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5 Attorney for Plaintiffs
Little Manila Rising,
6 Medical Advocates for Healthy Air,
and Sierra Club
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11
12 LITTLE MANILA RISING, MEDICAL)
ADVOCATES FOR HEALTHY AIR, and)
13 SIERRA CLUB,)

14 Plaintiffs,)

15 v.)

16 UNITED STATES ENVIRONMENTAL)
17 PROTECTION AGENCY, LEE ZELDIN, in his)
official capacity as Administrator of the United)
18 States Environmental Protection Agency, and)
MICHAEL MARTUCCI, in his official capacity)
19 as Acting Regional Administrator for Region 9 of)
the United States Environmental Protection)
20 Agency,)

21 Defendants.)
22)
23)
24)
25)
26)
27)
28)

) Case No.

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

INTRODUCTION

1
2 1. Plaintiffs Little Manila Rising, Medical Advocates for Healthy Air, and the Sierra Club
3 (collectively “Air Advocates”) file this Clean Air Act citizen suit to compel Defendants to perform their
4 nondiscretionary duty and protect public health in the San Joaquin Valley of California.

5 2. Air pollution in the San Joaquin Valley is a public health crisis. The American Lung
6 Association ranks Valley counties among the worst in the United States for fine particulate matter with
7 an aerodynamic diameter of 2.5 microns or less (“PM2.5”) and ozone.

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

14 4. Defendants United States Environmental Protection Agency (“EPA”), Lee Zeldin, and
15 Michael Martucci have violated, and continue to violate, the Clean Air Act by failing to approve,
16 disapprove, or partially approve/disapprove the San Joaquin Valley Unified Air Pollution Control
17 District 2024 Plan for the 2012 Annual PM2.5 Standard (“2024 PM2.5 Plan”), California Air Resources
18 Board Staff Report entitled “Review of the San Joaquin Valley 2024 Plan for the 2012 12 µg/m3 Annual
19 PM2.5 Standard” (“Staff Report”), and California Air Resources Board Resolution 24-10.

20 5. Defendants shall take final action on the 2024 PM2.5 Plan, the Staff Report, and
21 Resolution 24-10 by full or partial approval or disapproval, by February 22, 2026.

22 6. To date, Defendants have failed to take final action on the 2024 PM2.5 Plan, the Staff
23 Report, and Resolution 24-10.

JURISDICTION

24
25 7. This Court has jurisdiction over this action to compel the performance of a
26 nondiscretionary duty pursuant to 42 U.S.C. § 7604(a)(2) (citizen suit provision of the Clean Air Act)
27 and 28 U.S.C. § 1331 (federal question jurisdiction).

28 8. The declaratory and injunctive relief Air Advocates request is authorized by 28 U.S.C. §§

1 2801(a) and 2202, and 42 U.S.C. § 7604.

2 **NOTICE**

3 9. On March 4, 2026, Air Advocates provided Defendants EPA, Zeldin, and Martucci
4 written notice of the claims stated in this action at least 60 days before commencing this action
5 (hereafter “Notice Letter”), as required by Clean Air Act section 304(b)(2), 42 U.S.C. § 7604(b)(2) and
6 40 C.F.R. §§ 54.2 and 54.3. A copy of the Notice Letter, sent by certified mail, return receipt requested,
7 is attached as Exhibit 1. Although more than 60 days have elapsed since Air Advocates provided written
8 notice, EPA has failed to take final action on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-
9 10. EPA has violated and continues to violate the Clean Air Act.

10 **VENUE**

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

14 **INTRADISTRICT ASSIGNMENT**

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

18 **PARTIES**

19 12. Plaintiff LITTLE MANILA RISING is a nonprofit corporation organized and existing
20 under the laws of the State of California, and based in Stockton, California. LITTLE MANILA RISING
21 serves the South Stockton community, developing equitable solutions to the effects of historical
22 marginalization, institutionalized racism, and harmful public policy. LITTLE MANILA RISING offers a
23 wide spectrum of programs that address education, environment, redevelopment, public health, and air
24 quality. LITTLE MANILA RISING values all people’s unique and diverse experiences and wishes to
25 see the residents of South Stockton enjoy healthy, prosperous lives.

26 13. Plaintiff MEDICAL ADVOCATES FOR HEALTHY AIR is a nonprofit organization
27 organized and existing under the laws of the State of California, and based in Fresno, California.
28 MEDICAL ADVOCATES FOR HEALTHY AIR brings this action on behalf of itself and its members.

1 MEDICAL ADVOCATES FOR HEALTHY AIR’s members consist of medical professionals living in
2 the San Joaquin Valley who regularly treat patients suffering from respiratory ailments that are caused
3 or exacerbated by the Valley’s unhealthy levels of air pollution. The mission of MEDICAL
4 ADVOCATES FOR HEALTHY AIR is to advocate for the expeditious attainment of state and federal
5 health-based air quality standards in the San Joaquin Valley through public education, litigation, and
6 other means.

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

12 15. Plaintiffs LITTLE MANILA RISING, MEDICAL ADVOCATES FOR HEALTHY AIR,
13 and SIERRA CLUB are persons within the meaning of section 302(e) of the Clean Air Act, 42 U.S.C. §
14 7602(e), and may commence a civil action under section 304(a) of the Act, 42 U.S.C. § 7604(a).

15 16. The Clean Air Act violations alleged in this Complaint have injured and continue to
16 injure Air Advocates’ members.

17 17. Members of Plaintiffs LITTLE MANILA RISING, MEDICAL ADVOCATES FOR
18 HEALTHY AIR and SIERRA CLUB live, raise their families, work, and recreate in the San Joaquin
19 Valley. They are adversely affected by exposure to levels of PM2.5 and ozone air pollution that exceed
20 the health-based National Ambient Air Quality Standards. The adverse effects of such pollution include
21 actual or threatened harm to their health, their families’ health, their professional, educational, and
22 economic interests, and their aesthetic and recreational enjoyment of the environment in the San Joaquin
23 Valley.

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

28 19. EPA’s failure to take action on the 2024 PM2.5 Plan, the Staff Report, and Resolution
COMPLAINT

1 24-10 as alleged in this Complaint deprives Plaintiffs' members of certain procedural rights associated
2 with EPA's required action on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 including
3 notice of, and opportunity to comment on, EPA's proposed action and judicial review to challenge any
4 EPA final action.

5 20. EPA's failure to take action on the 2024 PM2.5 Plan, the Staff Report, and Resolution
6 24-10 as alleged in this Complaint causes members' injuries because Defendants have failed to
7 implement the Clean Air Act's remedial scheme, including ensuring the 2024 PM2.5 Plan, the Staff
8 Report, and Resolution 24-10 meet all Clean Air Act requirements and are enforceable by EPA and
9 citizens.

10 21. A failure to attain the 2012 annual PM2.5 national ambient air quality standard is
11 reasonably foreseeable given the historical record of PM2.5 design value data and repeated failures to
12 attain the National Ambient Air Quality Standards in the San Joaquin Valley.

13 22. The injunctive relief requested in this lawsuit would redress members' injuries by
14 compelling Defendants to take final action on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-
15 10. Such action on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 would ensure the 2024
16 PM2.5 Plan, the Staff Report, and Resolution 24-10 comply with all applicable requirements of the
17 Clean Air Act.

18 23. The injunctive relief requested in this lawsuit would redress members' procedural injuries
19 by providing notice and an opportunity to comment on EPA's proposed action to approve, disapprove,
20 or approve in part and disapprove in part, the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10.

21 24. The injunctive relief requested in this lawsuit would redress members' procedural injuries
22 by compelling EPA to take final action on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10.
23 EPA final action will allow Air Advocates to secure any necessary judicial review as provided by Clean
24 Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1).

25 25. The declaratory relief requested in this lawsuit would redress Air Advocates members'
26 injuries by declaring that Defendants have a duty to take final action on the 2024 PM2.5 Plan, the Staff
27 Report, and Resolution 24-10 by February 22, 2026. Declaratory relief would further redress these
28 injuries by declaring that Defendants have violated their duty.

1 32. A serious PM_{2.5} nonattainment areas shall attain the standard as expeditiously as
2 practicable but no later than ten years after designation. 42 U.S.C. § 7513(c)(2); 40 C.F.R.
3 § 51.1004(a)(2)(i).

4 33. A serious PM_{2.5} nonattainment area may request a further extension of the ten-year
5 attainment deadline—up to five years—but such an area must adopt “the most stringent measures” and
6 demonstrate attainment by the most expeditious alternative date practicable. 42 U.S.C. § 7513(e); 40
7 C.F.R. §§ 51.1005(b), 51.1010(b). The Act defines MSM as “the most stringent measures that are
8 included in the [SIP] of any State or are achieved in practice in any State, and can feasibly be
9 implemented in the area.” 42 U.S.C. § 7513(e).

10 34. Within 60 days of EPA’s receipt of a proposed State Implementation Plan or SIP
11 revision, the Clean Air Act requires EPA to determine whether the submission is sufficient to meet the
12 minimum criteria established by EPA. 42 U.S.C. § 7410(k)(1)(B). If EPA fails to make this
13 “completeness” finding, the proposed SIP revision becomes complete by operation of law six months
14 after a state submits the revision. If EPA determines that the proposed SIP revision does not meet the
15 minimum criteria, the state is considered to have not made the submission. 42 U.S.C. 7410(k)(1)(C).

16 35. Within twelve months of an EPA finding that a proposed State Implementation Plan or
17 SIP revision is complete (or deemed complete by operation of law), EPA must act to approve,
18 disapprove, or approve in part and disapprove in part, the proposed SIP or SIP revision. 42 U.S.C. §
19 7410(k)(2).

20 36. If EPA disapproves the State Implementation Plan or SIP revision, in whole or in part,
21 then the Clean Air Act requires EPA to impose sanctions against the offending state or region, including
22 increased offsets for new and modified major stationary sources or a prohibition on the use of federal
23 highway funds, unless the state submits revisions within 18 months. 42 U.S.C. §§ 7509(a), (b). EPA
24 must impose both offsets and highway funding sanctions within 24 months unless the state has corrected
25 the deficiency. Moreover, the Act requires EPA to promulgate a Federal Implementation Plan within 24
26 months of disapproval unless the state has corrected the deficiency, and EPA has approved the revision.
27 42 U.S.C. § 7410(c).

28 37. Once EPA approves a State Implementation Plan or SIP revision, the state and any

1 regulated person must comply with the emissions standards and limitations contained in the SIP, and all
2 such standards and limitations become enforceable as a matter of federal law by EPA and citizens. 42
3 U.S.C. § 7413; 7604(a), (f).

4 38. If EPA fails to perform a non-discretionary duty, including failing to take final action on
5 a proposed State Implementation Plan or SIP revision by the Clean Air Act deadline, then the Act allows
6 any person to bring suit to compel EPA to perform its non-discretionary duty. 42 U.S.C. § 7604(a)(2).

7 **FACTUAL BACKGROUND**

8 **Fine Particulate Matter (PM_{2.5}) Background**

9 39. PM_{2.5} is a directly emitted pollutant and forms secondarily in the atmosphere by the
10 precursor pollutants NO_x, ammonia, sulfur oxides, and VOC. Secondary PM_{2.5} forms primarily during
11 the winter in the San Joaquin Valley.

12 40. Short-term exposure to PM_{2.5} pollution causes premature death, causes decreased lung
13 function, exacerbates respiratory disease such as asthma, and causes increased hospital admissions.
14 Long-term exposure causes development of asthma in children, causes decreased lung function growth
15 in children, exacerbates respiratory disease such as asthma, increases the risk of death from
16 cardiovascular disease, and increases the risk of death from heart attacks. Individuals particularly
17 sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease, and children.

18 41. According to the American Lung Association's State of the Air 2026 report, the San
19 Joaquin Valley counties of Kern, Tulare, Fresno, and Kings rank as the third, fifth, and seventh (tied)
20 most polluted counties in the United States for short-term exposure to PM_{2.5}, respectively. For long-
21 term exposure to PM_{2.5}, the report ranks Kern, Fresno, Tulare, and Kings as the first, fourth, fifth, and
22 eighth most polluted counties in the United States, respectively.

23 42. On July 18, 1997, the EPA established the national primary annual PM_{2.5} NAAQS of 15
24 $\mu\text{g}/\text{m}^3$ ("1997 annual PM_{2.5} standard") after considering evidence from "numerous health studies
25 demonstrating that serious health effects" occur from exposures to PM_{2.5}. *See* 81 Fed. Reg. 6936
26 (February 9, 2016); *see also* 62 Fed. Reg. 38652 (July 18, 1997); 40 C.F.R. § 50.7.

27 43. In 2006, to better protect the public from short-term exposures, EPA increased the
28 stringency of the national primary annual 24-hour PM_{2.5} NAAQS by lowering the allowable ambient

1 concentration from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$. 71 Fed. Reg. 61144, 61145 (Oct. 17, 2006) (“2006 24-hour
2 PM2.5 standard”).

3 44. Effective March 18, 2013, the EPA strengthened the national primary annual PM2.5
4 NAAQS by lowering the level from 15.0 $\mu\text{g}/\text{m}^3$ to 12.0 $\mu\text{g}/\text{m}^3$ (“2012 annual PM2.5 standard”). 78 Fed.
5 Reg. 3086 (Jan. 13, 2013); 40 C.F.R. § 50.18.

6 45. The San Joaquin Valley is a serious PM2.5 nonattainment area for the 1997 annual PM2.5
7 standard, the 2006 24-hour standard, and the 2012 annual PM2.5 standard.

8 46. In 2019, California submitted a SIP revision purporting to meet SIP requirements for the
9 1997 annual PM2.5 standard, the 2006 24-hour standard, and the 2012 annual PM2.5 standard (“2018
10 PM2.5 Plan”).

11 47. Effective December 27, 2021, EPA found that the Valley could not practicably attain the
12 2012 Annual PM2.5 Standard by the moderate area attainment date of December 31, 2021, reclassified the
13 Valley as a serious area, and set December 31, 2025, as the applicable attainment date. 86 Fed. Reg.
14 67343, 67347 (Nov. 26, 2021).

15 48. On December 29, 2021, EPA published a proposed approval of the 2018 PM2.5 Plan as
16 meeting all planning requirements for the San Joaquin Valley as a serious nonattainment area for the 2012
17 annual standard except for contingency measures, which EPA proposed to disapprove. 86 Fed. Reg. 74311
18 (Dec. 29, 2021).

19 49. After receiving adverse comments on the proposed approval of the 2018 PM2.5 Plan as it
20 pertains to the 2012 annual PM2.5 standard, EPA published a proposal to disapprove the Plan for several
21 reasons, including California’s failure to demonstrate that the plan would attain the 2012 annual PM2.5
22 Standard by December 31, 2025. 87 Fed. Reg. 60494, 60530 (Oct. 5, 2022).

23 50. In a letter dated October 27, 2022, the California Air Resources Board withdrew the 2018
24 PM2.5 Plan as it pertains to the 2012 annual PM2.5 standard from inclusion in the State Implementation
25 Plan.

26 51. On June 20, 2024, the San Joaquin Valley Unified Air Pollution Control District adopted
27 the 2024 PM2.5 Plan.

28 52. On July 25, 2024, the California Air Resources Board approved the 2024 PM2.5 Plan and

1 adopted the Staff Report and Resolution 24-10.

2 53. The 2024 PM_{2.5} Plan, the Staff Report, and Resolution 24-10 request a five-year
3 extension of the December 31, 2025 attainment date to December 31, 2030 as authorized by 42 U.S.C. §
4 7513(e).

5 54. On August 22, 2024, the California Air Resources Board submitted the 2024 PM_{2.5} Plan,
6 the Staff Report, and Resolution 24-10 as a SIP revision.

7 55. The San Joaquin Valley has not attained the 2012 annual PM_{2.5} standard. EPA data show
8 PM_{2.5} design values for 2017-2019, 2018-2020, 2019-2021, 2020-2022, 2021-2023, and 2022-2024 at
9 16.9 µg/m³, 20.3 µg/m³, 18.8 µg/m³, 18.8 µg/m³, 16.2 µg/m³, and 14.7 µg/m³, respectively, well above
10 the 12 µg/m³ design value necessary to attain the 2012 annual PM_{2.5} standard. The design value data
11 are available on EPA's website at <https://www.epa.gov/air-trends/air-quality-design-values#report> and
12 attached as Exhibit 2.

13 56. The San Joaquin Valley has not attained the 2006 24-hour PM_{2.5} standard. EPA data
14 show PM_{2.5} design values for 2017-2019, 2018-2020, 2019-2021, 2020-2022, 2021-2023, and 2022-
15 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
16 35 µg/m³ design value necessary to attain the 2006 24-hour PM_{2.5} standard. The design value data are
17 available on EPA's website at <https://www.epa.gov/air-trends/air-quality-design-values#report> and
18 attached as Exhibit 3.

19 57. On April 2, 2026, EPA published a proposed finding that the San Joaquin Valley failed to
20 attain the 2006 24-hour PM_{2.5} standard. 91 Fed. Reg. 16614 (Apr. 2, 2026).

21 58. Pursuant to a consent decree entered in *Committee for a Better Arvin v. U.S.*
22 *Environmental Protection Agency*, No. 3:25-cv-07375-EMC (N.D. Cal.) (Dkt. No. 31), EPA shall take
23 final action no later than June 1, 2026 on the finding of failure to attain the 2006 24-hour PM_{2.5}
24 standard.

25 Ozone Background

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

1 60. Short-term exposure to ozone irritates lung tissue, decreases lung function, exacerbates
2 respiratory disease such as asthma and Chronic Obstructive Pulmonary Disease (COPD), increases
3 susceptibility to respiratory infections such as pneumonia, all of which contribute to an increased
4 likelihood of emergency department visits and hospitalizations. Short-term exposure to ozone also
5 increases the risk of premature death, especially among older adults. Long-term exposure to ozone
6 causes asthma in children, decreases lung function, damages the airways, leads to development of
7 COPD, and increases allergic responses.

8 61. According to the American Lung Association’s State of the Air 2026 report, the San
9 Joaquin Valley counties of Tulare, Kern, and Fresno rank as the fourth, fifth, and seventh most ozone-
10 polluted counties in the United States, respectively.

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

14 63. Effective July 20, 2012, EPA designated the San Joaquin Valley as an extreme
15 nonattainment area for the 2008 8-hour ozone standard. 77 Fed. Reg. 30088, 30092 (May 21, 2012); 40
16 C.F.R. § 51.1103(d). As an extreme nonattainment area, the Valley must attain the standard as
17 expeditiously as practicable but no later than July 20, 2032. 40 C.F.R. § 51.1103(a); 80 Fed. Reg. 12264,
18 12268 (March 6, 2015).

19 64. Effective December 28, 2015, EPA revised “the level of the [8-hour ozone] standard to
20 0.070 ppm to provide increased public health protection against health effects associated with long- and
21 short-term exposures” and promulgated the national primary NAAQS for ozone (“2015 8-hour ozone
22 standard”). 80 Fed. Reg. 65292, 65294 (Oct. 26, 2015); 40 C.F.R. § 50.19.

23 65. Effective August 3, 2018, EPA classified the San Joaquin Valley as an extreme
24 nonattainment area for the 2015 8-hour ozone standard and established an August 3, 2038 attainment
25 date. 83 Fed. Reg. 25776 (June 4, 2018).

26 66. Effective October 27, 2025, EPA found that the San Joaquin Valley failed to attain the
27 1997 8-hour ozone standard by the December 15, 2024 attainment date. 90 Fed. Reg. 46065 (Sept. 25,
28 2025).

FIRST CLAIM FOR RELIEF

Failure to Perform a Non-Discretionary Duty

to Act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10

(42 U.S.C. § 7410(k)(2))

67. Plaintiffs re-allege and incorporate by reference the allegations set forth in paragraphs 1-66.

68. On August 22, 2024, the California Air Resources Board submitted the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 as a SIP revision.

69. On February 22, 2025, the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 became complete by operation of law.

70. Defendants have a mandatory duty to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 no later than February 22, 2026. 42 U.S.C. § 7410(k)(2).

71. Defendants have failed and continue to fail to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10.

72. By failing to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10, Defendants have violated and continue to violate their nondiscretionary duty to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 pursuant to Clean Air Act section 110(k)(2), 42 U.S.C. § 7410(k)(2).

73. 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). Defendants’ violation of the Act is ongoing and will continue unless remedied by this Court.

PRAAYER FOR RELIEF

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

A. DECLARE that Defendants have a duty to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 by February 22, 2026;

B. DECLARE that Defendants have violated and continue to violate the Clean Air Act by failing to act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10;

C. ISSUE preliminary and permanent injunctions directing the Defendants to act on the 2024

1 PM2.5 Plan, the Staff Report, and Resolution 24-10 by November 15, 2026;

2 D. RETAIN jurisdiction over this matter until such time as the Defendants have complied with
3 their nondiscretionary duties under the Clean Air Act;

4 E. AWARD to Plaintiffs their costs of litigation, including reasonable attorney's and expert
5 witness fees; and

6 F. GRANT such additional relief as the Court may deem just and proper.
7

8 Dated: May 5, 2026

Respectfully Submitted,

9 LAW OFFICE OF BRENT J. NEWELL

10 /s/ Brent J. Newell

11 Brent J. Newell

12 Attorney for Plaintiffs
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CIVIL COVER SHEET - for people without lawyers only

See Civil Local Rule 3-2 (amended April 28, 2025), which requires the filing of a civil cover sheet only by those unrepresented by counsel.

I. PLAINTIFF(S)

Little Manila Rising, Medical Advocates for Healthy Aitr, and Sierra Club

County of Residence of First Listed Plaintiff: Stanislaus

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)
Law Office of Brent J. Newell, 245 Kentucky Street, Suite A4
Petaluma, CA 94952 (661) 586-3724

DEFENDANT(S)

U.S. Environmental Protection Agency, Lee Zeldin, Michael Martucci

County of Residence of First Listed Defendant:

Defendant's Attorney's Name and Contact Information (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- U.S. Government Plaintiff, Federal Question, U.S. Government Defendant, Diversity

III. CAUSE OF ACTION

Cite the U.S. Statute under which you are filing: 42 U.S.C. § 7604(a)(2)
Brief description of case: failure to perform a nondiscretionary duty

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)

- Original Proceeding, Removed from State Court, Remanded from Appellate Court, Reinstated or Reopened, Transferred from Another District, Multidistrict Litigation-Transfer, Multidistrict Litigation-Direct File

VI. FOR DIVERSITY CASES ONLY: CITIZENSHIP OF PRINCIPAL PARTIES

Table for Plaintiff and Defendant citizenship options: 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

VII. REQUESTED IN COMPLAINT

- 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.

VIII. RELATED CASE(S) OR MDL CASE

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

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2

(Place an "X" in One Box Only) [X] SAN FRANCISCO/OAKLAND [] SAN JOSE [] EUREKA-MCKINLEYVILLE

DATE 05/04/2026

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT s/ Brent J. Newell

Exhibit 1

LAW OFFICE OF BRENT J. NEWELL

March 4, 2026

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

Michael Martucci, Acting 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 Act on State Implementation Plan Revisions for the 2012 Annual PM_{2.5} National Ambient Air Quality Standard in the San Joaquin Valley, California.

Dear Administrator Zeldin and Acting Regional Administrator Martucci:

Little Manila Rising, Medical Advocates for Healthy Air, and Sierra Club (collectively “Valley Groups”) give notice to the Environmental Protection Agency, Lee Zeldin, and Michael Martucci (collectively “EPA”) of the Valley Groups’ intent to sue EPA for its failure to fulfill its mandatory duty to take final action on California State Implementation Plan revisions for the 2012 annual fine particulate matter (“PM_{2.5}”) National Ambient Air Quality Standard (“NAAQS” or “standard”) in the San Joaquin Valley, California:

(1) San Joaquin Valley Unified Air Pollution Control District 2024 Plan for the 2012 Annual PM_{2.5} Standard (“2024 PM_{2.5} Plan”);

(2) California Air Resources Board Staff Report entitled “Review of the San Joaquin Valley 2024 Plan for the 2012 12 µg/m³ Annual PM_{2.5} Standard” (“Staff Report”), including the

aggregate commitment of 7.3 tons per day (“tpd”) of oxides of nitrogen (“NOx”) and 0.2 tpd of direct PM2.5 emissions reductions in 2030;

(3) California Air Resources Board Resolution 24-10 (“Resolution 24-10”), including the aggregate commitment of 7.3 tpd of NOx and 0.2 tpd of direct PM2.5 emissions reductions in 2030.

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 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 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 PM2.5 pollution remain a public health crisis in the 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 PM2.5 pollution causes premature death, decreases lung function, exacerbates respiratory disease such as asthma, and causes increased hospital admissions. Long-

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 PM2.5 standards failure to attain by 2015); 86 Fed. Reg. 67329 (Nov. 26, 2021) (disapproving 1997 annual PM2.5 implementation plan because of failure to attain the standard by December 31, 2020); 90 Fed. Reg. 46065 (Sept. 25, 2025) (1997 8-hour ozone standard failure to attain by June 15, 2024).

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 February 23, 2026).

term exposure causes development of asthma in children, decreased lung function growth in 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 PM2.5. For short-term exposure to PM2.5, the Valley counties of Kern, Tulare, Fresno, and Kings, rank as the first, third, fifth, and sixth most PM2.5-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 PM2.5-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 Take Final Action on the 2024 PM2.5 Plan, Staff Report, and Resolution 24-10.

On June 20, 2024, the San Joaquin Valley Unified Air Pollution Control District adopted the 2024 PM2.5 Plan. The 2024 PM2.5 Plan includes the following elements: the emissions inventories, the attainment demonstration, the RFP demonstration, quantitative milestones, contingency measures, precursor demonstration, Best Available Control Measures/Best Available Control Technology demonstration, section 189(e) extension request and Most Stringent Measures demonstration, and motor vehicle emissions budgets.

On July 25, 2024, the California Air Resources Board adopted Resolution 24-10. The Resolution adopted the 2024 PM2.5 Plan and the aggregate commitment of 7.3 tpd NO_x and 0.2 tpd PM2.5 emissions reductions in 2030.

On August 22, 2024, the California Air Resources Board (“CARB”) submitted the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 to EPA as revisions to the California SIP.

Effective November 4, 2024, EPA approved contingency measures for the 2012 annual PM2.5 standard. 89 Fed. Reg. 80749 (Oct. 4, 2024).

³ *Id.* at 25-27.

⁴ *Id.* at 23.

⁵ *Id.*

⁶ *Id.*

On February 22, 2025, the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 became complete by operation of law. The SPeCS for SIPs Public Element Dashboard confirms the February 22, 2025 completeness date.

EPA shall act on the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10, by full or partial approval or disapproval, within twelve months of the completeness date. 42 U.S.C. § 7410(k)(2). EPA has a non-discretionary duty to take final action to approve, disapprove, or partially approve/disapprove the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10 no later than February 22, 2026. EPA has failed to approve, disapprove, or partially approve/disapprove the 2024 PM2.5 Plan, the Staff Report, and Resolution 24-10. EPA's failure to perform its non-discretionary duty under section 110(k)(2) of the Act, 42 U.S.C. § 7410(k)(2), has violated and continues to violate the Clean Air Act.

Identity of the Noticing Parties and their Attorney:

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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 Valley Groups' attorney.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Newell", is written over a faint, illegible typed name.

Brent Newell

Exhibit 2

Table 3a. Design Value History in Areas Previously Designated Nonattainment for the 2012 Annual PM_{2.5} NAAQS

AQS Data Retrieval: 5/28/2025

Last Updated: 5/28/2025

Designated Area	EPA Region	2013-2015 Annual Design Value (µg/m ³) [1,2]	2014-2016 Annual Design Value (µg/m ³) [1,2]	2015-2017 Annual Design Value (µg/m ³) [1,2]	2016-2018 Annual Design Value (µg/m ³) [1,2]	2017-2019 Annual Design Value (µg/m ³) [1,2]	2018-2020 Annual Design Value (µg/m ³) [1,2]	2019-2021 Annual Design Value (µg/m ³) [1,2]	2020-2022 Annual Design Value (µg/m ³) [1,2]	2021-2023 Annual Design Value (µg/m ³) [1,2]	2022-2024 Annual Design Value (µg/m ³) [1,2]
Allegheny County, PA	3	12.6	12.8	13.0	12.6	12.4	11.1	11.2	10.9	11.6	10.6
Cleveland, OH	5	12.4	12.2	11.7	11.0	11.0	10.8	11.3	11.4	12.2	11.2
Delaware County, PA	3	11.6	11.5	10.3	10.6	10.1	9.8	8.7	8.1	8.5	8.1
Imperial County, CA	9	12.9	12.6	12.0	12.6	12.0	12.1	11.0	11.1	10.2	10.2
Lebanon County, PA	3	11.7	11.2	10.1	9.3	9.0				8.4	8.2
Los Angeles-South Coast Air Basin, CA	9	14.5	14.7	14.7	14.7	14.0	14.2	14.2	14.0	13.1	12.9
Plumas County, CA	9	14.9	15.0	15.1	14.7	14.2	15.9	16.5	17.0	14.0	12.3
San Joaquin Valley, CA	9	22.2	22.0	22.2	17.8	16.9	20.3	18.8	18.8	16.2	14.7
West Silver Valley, ID	10	13.7	11.9	12.4	11.9	12.0	10.9	10.6	10.7	10.3	9.4

Notes:

- The level of the 2012 annual PM_{2.5} NAAQS is 12.0 micrograms per cubic meter (µg/m³). The design value is the annual mean concentration, averaged over three consecutive years. The design value listed for each area is the highest among monitors with valid design values.
- 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.
- 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.

Exhibit 3

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:

- 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.
- 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.
- 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.

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