

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CALIFORNIA COMMUNITIES AGAINST)
TOXICS)
P.O. Box 845)
Rosamond, CA 93560;)
)
CALIFORNIANS AGAINST WASTE)
FOUNDATION)
921 11th St., Ste. 420)
Sacramento, CA 95814;)
)
COALITION FOR A SAFE ENVIRONMENT)
1601 North Wilmington Blvd.)
Wilmington, CA 90744;)
)
DEL AMO ACTION COMMITTEE)
4542 Irone Ave.)
Rosamond, CA 93560;)
)
DESERT CITIZENS AGAINST POLLUTION)
P.O. Box 845)
Rosamond, CA 93560;)
)
LOUISIANA BUCKET BRIGADE)
4226 Canal St.)
New Orleans, LA 70119;)
)
LOUISIANA ENVIRONMENTAL ACTION)
NETWORK)
P.O. Box 66323)
Baton Rouge, LA 70896;)
)
NEIGHBORS FOR CLEAN AIR)
P.O. Box 10544)
Portland, OR 97296;)
)
and)
)
OHIO CITIZEN ACTION)
614 W. Superior Ave., Ste. 1200)
Cleveland, OH 44113,)
)
Plaintiffs,)

Civil Action No. _____

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

)
v.)
)
GINA McCARTHY, Administrator, U.S.)
Environmental Protection Agency, in her)
official capacity,)
1200 Pennsylvania Ave., NW)
Washington, DC 20460,)
)
<i>Defendant.</i>)

INTRODUCTION

1. This is a suit to compel the Administrator of the United States Environmental Protection Agency (“EPA”) to take actions mandated by the Clean Air Act, 42 U.S.C. §§ 7401-671q (“the Act”) to protect public health and the environment from major industrial sources of highly toxic air pollutants. The Act requires the Administrator to “review, and revise as necessary (taking into account developments in practices, processes, and control technologies)” the emission standards for hazardous air pollutants promulgated under § 112(d) no later than eight years after such standards are initially promulgated. *Id.* § 7412(d)(6). In addition, eight years after promulgating § 112(d) standards, the Administrator either must promulgate additional “residual risk” standards under § 112(f)(2), due to the risk remaining after the application of the § 112(d) standards, or must determine that residual risk standards are not required to protect human health or the environment. *Id.* § 7412(f)(2). Yet the Administrator has missed the statutory deadlines to complete the required regulatory duties for 21 categories of sources of toxic air pollution. The Administrator has not taken the actions required by § 112(d)(6) and § 112(f)(2) for each of the categories of sources of hazardous air pollutants enumerated in Table A, below (column entitled “Source Category”) (collectively, the “Source Categories”):

Table A: Source Categories Covered By This Complaint		
Source Category	Date Of Promulgation	Deadline For Action Pursuant To § 112(d)(6) And § 112(f)(2)
1. Solvent Extraction for Vegetable Oil Production, 66 Fed. Reg. 19,006 (codified at 40 C.F.R. Part 63 Subpart GGGG)	Apr. 12, 2001	Apr. 12, 2009
2. Boat Manufacturing, 66 Fed. Reg. 44,218 (codified at 40 C.F.R. Part 63 Subpart VVVV)	Aug. 22, 2001	Aug. 22, 2009
3. Surface Coating of Metal Coil, 67 Fed. Reg. 39,794 (40 C.F.R. Part 63 Subpart SSSS)	June 10, 2002	June 10, 2010
4. Cellulose Products Manufacturing, 67 Fed. Reg. 40,044 (40 C.F.R. Part 63 Subpart UUUU)	June 11, 2002	June 11, 2010
5. Generic MACT II - Ethylene Production, 67 Fed. Reg. 46,258 (40 C.F.R. Part 63 Subpart UU, XX, YY)	July 12, 2002	July 12, 2010
6. Paper and Other Web Coating, 67 Fed. Reg. 72,330 (40 C.F.R. Part 63 Subpart JJJJ)	Dec. 4, 2002	Dec. 4, 2010
7. Municipal Solid Waste Landfills, 68 Fed. Reg. 2227 (40 C.F.R. Part 63 Subpart AAAA)	Jan. 16, 2003	Jan. 16, 2011
8. Hydrochloric Acid Production, 68 Fed. Reg. 19,076 (40 C.F.R. Part 63 Subpart NNNNN)	Apr. 17, 2003	Apr. 17, 2011
9. Reinforced Plastic Composites Production, 68 Fed. Reg. 19,375 (40 C.F.R. Part 63 Subpart WWWW)	Apr. 21, 2003	Apr. 21, 2011
10. Asphalt Processing and Asphalt Roofing Manufacturing, 68 Fed. Reg. 22,976 (40 C.F.R. Part 63 Subpart LLLLL)	Apr. 29, 2003	Apr. 29, 2011
11. Integrated Iron and Steel Manufacturing, 68 Fed. Reg. 27,646 (40 C.F.R. Part 63 Subpart FFFFF)	May 20, 2003	May 20, 2011
12. Semiconductor Manufacturing, 68 Fed. Reg. 27,913 (40 C.F.R. Part 63 Subpart BBBB)	May 22, 2003	May 22, 2011
13. Engine Test Cells/Standards, 68 Fed. Reg. 28,774 (40 C.F.R. Part 63 Subpart PPPP)	May 27, 2003	May 27, 2011
14. Site Remediation, 68 Fed. Reg. 58,172 (40 C.F.R. Part 63 Subpart GGGG)	Oct. 8, 2003	Oct. 8, 2011
15. Miscellaneous Organic Chemical Manufacturing, 68 Fed. Reg. 63,852 (40 C.F.R. Part 63 Subpart FFFF)	Nov. 10, 2003	Nov. 10, 2011

Table A: Source Categories Covered By This Complaint		
Source Category	Date Of Promulgation	Deadline For Action Pursuant To § 112(d)(6) And § 112(f)(2)
16. Surface Coating of Metal Cans, 68 Fed. Reg. 64,432 (40 C.F.R. Part 63 Subpart KKKK)	Nov. 13, 2003	Nov. 13, 2011
17. Surface Coating of Miscellaneous Metal Parts and Products, 69 Fed. Reg. 130 (40 C.F.R. Part 63 Subpart MMMM)	Jan. 2, 2004	Jan. 2, 2012
18. Organic Liquids Distribution (Non-Gasoline), 69 Fed. Reg. 5038 (40 C.F.R. Part 63 Subpart EEEE)	Feb. 3, 2004	Feb. 3, 2012
19. Stationary Combustion Turbines, 69 Fed. Reg. 10,512 (40 C.F.R. Part 63 Subpart YYYY)	Mar. 5, 2004	Mar. 5, 2012
20. Surface Coating of Plastic Parts and Products, 69 Fed. Reg. 20,968 (40 C.F.R. Part 63 Subpart PPPP)	Apr. 19, 2004	Apr. 19, 2012
21. Surface Coating of Automobiles and Light-Duty Trucks, 69 Fed. Reg. 22,602 (40 C.F.R. Part 63 Subpart IIII)	Apr. 26, 2004	Apr. 26, 2012

2. Due to the Defendant Administrator's failures to act, Plaintiffs California Communities Against Toxics, Californians Against Waste Foundation, Coalition For A Safe Environment, Del Amo Action Committee, Desert Citizens Against Pollution, Louisiana Bucket Brigade, Louisiana Environmental Action Network, Neighbors For Clean Air, and Ohio Citizen Action (collectively, "Plaintiffs") seek both a determination that the Defendant Administrator's failures to perform each action required by § 112(d)(6) and § 112(f)(2), 42 U.S.C. § 7412(d)(6), (f)(2), violate the Clean Air Act, and an order to compel the Administrator to take each required action in accordance with an expeditious deadline set by this Court.

JURISDICTION AND VENUE

3. This action arises under § 112(d)(6) and § 112(f)(2) of the Clean Air Act. 42 U.S.C. § 7412(d)(6), (f)(2). This Court has jurisdiction over this action pursuant to § 304(a)(2) of the Act, *id.* § 7604(a)(2), 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may order the

Administrator to perform the requisite acts and duties, may issue a declaratory judgment, and may grant further relief pursuant to § 304(a), 42 U.S.C. § 7604(a), the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, and 28 U.S.C. § 1361. Plaintiffs have a right to bring this action pursuant to § 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2), 28 U.S.C. § 1361, and the Administrative Procedure Act, 5 U.S.C. §§ 701-06.

4. By certified letter to the Administrator posted on February 3, 2015, Plaintiffs gave notice of this action as required by § 304(b)(2) of the Clean Air Act, 42 U.S.C. § 7604(b)(2), and 40 C.F.R. Part 54, §§ 54.1-.3 (Dec. 9, 1971).

5. Venue is vested in this Court under 28 U.S.C. § 1391(e) because the Defendant, EPA Administrator Gina McCarthy, resides in this district.

PARTIES

6. Plaintiff California Communities Against Toxics is a nonprofit organization existing under the laws of the State of California. California Communities Against Toxics brings this action on behalf of itself and its members and constituents. California Communities Against Toxics advocates for environmental justice and protection from toxic air pollution in the State of California and nationally. Through public education, advocacy, and community organizing, California Communities Against Toxics aims to reduce individuals' exposure to pollution, to expand knowledge about the effects of toxic chemicals on human health and the environment, and to protect the most vulnerable people from harm.

7. Plaintiff Californians Against Waste Foundation is a nonprofit environmental research and advocacy organization dedicated to conserving resources, preventing pollution, and protecting California's environment. Californians Against Waste Foundation brings this action on behalf of itself and its members. Californians Against Waste Foundation identifies, develops,

promotes, and monitors solutions to pollution and conservation problems posing a threat to public health and the environment. Californians Against Waste Foundation works to educate its members and the public about health and environmental threats from landfills.

8. Plaintiff Coalition For A Safe Environment is an unincorporated nonprofit community-based organization located in Wilmington, California. Coalition For A Safe Environment brings this action on behalf of itself and its members and constituents. Coalition For A Safe Environment is dedicated to improving the environment, public health, public safety, and socio-economic justice through advocacy, community organizing, research, and public education.

9. Plaintiff Del Amo Action Committee is a nonprofit community organization based in the Los Angeles Harbor Gateway area in southern California. Del Amo Action Committee brings this action on behalf of itself and its members and constituents. Del Amo Action Committee strives to enhance the health and safety of its members and their local community by advocating for policy changes that promote environmental justice and by raising public awareness of health threats and neighborhood contamination.

10. Plaintiff Desert Citizens Against Pollution is a nonprofit organization with a mission to protect the communities of the desert from pollution and its threat to human health and the environment. Desert Citizens Against Pollution brings this action on behalf of itself and its members and constituents. Desert Citizens Against Pollution uses advocacy, public outreach, and community support to achieve its mission.

11. Plaintiff Louisiana Bucket Brigade is a nonprofit environmental health and justice organization located in New Orleans, Louisiana. Louisiana Bucket Brigade brings this action on behalf of itself and its members and local communities. Its mission is to work with communities

to achieve sustainable neighborhoods free from industrial pollution. To achieve its mission and protect and educate its members and the public, Louisiana Bucket Brigade advocates for federal and state legislative and regulatory changes, engages in public outreach, conducts public education, and engages in litigation on occasions when that is necessary.

12. Plaintiff Louisiana Environmental Action Network is a nonprofit organization based in Louisiana that assists communities facing environmental problems that threaten their health, safety, and quality of life. Louisiana Environmental Action Network brings this action on behalf of itself and its members and communities. Through education of its members and the public, individual and community empowerment, support, and advocacy, Louisiana Environmental Action Network works to improve the environment for the benefit of all of the citizens of Louisiana.

13. Plaintiff Neighbors For Clean Air is an Oregon-wide coalition that seeks to make public health—with special consideration for children’s health—a priority in Oregon’s air quality standards and programs for toxic emissions. Neighbors For Clean Air brings this action on behalf of itself and its members and constituents. Neighbors For Clean Air’s goals include the education, motivation, and activation of citizens in an effort to improve air quality in Portland and the rest of Oregon.

14. Plaintiff Ohio Citizen Action is a nonprofit grassroots-based organization that aims to prevent pollution across Ohio. Ohio Citizen Action brings this action on behalf of itself, its members, and local communities. Ohio Citizen Action works with communities on campaigns for clean air, clean water, and healthier neighborhoods through grassroots organizing, advocacy, and education of members and the public.

15. Defendant Gina McCarthy is the Administrator of the EPA. In that role she is charged with the duty to uphold the Clean Air Act and to take required regulatory actions according to the schedules established therein.

LEGAL FRAMEWORK

16. The Clean Air Act has the purpose “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

17. A “primary goal” of the Act is “pollution prevention.” *Id.* § 7401(c). Congress found the Act to be necessary in part because “the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation.” *Id.* § 7401(a)(2).

18. To accomplish its objectives, the Act prescribes a regulatory framework within which EPA is required to set technology and risk-based standards by specific deadlines to reduce emissions of hazardous air pollutants¹ and harm to health and the environment. *Id.* § 7412.

19. In the 1990 Clean Air Act Amendments, Congress established new requirements for EPA to control toxic air pollution. *Id.* By statute, Congress listed 189 hazardous air pollutants for regulation, and required EPA to list every other compound “known to cause or [that] may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects.” *Id.* § 7412(b)(1), (b)(3)(B); *see also id.* § 7412(c)(6).² Pursuant to the

¹ The term “hazardous air pollutant” is defined as “any air pollutant listed pursuant to [§ 112(b)].” 42 U.S.C. § 7412(a)(6) (citing *id.* § 7412(b)).

² Currently, 187 hazardous air pollutants are listed for regulation. EPA, Technology Transfer

Act's requirement that EPA "identify not less than 30 hazardous air pollutants which ... present the greatest threat to public health in the largest number of urban areas," *id.* § 7412(k)(3), EPA published an "Integrated Urban Air Toxics Strategy" that listed 33 pollutants, including arsenic compounds, benzene, cadmium compounds, formaldehyde, and mercury compounds. National Air Toxics Program: The Integrated Urban Strategy, 64 Fed. Reg. 38,706, 38,715 tbl.1 (July 19, 1999).

20. The Act requires EPA to list categories of major sources of hazardous air pollutants. 42 U.S.C. § 7412(c)(1). A "major source" is defined as "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants." *Id.* § 7412(a)(1).

21. EPA must then promulgate emission standards for each listed category or subcategory of major sources of hazardous air pollutants. *Id.* § 7412(d). These standards are often referred to as "maximum achievable control technology" or "MACT" standards.

22. Once the Administrator has promulgated emission standards pursuant to § 112(d) for a source category, "[t]he Administrator shall review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section no less often than every 8 years." *Id.* § 7412(d)(6). This provision requires the Administrator either to promulgate revised § 112(d) standards or to issue a final determination not to revise the existing standards based upon a published finding that revision is not "necessary" to ensure the emission standards satisfy § 112(d) of the Act. *Id.*

Network – Air Toxics Web Site: Modifications to the 112(b)1 Hazardous Air Pollutants, <http://www.epa.gov/ttn/atw/pollutants/atwsmod.html> (last updated Nov. 22, 2013).

23. Section 112(f) of the Act further requires action “to protect health and environment.” *Id.* § 7412(f). It mandates that EPA first submit a report to Congress regarding residual risk or “the risk to public health remaining, or likely to remain” after the application of § 112(d) standards. *Id.* § 7412(f)(1). In 1999, EPA submitted a report to Congress pursuant to § 112(f)(1), *id.* See EPA, EPA-453/R-99-001, *Residual Risk Report to Congress* (Mar. 1999), available at http://www.epa.gov/airtoxics/rrisk/risk_rep.pdf. Congress did not act on that report’s recommendations.

24. Congressional inaction triggered the duty of the Administrator to determine whether to promulgate residual risk standards under § 112(f)(2) for those source categories for which EPA had promulgated § 112(d) standards. 42 U.S.C. § 7412(f)(2). Section 112(f)(2) directs that:

(A) If Congress does not act on any recommendation submitted under paragraph (1), the Administrator shall, within 8 years after promulgation of standards for each category or subcategory of sources pursuant to [§ 112(d)], promulgate standards for such category or subcategory if promulgation of such standards is required in order to provide an ample margin of safety to protect public health in accordance with this section ... or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. Emission standards promulgated under this subsection shall provide an ample margin of safety to protect public health in accordance with this section (as in effect before November 15, 1990) If standards promulgated pursuant to [§ 112(d)] and applicable to a category or subcategory of sources emitting a pollutant (or pollutants) classified as a known, probable or possible human carcinogen do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than one in one million, the Administrator shall promulgate standards under this subsection for such source category.

...

(C) The Administrator shall determine whether or not to promulgate such standards and, if the Administrator decides to promulgate such standards, shall promulgate the standards 8 years

after promulgation of the [§ 112(d) standards] for each source category or subcategory concerned.

Id. Thus, if residual risk standards are “required in order to provide an ample margin of safety to protect public health” or “to prevent ... an adverse environmental effect,” then the Administrator is directed to promulgate these standards within eight years of the promulgation of § 112(d) standards. *Id.* Under § 112(f)(2), EPA is therefore required either to set new standards that will protect the public with an ample margin of safety or to determine that such standards are not necessary.

25. The Act applies § 307(d) rulemaking requirements to “the promulgation or revision of any ... emission standard or limitation under section 7412(d) of this title” and “any standard under section 7412(f) of this title,” among others. *Id.* § 7607(d)(1)(C).

26. Thus, to fulfill its § 112(d)(6) and § 112(f)(2) duties, EPA must provide public notice, consider public comments received, perform all other requirements described in § 307(d), *id.* § 7607(d), and promulgate a final rule or determination.

27. Section 112(d) and section 112(f) standards become effective “upon promulgation.” *See id.* § 7412(d)(10), (f)(3); *see also id.* § 7412(f)(4) (setting compliance dates for § 112(f) standards); *id.* § 7412(i) (setting compliance schedule for § 112(d) standards).

FACTS

28. EPA has listed each of the Source Categories enumerated in Paragraph 1, Table A, above, as major sources of hazardous air pollutants. Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990, 57 Fed. Reg. 31,576 (July 16, 1992); National Emission Standards for Hazardous Air Pollutants: Revision of Initial List of Categories of Sources and Schedule for Standards Under Sections 112(c) and (e) of the Clean Air Act Amendments of 1990, 61 Fed. Reg. 28,197 (June 4, 1996); National Emission Standards

for Hazardous Air Pollutants: Revision of Source Category List and Schedule for Standards Under Section 112 of the Clean Air Act, 64 Fed. Reg. 63,025 (Nov. 18, 1999).

29. Sources in the Source Categories emit hazardous air pollutants regulated under § 112, 42 U.S.C. § 7412. EPA has recognized that the pollutants emitted by sources in the Source Categories include metals, such as arsenic, cadmium, and nickel; organic compounds, such as benzene, formaldehyde, and vinyl chloride; and inorganic acid gases, such as hydrogen chloride, hydrogen fluoride, and chlorine. Congress determined these pollutants are hazardous when it listed them and required EPA to regulate sources that emit them. *Id.* § 7412(b)(1), (c)-(d).

30. EPA has recognized that the hazardous air pollutants emitted by sources in the Source Categories can cause serious acute and chronic human health effects. Breathing some of these pollutants can cause cancer. EPA has recognized that carcinogens have no safe level of human exposure. S. Rep. No. 101-228 at 175 (1989), *reprinted in* 1990 U.S.C.C.A.N. 3385, 3560 (“Federal Government health policy since the mid-1950s has been premised on the principle that there is no safe level of exposure to a carcinogen.”). Breathing some of these pollutants can cause chronic, long-term harm other than cancer, such as neurological harms; damage to the liver, kidneys, and heart; respiratory disorders; depression; permanent nerve damage; and developmental and reproductive harms, including birth defects, increased risk of spontaneous abortion in pregnant women, decreased sperm count, and toxicity to the embryo. In addition, breathing some of these pollutants can cause severe or acute harm from short-term exposure.

31. Some people face greater health harms from exposure to hazardous air pollutants emitted from the sources in the Source Categories because they are not exposed only to one

pollutant, to one source, or through one route of exposure. Instead, they face combined and synergistic effects from multiple pollutants, multiple pathways of exposure, and multiple sources, all at once.

32. Some of the hazardous air pollutants emitted from the sources in the Source Categories persist in the environment or bioaccumulate. For example, mercury, which is emitted by sources in the Source Categories, is deposited in water and accumulates in the aquatic food chain. EPA, Mercury: Basic Information, <http://www.epa.gov/mercury/about.htm> (last updated Dec. 29, 2014); *see also, e.g.*, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, 68 Fed. Reg. 1888, 1891, 1904-05 (Jan. 14, 2003). EPA has determined that pregnant women and developing fetuses and young children are particularly vulnerable to mercury exposure. EPA, Mercury: Basic Information, <http://www.epa.gov/mercury/about.htm>; National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units, 76 Fed. Reg. 24,976, 24,977-78 (May 3, 2011). Pollutants that persist or bioaccumulate in the environment can harm human health when people are exposed through routes other than breathing the pollution, such as after pollutants fall on the soil and children are exposed through playing in the soil, or when people eat fish, shellfish, breast-milk, or other food in which such pollutants have accumulated. *See, e.g.*, EPA, Mercury: Basic Information, <http://www.epa.gov/mercury/about.htm>. In addition, EPA has found that such pollutants can harm fish and plants. *See, e.g.*, EPA, Mercury: Environmental Effects, <http://www.epa.gov/mercury/eco.htm> (last updated Dec. 29, 2014).

33. Sources in the Source Categories also emit other types of pollutants, including particulate matter, volatile organic compounds, carbon monoxide, sulfur dioxide, and nitrogen oxides. EPA has found that volatile organic compounds and nitrogen oxides are precursors to the formation of ozone in the ambient air. EPA, Ground-Level Ozone: Frequently Asked Questions, <http://www.epa.gov/air/ozonepollution/faq.html> (last updated Nov. 26, 2014). EPA has found that ambient ozone can cause reduction of lung function, respiratory symptoms (*e.g.*, cough, chest pain, throat and nose irritation), increased lung inflammation, increased lung permeability, and airway hyperresponsiveness. EPA, Integrated Science Assessment for Ozone and Related Photochemical Oxidants at 6-1 to 6-3 (Feb. 2013), *available at* http://ofmpub.epa.gov/eims/eimscomm.getfile?p_download_id=511347. EPA has found that ozone can also damage vegetation including forests, commercial trees, and agricultural crops, and result in damage to ecosystems. *See, e.g., id.* at 9-3.

34. The Administrator promulgated national emission standards for hazardous air pollutants for each of the Source Categories on the dates specified in Paragraph 1, Table A (column entitled “Date Of Promulgation”), above.

35. The Administrator was required to take final action to fulfill its § 112(f)(2), 42 U.S.C. § 7412(f)(2), and § 112(d)(6), *id.* § 7412(d)(6), duties for each of the Source Categories by the dates specified in Paragraph 1, Table A (column entitled “Deadline For Action Pursuant To § 112(d)(6) And § 112(f)(2)”), above, *i.e.*, “within 8 years after promulgation” and “no less often than every 8 years.”

36. Solvent Extraction for Vegetable Oil Production

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, 42 U.S.C. § 7412, for Solvent Extraction for Vegetable Oil Production.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Solvent Extraction for Vegetable Oil Production.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Solvent Extraction for Vegetable Oil Production.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Solvent Extraction for Vegetable Oil Production is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Solvent Extraction for Vegetable Oil Production.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Solvent Extraction for Vegetable Oil Production is currently effective.

37. Boat Manufacturing

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Boat Manufacturing.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Boat Manufacturing.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Boat Manufacturing.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Boat Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Boat Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Boat Manufacturing is currently effective.

38. Surface Coating of Metal Coil

- a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Surface Coating of Metal Coil.
- b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Surface Coating of Metal Coil.
- c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Metal Coil.
- d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Metal Coil is currently effective.
- e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Metal Coil.
- f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Metal Coil is currently effective.

39. Cellulose Products Manufacturing

- a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Cellulose Products Manufacturing.
- b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Cellulose Products Manufacturing.
- c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Cellulose Products Manufacturing.
- d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Cellulose Products Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6) for Cellulose Products Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Cellulose Products Manufacturing is currently effective.

40. Generic MACT II – Ethylene Production

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Generic MACT II – Ethylene Production.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Generic MACT II – Ethylene Production.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Generic MACT II – Ethylene Production.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Generic MACT II – Ethylene Production is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Generic MACT II – Ethylene Production.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Generic MACT II – Ethylene Production is currently effective.

41. Paper and Other Web Coating

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Paper and Other Web Coating.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Paper and Other Web Coating.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Paper and Other Web Coating.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Paper and Other Web Coating is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Paper and Other Web Coating.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Paper and Other Web Coating is currently effective.

42. Municipal Solid Waste Landfills

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Municipal Solid Waste Landfills.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Municipal Solid Waste Landfills.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Municipal Solid Waste Landfills.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Municipal Solid Waste Landfills is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Municipal Solid Waste Landfills.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Municipal Solid Waste Landfills is currently effective.

43. Hydrochloric Acid Production

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Hydrochloric Acid Production.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Hydrochloric Acid Production.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Hydrochloric Acid Production.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Hydrochloric Acid Production is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Hydrochloric Acid Production.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Hydrochloric Acid Production is currently effective.

44. Reinforced Plastic Composites Production

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Reinforced Plastic Composites Production.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Reinforced Plastic Composites Production.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Reinforced Plastic Composites Production.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Reinforced Plastic Composites Production is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Reinforced Plastic Composites Production.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Reinforced Plastic Composites Production is currently effective.

45. Asphalt Processing and Asphalt Roofing Manufacturing

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Asphalt Processing and Asphalt Roofing Manufacturing.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Asphalt Processing and Asphalt Roofing Manufacturing.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Asphalt Processing and Asphalt Roofing Manufacturing.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Asphalt Processing and Asphalt Roofing Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Asphalt Processing and Asphalt Roofing Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Asphalt Processing and Asphalt Roofing Manufacturing is currently effective.

46. Integrated Iron and Steel Manufacturing

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Integrated Iron and Steel Manufacturing.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Integrated Iron and Steel Manufacturing.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Integrated Iron and Steel Manufacturing.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Integrated Iron and Steel Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Integrated Iron and Steel Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Integrated Iron and Steel Manufacturing is currently effective.

47. Semiconductor Manufacturing

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Semiconductor Manufacturing.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Semiconductor Manufacturing.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Semiconductor Manufacturing.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Semiconductor Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Semiconductor Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Semiconductor Manufacturing is currently effective.

48. Engine Test Cells/Standards

- a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Engine Test Cells/Standards.
- b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Engine Test Cells/Standards.
- c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Engine Test Cells/Standards.
- d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Engine Test Cells/Standards is currently effective.
- e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Engine Test Cells/Standards.
- f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Engine Test Cells/Standards is currently effective.

49. Site Remediation

- a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Site Remediation.
- b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Site Remediation.
- c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Site Remediation.
- d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Site Remediation is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Site Remediation.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Site Remediation is currently effective.

50. Miscellaneous Organic Chemical Manufacturing

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Miscellaneous Organic Chemical Manufacturing.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Miscellaneous Organic Chemical Manufacturing.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Miscellaneous Organic Chemical Manufacturing.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Miscellaneous Organic Chemical Manufacturing is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Miscellaneous Organic Chemical Manufacturing.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Miscellaneous Organic Chemical Manufacturing is currently effective.

51. Surface Coating of Metal Cans

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Surface Coating of Metal Cans.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Surface Coating of Metal Cans.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Metal Cans.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Metal Cans is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Metal Cans.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Metal Cans is currently effective.

52. Surface Coating of Miscellaneous Metal Parts and Products

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Surface Coating of Miscellaneous Metal Parts and Products.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Surface Coating of Miscellaneous Metal Parts and Products.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Miscellaneous Metal Parts and Products.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Miscellaneous Metal Parts and Products is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Miscellaneous Metal Parts and Products.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Miscellaneous Metal Parts and Products is currently effective.

53. Organic Liquids Distribution (Non-Gasoline)

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Organic Liquids Distribution (Non-Gasoline).

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Organic Liquids Distribution (Non-Gasoline).

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Organic Liquids Distribution (Non-Gasoline).

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Organic Liquids Distribution (Non-Gasoline) is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Organic Liquids Distribution (Non-Gasoline).

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Organic Liquids Distribution (Non-Gasoline) is currently effective.

54. Stationary Combustion Turbines

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Stationary Combustion Turbines.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Stationary Combustion Turbines.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Stationary Combustion Turbines.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Stationary Combustion Turbines is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Stationary Combustion Turbines.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Stationary Combustion Turbines is currently effective.

55. Surface Coating of Plastic Parts and Products

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Surface Coating of Plastic Parts and Products.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Surface Coating of Plastic Parts and Products.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Plastic Parts and Products.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Plastic Parts and Products is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Plastic Parts and Products.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Plastic Parts and Products is currently effective.

56. Surface Coating of Automobiles and Light-Duty Trucks

a. More than eight years have passed since the Administrator promulgated emission standards under § 112, *id.* § 7412, for Surface Coating of Automobiles and Light-Duty Trucks.

b. The Administrator has not completed the reviews required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), for Surface Coating of Automobiles and Light-Duty Trucks.

c. The Administrator has not promulgated a final rule or determination pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Automobiles and Light-Duty Trucks.

d. No rule or determination promulgated pursuant to § 112(f)(2), *id.* § 7412(f)(2), for Surface Coating of Automobiles and Light-Duty Trucks is currently effective.

e. The Administrator has not promulgated a revised final rule or determination pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Automobiles and Light-Duty Trucks.

f. No rule or determination promulgated pursuant to § 112(d)(6), *id.* § 7412(d)(6), for Surface Coating of Automobiles and Light-Duty Trucks is currently effective.

ALLEGATIONS OF INJURY

57. Plaintiffs and their members and constituents have been, are being, and will continue to be harmed by the Administrator's failures to take the actions required by § 112(d)(6) and § 112(f)(2), 42 U.S.C. § 7412(d)(6), (f)(2), for the Source Categories enumerated in Paragraph 1, Table A, above, as further explained herein.

58. Plaintiffs' members and constituents live, work, travel, recreate, and engage in a wide variety of other activities near sources in the Source Categories. Plaintiffs' members and constituents suffer exposure and other harm to their health, recreational, aesthetic, educational, professional, and other interests due to breathing the hazardous air pollutants emitted by sources in the Source Categories, by consuming food contaminated with pollutants from sources in the Source Categories, and by other pathways of exposure as described in paragraph 32, above. Exposure to hazardous air pollutants emitted by sources in the Source Categories has adverse

health effects which may include respiratory, neurological, developmental, and reproductive harm, damage to bodily organs and the central nervous system, and cancer, as well as other health effects described in paragraphs 30-32, above.

59. Plaintiffs' members and constituents are concerned that hazardous air pollutants are present in the locations where they live, work, travel, recreate, and engage in other activities. These reasonable concerns about their increased exposure from such activities and other resulting harms from such exposure diminish their enjoyment of activities and areas they previously enjoyed or would like to continue to engage in or use and thereby harm their recreational, aesthetic, educational, professional, and other interests.

60. Further, sources in the Source Categories emit hazardous air pollutants that can damage surrounding wildlife, plants, waters, land, communities, and ecosystems, and thus also harm Plaintiffs' members' and constituents' recreational, aesthetic, educational, professional, and other interests in those wildlife, plants, waters, land, communities, or ecosystems. As detailed above, the hazardous air pollutants emitted by sources in the Source Categories include volatile organic compounds, which contribute to ambient ozone that can harm plant species and can result in changes in wildlife habitat. These changes can lead to wildlife avoidance of certain areas, as well as a reduction in biodiversity or other changes to a local community's ecosystem. Ecosystem changes make it more difficult for Plaintiffs' members and constituents to observe, fish, cultivate, study, research, or write about wildlife, plants, or ecosystems.

61. Plaintiffs and their members and constituents suffer additional harm because they do not have information, published findings, or determinations from the Administrator regarding the best available current pollution control methods, practices, and technologies to achieve emission reductions, the health and environmental risks that remain after application of the

existing standards, or other information relevant to the need for stronger emission standards for the sources in the Source Categories. This information would be provided to Plaintiffs, their members and constituents, and all other interested members of the public as a result of the Administrator's required actions pursuant to § 112(d)(6) and § 112(f)(2), 42 U.S.C. § 7412(d)(6), (f)(2). *See, e.g., id.* § 7607(d)(3)-(6) (describing notice and informational disclosures required as part of rulemakings under § 112, *id.* § 7412). If Plaintiffs and their members and constituents had this information, they would use it to advocate for stronger health and environmental protections, to educate members, constituents, and the public, and to protect themselves and their families from hazardous air pollutants and affected land, water, and food. The denial of this information hampers the ability of Plaintiffs and their members and constituents to take actions to protect their health and communities, diminishes their enjoyment of activities in their daily life, and impairs Plaintiffs' abilities to perform the public education and advocacy activities vital to fulfilling their organizational missions.

62. Plaintiffs and their members and constituents suffer harm because they are denied the opportunity to present comments and arguments to EPA and have them considered by EPA as part of the overdue § 112(d)(6) and § 112(f)(2) rulemakings. 42 U.S.C. § 7412(d)(6), (f)(2). For these rulemakings, EPA is required to provide a period for public comment during which "any person" is allowed "to submit written comments, data, or documentary information." *Id.* § 7607(d)(3), (5). In addition, EPA is required to give "interested persons an opportunity for the oral presentation of data, views, or arguments." *Id.* § 7607(d)(5). The Administrator's failure to conduct the overdue rulemakings denies Plaintiffs and their members and constituents the opportunity to advocate for greater health protections and emissions reductions, and to have EPA consider such comments in taking the final actions required by § 112(d)(6) and § 112(f)(2), *id.*

§ 7412(d)(6), (f)(2). Deprivation of the ability to present comments and arguments and have them considered by EPA impairs Plaintiffs' and their members' and constituents' ability to serve and protect their interests and fulfill their organizational missions.

63. Plaintiffs and their members and constituents suffer harm because the Administrator has not issued a final rule or determination under § 112(d)(6) and 112(f)(2), § 7412(d)(6), (f)(2), addressing matters these provisions require, as discussed above. Any such rule or determination would be judicially reviewable. *See id.* § 7607(b); *see also id.* § 7607(d). Deprivation of the right of judicial review harms the ability of Plaintiffs and their members and constituents to protect their interests and fulfill their organizational missions.

64. The Administrator's failures to take actions required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), deprive Plaintiffs' members and constituents of the cleaner air that would result from those actions. Consequently, Defendant prolongs and increases Plaintiffs' members' and constituents' exposure to hazardous air pollutants and the related and resulting health, recreational, aesthetic, and other injuries, as described above. Defendant also prolongs and increases the hazardous air pollutant exposure of wildlife, plant, water, land, local communities, and ecosystems, resulting in harm to Plaintiffs' members' and constituents' interests, as described above. Emission reductions required under § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), would reduce these exposures, and would reduce the related health, recreational, aesthetic, and other harms suffered by Plaintiffs' members and constituents.

65. By not taking the actions required by § 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), the Administrator deprives Plaintiffs and their members and constituents of information, published findings, and determinations, as described above. *See, e.g., id.* § 7607(d)(3)-(6). In addition, the Administrator's failures to take the actions required by

§ 112(d)(6) and § 112(f)(2), *id.* § 7412(d)(6), (f)(2), deprive Plaintiffs and their members and constituents of the opportunity to receive judicial review of the lawfulness of the final EPA actions. *See id.* § 7607(b). These failures make it more difficult for Plaintiffs and their members and constituents to advocate for health and environmental protection from hazardous air pollutants, to shield themselves, their families, and other community members from exposure to such pollutants, to protect their health, recreational, aesthetic, and other interests, and to be able to enjoy activities in their daily life without concerns about exposure to hazardous air pollutants. These failures also impair Plaintiffs' abilities to perform the public education and advocacy activities vital to fulfilling their public health missions.

66. For all of the foregoing reasons, the failures complained of herein cause Plaintiffs and their members and constituents injuries for which they have no adequate remedy at law. Granting the requested relief would redress these injuries.

CLAIMS FOR RELIEF

67. The allegations of all foregoing paragraphs are hereby incorporated as if set forth fully herein.

Violations of § 112(d)(6) of the Clean Air Act

68. Each of the Administrator's ongoing failures to review and either revise or issue a revision determination regarding the emission standards for each of the 21 Source Categories enumerated in Paragraph 1, Table A, above, in accordance with § 112(d)(6), 42 U.S.C. § 7412(d)(6), constitutes a "failure of the Administrator to perform any act or duty under this chapter which is not discretionary" within the meaning of § 304(a)(2) of the Clean Air Act, *id.* § 7604(a)(2), for each such source category.

69. Each day the Administrator fails to take these legally required actions, Defendant commits new, additional, and ongoing violations of its duties under § 112(d)(6), *id.* § 7412(d)(6).

Violations of § 112(f)(2) of the Clean Air Act

70. Each of the Administrator's ongoing failures either to promulgate § 112(f)(2) residual risk standards or to issue a final determination not to promulgate such standards for each of the 21 Source Categories enumerated in Paragraph 1, Table A, above, constitutes a "failure of the Administrator to perform any act or duty under this chapter which is not discretionary," within the meaning of § 304(a)(2) of the Clean Air Act, *id.* § 7604(a)(2), for each such source category.

71. Each day the Administrator fails to take these legally required actions, Defendant commits new, additional, and ongoing violations of its duties under § 112(f), *id.* § 7412(f)(2).

PRAYER FOR RELIEF

72. WHEREFORE, Plaintiffs respectfully request, for each of the Source Categories enumerated in Paragraph 1, Table A, above, that the Court:

(1) Declare that each of the Defendant Administrator's failures to review and either revise standards promulgated under § 112(d) or issue a final determination that such revision is not necessary for each of the Source Categories pursuant to § 112(d)(6), 42 U.S.C. § 7412(d)(6), within eight years, 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 § 304(a)(2), *id.* § 7604(a)(2);

(2) Order the Defendant Administrator to review and either to revise the emission standards or to issue a final determination that such revision is not necessary for each of the

Source Categories pursuant to § 112(d)(6), *id.* § 7412(d)(6), in accordance with an expeditious deadline specified by this Court;

(3) Declare that each of the Defendant Administrator's failures either to promulgate § 112(f)(2) standards or to issue a final determination that such standards are not required for each of the Source Categories 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 § 304(a)(2), *id.* § 7604(a)(2);

(4) Order the Defendant Administrator either to promulgate § 112(f)(2) standards or to issue a final determination that such standards are not required for each of the Source Categories pursuant to § 112(f)(2), *id.* § 7412(f)(2), in accordance with an expeditious deadline specified by this Court;

(5) Retain jurisdiction to ensure compliance with this Court's decree;

(6) Award Plaintiffs the costs of this action, including attorney's fees; and,

(7) Grant such other relief as the Court deems just and proper.

DATED: April 8, 2015

Respectfully Submitted,

/s/ Nicholas Morales

Nicholas Morales (D.C. Bar No. 1003942)

Emma C. Cheuse (D.C. Bar No. 488201)

James S. Pew (D.C. Bar No. 448830)

Earthjustice

1625 Massachusetts Ave., NW, Suite 702

Washington, DC 20036

nmorales@earthjustice.org

echeuse@earthjustice.org

jpew@earthjustice.org

Tel: 202-667-4500

Fax: 202-667-2356

Attorneys for Plaintiffs