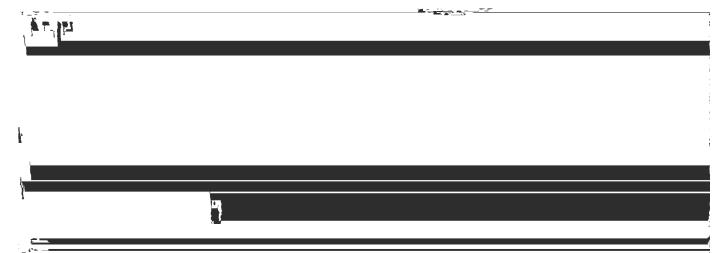
PAUL R. CORT, State Bar No. 184336 IRENE V. GUTIERREZ, State Bar No. 252927 Earthjustice 2 50 California Street San Francisco, CA 94111 3 pcort@earthjustice.org igutierrez@earthjustice.org 4 Tel: 415-217-2000/Fax: 415-217-2040 5 Attorneys for Plaintiffs Sierra Club, American Lung Association, Environmental Defense Fund, and Natural Resources Defense Council 8 UNITED STATES 9 FOR THE NORTHERN D SAN FRANCISCO/ 10 11 12 SIERRA CLUB, AMERICAN LUNG ASSOCIATION, ENVIROMENTAL DEFENSE 13 FUND, and NATURAL RESOURCES DEFENSE COMPLAINT FOR DECLARATORY AND 14 COUNCIL INJUNCTIVE RELIEF Plaintiffs, 15 (Clean Air Act, 42 U.S.C. §§ 7401 et seq.) 16 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; BOB PERCIASEPE, in 17 his official c of the United State 18 ncy, 10 Defendants. 21 INTRODUCTION

- 1 3. The Clean Air Act further mandates that EPA review and, as necessary, revise the national ambient air quality standards every five years.
- 3 4. EPA and its scientific advisory committee have acknowledged that the current
- 4 national ambient air quality standards for ozone, adopted in 2008, are inadequate to protect the
- 5 public from the adverse effects of ozone pollution.
- 6 5. Yet EPA has failed to even review, let alone revise, the 2008 standards according to
- 7 the deadline required by the Clean Air Act.
- 8 6. This is an action to compel the Administrator of the EPA to fulfill his non-
- 9 discretionary duty to review and adopt overdue national ambient air quality standards for ozone
- 10 pollution.



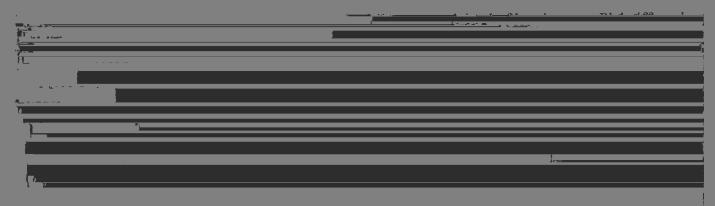
- The instant action arises under the Clean Air Act ("Act"), 42 U.S.C. §§ 7401 et seq.
- 13 This Court has jurisdiction over this action pursuant to 42 U.S.C. § 7604 and 28 U.S.C. §§ 1331 and
- 14 1361. The relief requested by Plaintiffs is authorized pursuant to 42 U.S.C. § 7604 and 28 U.S.C.
- 15 §§ 2201, 2202, and 1361.
- 16 8. In accordance with 42 U.S.C. § 7604(b)(2) and 40 C.F.R. Part 54, Plaintiffs notified
- 17 the Administrator of the violations alleged herein, and of Plaintiffs' intent to initiate the present
- 18 Astiem This motion recommended the contified and electronic mail nosted on March 78, 7013 and

1 PARTIES

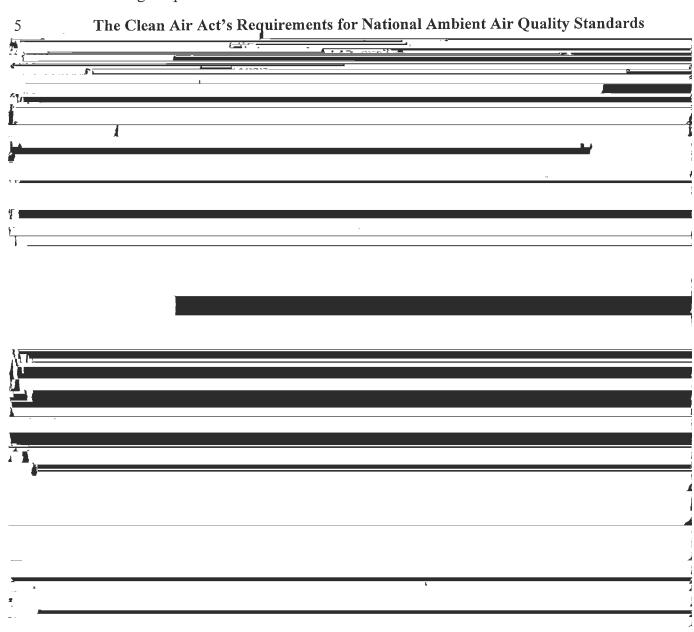
| 2 | 11. | Plaintiff Sierra Club, a corporation organized and existing under the laws of the State of |
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| 3 | California, is | a national nonprofit organization whose mission is to protect the wild places of the earth, |
| 4 | promote the re | esponsible use of the earth's ecosystems and resources, and protect and restore the quality |
| 5 | of the natural | and human environment. Sierra Club is headquartered in San Francisco, California. |
| 6 | 12. | Plaintiff American Lung Association ("ALA"), a corporation organized and existing |
| 7 | under the law | rs of the State of Maine, is a national nonprofit organization dedicated to the conquest |
| 8 | of lung diseas | se and the promotion of lung health. ALA is headquartered in Washington, D.C. |
| 9 | 13. | Plaintiff Environmental Defense Fund ("EDF"), a corporation organized and existing |
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2 revising the national ambient air quality standards for ozone.



- 1 groups constitute a significant portion of the population, and consequently, the proper regulation of
- 2 ozone has significant implications for public health throughout the United States.
- 3 25. Ozone pollution has also been tied to negative impacts on vegetation and ecosystems,
- 4 as well as rising temperatures.



- 7 the Nation's air resources so as to promote the public health and welfare and the productive capacity
- 8 of its population." 42 U.S.C. § 7401(b)(1).
- 9 27. As one of its central features, the Act requires the Administrator to set national
- ambient air quality standards for certain air pollutants. 42 U.S.C. § 7409(a). Under the Act, the

9444. This litigation was held in abeyance, so that EPA could initiate a rulemaking to reconsider the 1 In 2010, EPA proposed to revise national ozone standards to address the deficiencies 32. 3 dontified by EDA's Colontifie Advisory Committee as welles to incornorate information from

- 5 recent scientific studies. 75 Fed. Reg. at 2993. The EPA Administrator determined that the 2008
- 6 primary ozone standard of 0.075 parts per million ("ppm") was "not sufficient to provide protection
- 7 with an adequate margin of safety." 75 Fed. Reg. at 2996. EPA proposed revising the 8-hour
- 8 primary ozone standard to within a range of 0.060 to 0.070 ppm. *Id.* at 2998. EPA also proposed
- 9 that the secondary ozone standard should be set separately from the primary standard, according to a

| 1 | 39. Defendants' failure to perform this nondiscretionary duty is ongoing. Plaintiffs are |
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| 2 | informed and believe that the omissions complained of herein will continue unless enjoined by order |
| 3 | of this Court. |
| 4 | 40. Accordingly, Plaintiffs are entitled to an order from this Court compelling Defendant |
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