionary duty under the Clean Air Act. If you wish to discuss this matter short of litigation, please direct all future correspondence to the San Joaquin Valley Groups' attorney.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Newell", is positioned below the word "Sincerely,".

Brent Newell

cc: Governor Gavin Newsom (By Certified Mail, Return Receipt Requested)
1021 O Street, Suite 9000
Sacramento, CA 95814

Liane Randolph, Chair (By Certified Mail, Return Receipt Requested)
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Steven Cliff, Executive Officer (By Certified Mail, Return Receipt Requested)
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Exhibit 2

Table 3b. Design Value History in Areas Previously Designated Nonattainment for the 2006 24-hour P_{2.5} NAAQS

AQS Data Retrieval: 5/28/2025

Last Updated: 5/28/2025

Designated Area	EPA Region(s)	2013-2015 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2014-2016 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2015-2017 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2016-2018 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2017-2019 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2018-2020 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2019-2021 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2020-2022 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2021-2023 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]	2022-2024 24-hour Design Value ($\mu\text{g}/\text{m}^3$) [1,2]
Allentown, PA	3	30	24	24	23	24	24	23	23	24	23
Birmingham, AL	4	23	23	22	22	21	22	21	21	20	21
Canton-Massillon, OH	5	26	24	22	21	21	22	22	21	25	23
Charleston, WV	3	20	19	17	16	15	15	16	16	19	18
Chico, CA	9	29	26	28	38	39	59	55	57	34	25
Cleveland-Akron-Lorain, OH	5	27	25	25	23	24	25	23	23	30	28
Detroit-Ann Arbor, MI	5	26	27	28	28	30	28	27	28	33	28
Fairbanks, AK	10	124	106	85	65	69	68	72	70	67	64
Harrisburg-Lebanon-Carlisle-York, PA	3	34	31	30	26	26	25	26	25	27	26
Imperial County, CA	9	30	32	31	35	33	34	30	32	30	33
Johnstown, PA	3	28	26	25	22	22	20	21	20	23	21
Klamath Falls, OR	10	41	32	41	75	78	88	67	67	49	34
Knoxville-Sevierville-La Follette, TN	4	20	33	34	31	19	18	21	21	23	21
Lancaster, PA	3	32	33	28	25	26	26	26	24	26	25
Liberty-Clairton, PA	3	33	36	37	35	35	32	32	30	33	31
Logan, UT-ID	8,10	45	34	34	33	34	31	32	31	34	31
Los Angeles-South Coast Air Basin, CA	9	44	43	39	38	38	37	41	41	34	35
Milwaukee-Racine, WI	5	25	24	22	20	21	20	22	22	29	26
New York-N. New Jersey-Long Island, NY-NJ-CT	1,2	28	24	23	23	23	22	22	21	27	23
Nogales, AZ	9	28	27	28	26	26	26	29	30	28	30
Oakridge, OR	10	37	31	46	47	52	81	93	163	121	111
Philadelphia-Wilmington, PA-NJ-DE	2,3	29	27	25	24	26	26	24	22	26	27
Pittsburgh-Beaver Valley, PA	3	25	25	24	24	24	22	23	22	25	24
Provo, UT	8	46	31	31	31	32	31	26	27	25	22
Sacramento, CA	9	35	31	34	50	54	85	60	65	39	31
Salt Lake City, UT	8	44	41	37	36	31	28	34	35	34	32
San Francisco Bay Area, CA	9	30	25	35	48	48	55	35	36	25	25
San Joaquin Valley, CA	9	79	72	72	65	64	72	66	65	48	48
Steubenville-Weirton, OH-WV	3,5	27	27	25	22	21	19	20	19	25	21
Tacoma, WA	10	32	28	31	33	35	34	29	32	29	29
West Central Pinal, AZ	9	34	31	32	36	34	35	36	35	29	26
Yuba City-Marysville, CA	9	27	26	28	30	32	52	54	55	32	25

Notes:

1. The level of the 2006 24-hour PM_{2.5} NAAQS is 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The design value is the annual 98th percentile concentration, averaged over three consecutive years. The design value listed for each area is the highest among monitors with valid design values.
2. The design values shown here are computed using Federal Reference Method or equivalent data reported by State, Tribal, and Local monitoring agencies to EPA's Air Quality System (AQS) as of May 28, 2025. Concentrations flagged by State, Tribal, or Local monitoring agencies as having been affected by an exceptional event (e.g., wildfire, volcanic eruption) and concurred by the associated EPA Regional Office are not included in these calculations.
3. San Joaquin Valley's 2013-2015, 2014-2016, and 2015-2017 design value site (Corcoran-Patterson) does not have data from February 7, 2015 to December 31, 2015 due to a fire that destroyed the site. Based on design value calculation methodologies described in 40 CFR 50, Appendix N the design value for Corcoran-Patterson is considered valid despite the missing 2015 data.

Disclaimer: The information listed in this report and in these tables is intended for informational use only and does not constitute a regulatory determination by EPA as to whether an area has attained a NAAQS. The information set forth in this report has no regulatory effect. To have a regulatory effect, a final EPA determination as to whether an area has attained a NAAQS or attained a NAAQS as of its applicable attainment date can be accomplished only after rulemaking that provides an opportunity for notice and comment. No such determination for regulatory purposes exists in the absence of such a rulemaking. This report does not constitute a proposed or final rulemaking.