Citizen Suit Action/Clean Air Act: Sierra Club Judicial Action Alleging U.S. Environmental Protection Agency Failure to Address PM2.5 Attainment Status for San Joaquin Valley



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The Sierra Club and other organizations filed in the United States District Court for the Northern District of California ("Court") a September 2nd Complaint for Injunctive and Declaratory Relief ("Complaint") against the United States Environmental Protection Agency ("EPA") alleging a failure to perform a Clean Air Act nondiscretionary duty.

The other organizations joining the Complaint include the Committee for a Better ARVIN, Little Manila Rising and Medical Advocates for Healthy Air (collectively, "Sierra Club").

The Complaint alleges that EPA has violated the Clean Air Act by failing to make a determination of attainment, or finding of failure to attain, for the 2006 24-hour PM2.5 National Ambient Air Quality Standard ("NAAQAS") in the San Joaquin Valley.

Particulate matter is a generic term for a broad class of chemically and physically diverse substances that exist as discrete particles (liquid droplets or solids) over a wide range of sizes.

States are primarily responsible for ensuring attainment and maintenance of NAAQS once the EPA has established or revised one. Each state is then required to formulate, subject to EPA approval, an implementation plan (i.e., "SIP") designed to achieve each NAAQS. The SIP is required to attain an individual NAAQS within the air quality region within a certain period of time. Failure to do so requires that EPA within a certain period of time classify it as nonattainment.

The Sierra Club Complaint states that EPA established an NAAQS for PM2.5 of 35 µg/m3 averaged over a 24-hour period in 2006. Further, the agency is stated to have 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.

The Complaint further alleges:

...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.

EPA is alleged to have failed to make an attainment determination, violating the Clean Air Act.

The Complaint requests that the Court declare that EPA has a duty by June 30, 2025, to make a determination and that the agency continues to violate the Clean Air Act by failing to make an attainment determination. Further, the Court is requested to issue preliminary and permanent injunctions directing EPA to take final action on the attainment determination for the 2006 24-hour PM2.5 standard by December 1, 2025.

A copy of the Complaint can be downloaded here.