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

13 STATE OF CALIFORNIA, *et al.*

14 Plaintiffs,

15 and

16 ENVIRONMENTAL DEFENSE FUND,

17 Plaintiff-Intervenor,

18 v.

19 UNITED STATES ENVIRONMENTAL
20 PROTECTION AGENCY, *et al.*,

21 Defendants.
22
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Case No. 4:18-cv-03237-HSG

**JOINT STIPULATION TO AMEND
JUDGMENT AND [PROPOSED]
ORDER**

24 Pursuant to Civil L.R. 6-3(a), Defendants United States Environmental Protection
25 Agency and Andrew R. Wheeler, in his official capacity as Administrator of the EPA
26 (“EPA”), and Plaintiffs States of California, by and through the Attorney General and the
27 California Air Resources Board; Illinois; Maryland; New Mexico; Oregon; Rhode Island;
28

1 and Vermont; and the Commonwealth of Pennsylvania, by and through the Attorney
2 General and the Pennsylvania Department of Environmental Protection, and Plaintiff-
3 Intervenor Environmental Defense Fund, and move this Court to alter the Order resolving
4 this matter (Dkt. No. 96).

5 1. In support of this stipulation, EPA states as follows:

6 a. On May 6, 2019, the Court ordered EPA “to approve or disapprove
7 of existing state plans, as required by 40 C.F.R. § 60.27(b), no later than September 6,
8 2019.” Order at 4.

9 b. The Court noted that “[a]s of May 30, 2017, EPA received
10 implementation plans as described by the regulations from California and two from New
11 Mexico—one covering Albuquerque and Bernalillo County and another covering the rest
12 of New Mexico. Subsequently, EPA received implementation plans from Arizona (one
13 covering Maricopa County and another covering the remainder of the state), Delaware,
14 and West Virginia. To date, EPA has neither approved or disapproved of any submitted
15 plans nor promulgated a federal plan.” Order at 4 (internal citations omitted).

16 c. Counsel for EPA was subsequently advised that on or about March
17 4, 2019, EPA received another state plan from Arizona covering Pinal County. *See also*
18 *Lassiter Declaration* ¶ 15 (Dkt. No. 92-1). Had EPA timely identified receipt of that plan,
19 the Court’s order requiring action on “existing state plans” would have included action on
20 the Pinal County plan.

21 d. The Court’s Order should therefore be considered to apply to the
22 Arizona state plan covering Pinal County.

23 2. The parties therefore stipulate to and request that the Court enter an order
24 providing that:

25 The Court’s Order of May 6, 2019 requiring EPA “to
26 approve or disapprove of existing state plans, as required
27 by 40 C.F.R. § 60.27(b), no later than September 6, 2019,”
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1 shall be considered to include the state plan from Arizona
2 covering Pinal County.

3 Respectfully submitted,

4 Date: June 12, 2019

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6

/s/ Leslie M. Hill

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LESLIE M. HILL (D.C. Bar No. 476008)

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