

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

<hr/>)
ENVIRONMENTAL INTEGRITY))
PROJECT))
1000 Vermont Ave NW, Suite 1100))
Washington, DC 20005, and))
)	Case No. 14-1196
SIERRA CLUB))
1202 San Antonio St.))
Austin, TX 78701))
))
Plaintiffs,))
))
v.))
))
GINA MCCARTHY, Administrator,))
U.S. Environmental Protection Agency,))
Ariel Rios Building, Mail Code 1101A))
1200 Pennsylvania Ave, NW))
Washington, DC 20460))
))
Defendant.))
))
<hr/>)

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

I. STATEMENT OF THE CASE

1. This is a civil action for declaratory and injunctive relief, with costs and fees under the Clean Air Act, 42 U.S.C. § 7401 *et. seq.* and the declaratory judgment statute, 28 U.S.C. §§ 2201 and 2202.

2. Environmental Integrity Project and Sierra Club (collectively, “Plaintiffs”) seek an order declaring that the Defendant, the Administrator of the United States Environmental Protection Agency (“Administrator”), is required, pursuant to 42 U.S.C. § 7661d(b)(2), to grant or deny

three petitions filed by Plaintiffs requesting that the Administrator object to three Title V operating permits issued by the Texas Commission on Environmental Quality to Luminant Generating Company (“Luminant”). Plaintiffs also seek an order requiring the Administrator to perform her non-discretionary duty to grant or deny these petitions.

II. JURISDICTION, VENUE AND NOTICE

3. This is a Clean Air Act citizen suit. Thus, this Court has subject matter jurisdiction over the claims set forth in this complaint pursuant to the citizen suit provision of the Clean Air Act, 42 U.S.C. § 7604(a), and has the authority to award attorneys’ fees pursuant to 42 U.S.C. § 7604(d). The Clean Air Act is a federal statute. The Defendant is an agent of the United States government. Thus, this Court has subject matter jurisdiction over the claims set forth in this complaint pursuant to 28 U.S.C. §§ 1331 (federal question) and 1346 (United States as defendant). This case does not concern federal taxes, is not a proceeding under 11 U.S.C. §§ 505 or 1146, nor does it involve the Tariff Act of 1930. Thus, this Court has authority to order the declaratory relief requested under 28 U.S.C. § 2201. If the Court orders such relief, 28 U.S.C. § 2202 authorizes this Court to issue injunctive relief and 28 U.S.C. § 2412 authorizes this Court to award Plaintiffs their costs and attorneys’ fees.

4. A substantial part of the alleged events or omissions giving rise to Plaintiffs’ claims occurred in the District of Columbia. In addition, this suit is being brought against the Administrator in her official capacity as an officer or employee of the United States Environmental Protection Agency, residing in the District of Columbia. Thus, venue is proper in this Court, pursuant to 28 U.S.C. § 1391(e).

5. As required by 42 U.S.C. § 7604(b)(1)(A), Plaintiffs notified the Administrator of the EPA, the U.S. Attorney General, the EPA Administrator for Region 6, and the Deputy Director of the TCEQ's Office of Air of the violations alleged in this complaint and of Plaintiffs' intent to sue, via certified first-class mail on May 9, 2012. See Exhibit A (Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O53 for Luminant's Martin Lake Plant); Exhibit B (Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O64 for Luminant's Monticello Plant); and Exhibit C (Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O65 for Luminant's Big Brown Plant). More than 60 days have passed since Defendant received these notice of intent to sue letters. Defendant has not acted to remedy the violations alleged in this complaint. Therefore, an actual controversy exists between the parties.

III. PARTIES

6. Plaintiff ENVIRONMENTAL INTEGRITY PROJECT ("EIP") is a national non-profit corporation founded to advocate for the effective enforcement of state and federal environmental laws, with a specific focus on the Clean Air Act and large stationary sources of air pollution, like Luminant's power plants. EIP's ability to enforce Clean Air Act requirements is improperly burdened when EPA fails to meet its mandatory deadlines to respond to Title V petitions.

7. Plaintiff SIERRA CLUB is one of the Nation's largest and oldest grassroots nonprofit membership organizations. Sierra Club's Texas chapter was formed more than forty years ago and has a long history of working to reduce power plant emissions that adversely affect air

quality in Texas. Sierra Club petitioned the Administrator to object to Luminant's Title V operating permits, because the permits fail to comply with applicable Clean Air Act requirements. The Administrator's failure to perform her non-discretionary duty to grant or deny Plaintiffs' petitions injures the organizational interests of Sierra Club and its members.

8. Plaintiffs have an interest in ensuring that Luminant's Title V operating permits comply with all federally applicable requirements. Members and employees of Plaintiff organizations live, work, and recreate in areas that are affected by air pollution from the Big Brown Steam Electric Station, the Monticello Steam Electric Station, and the Martin Lake Steam Electric Station. These members and employees will be adversely affected if EPA fails to object to these permits.

9. Defendant GINA MCCARTHY is the Administrator of the Environmental Protection Agency. The Administrator is responsible for implementing and enforcing the Clean Air Act. As described below, the Clean Air Act assigns to the Administrator a non-discretionary duty to grant or deny timely filed Title V petitions within 60 days.

10. For the foregoing reasons, the Administrator's failure to respond to Plaintiffs' petitions has caused, is causing, and unless this Court grants the requested relief, will continue to cause Plaintiffs concrete injuries that the Court can redress through this case.

IV. LEGAL AUTHORITY

11. The Clean Air Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and productive capacity of its population. 42 U.S.C. § 7401(b)(1). To advance this goal, Congress amended the Act in 1990 to establish the Title V

operating permit program. See 42 U.S.C. §§ 7661-7661f. Title V of the Clean Air Act provides that “[a]fter the effective date of any permit program approved or promulgated under this subchapter, it shall be unlawful for any person to violate any requirement of a permit issued under this subchapter, or to operate . . . a major source . . . except in compliance with a permit issued by a permitting authority under this subchapter. 42 U.S.C. § 7661a(a). Luminant’s Martin Lake Steam Electric Station, Monticello Steam Electric Station, and Big Brown Steam Electric Station are each major sources subject to Title V permitting requirements.

12. The Clean Air Act provides that the Administrator may approve a state’s program to administer the Title V operating permit program with respect to sources within its borders. 42 U.S.C. § 7661a(d). The Administrator approved Texas’s administration of its Title V operating permit program. 61 Fed. Reg. 32693 (June 25, 1996); 66 Fed. Reg. 66318 (December 6, 2001). Thus, the TCEQ is responsible for issuing Title V operating permits in Texas.

13. Before the TCEQ may issue or renew a Title V permit, it must forward the proposed permit to EPA for review. 42 U.S.C. § 7661d(a)(1)(B). The Administrator then has 45 days to review the proposed permit. The Administrator must object to the permit if she finds that the proposed permit does not comply with all applicable provisions of the Clean Air Act. 42 U.S.C. § 7661d(b)(1). If the Administrator does not object to the permit during EPA’s 45-day review period, “any person may petition the Administrator within 60 days” to object to the permit. 42 U.S.C. § 7661d(b)(2).

14. If a petition is timely filed, the Administrator has a non-discretionary duty to grant or deny it within 60 days. Id.; New York Public Interest Research Group v. Whitman, 214 F.Supp.2d 1, 2 (D.D.C. 2002).

15. The Clean Air Act authorizes citizen suits “against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2).

V. FACTUAL BACKGROUND

Martin Lake Steam Electric Station

16. Luminant applied to the TCEQ to renew Title V operating permit No. O53 for the Martin Lake Steam Electric Station on May 3, 2009. The Executive Director of the TCEQ issued a draft renewal operating permit (“Martin Lake Draft Permit”), notice of which was published on August 24, 2011. The public comment period for the Martin Lake Draft Permit ended on September 23, 2011.

17. On September 23, 2011, Plaintiffs submitted written comments to the TCEQ during the public comment period. The comments identified specific deficiencies contained in the Martin Lake Draft Permit.

18. EPA’s 45-day review period for the proposed permit ended on December 27, 2013. EPA did not object to the permit.

19. On February 24, 2014, Plaintiffs timely filed with EPA a petition to object to the Martin Lake Title V operating permit (“Martin Lake Petition”). 42 U.S.C. § 7661d(b)(2). The Martin Lake Petition was based on (1) objections to the Martin Lake Draft Permit that were raised with reasonable specificity during the public comment period and (2) objections to the permit that arose after the close of the public comment period, as required by 42 U.S.C. § 7661d(b)(2).

20. Though the Administrator was required to grant or deny the Martin Lake Petition within 60 days, she has not yet done so. 42 U.S.C. § 7661d(b)(2).

21. On May 9, 2014, Plaintiffs sent Defendant notice of their intent to sue the Administrator for her failure to grant or deny the Martin Lake Petition within 60 days.

Monticello Steam Electric Station

22. Luminant applied to the TCEQ to renew its Title V operating permit No. O64 for the Monticello Steam Electric Station on November 23, 2009. The Executive Director of the TCEQ issued a draft renewal operating permit (“Monticello Draft Permit”), notice of which was published on August 10, 2011. The public comment period for the Monticello Draft Permit ended on September 9, 2011.

23. On September 8, 2011, Plaintiffs submitted written comments to the TCEQ during the public comment period. The comments identified specific deficiencies contained in the Monticello Draft Permit.

24. EPA’s 45-day review period for the proposed permit ended on January 3, 2014. EPA did not object to the permit.

25. On March 3, 2014, Plaintiffs timely filed with EPA a petition to object to the Monticello Title V operating permit (“Monticello Petition”). 42 U.S.C. § 7661d(b)(2). The Monticello Petition was based on (1) objections to the Monticello Draft Permit that were raised with reasonable specificity during the public comment period and (2) objections to the permit that arose after the close of the public comment period, as required by 42 U.S.C. § 7661d(b)(2).

26. Though the Administrator was required to grant or deny the Monticello Petition within 60 days, she has not yet done so. 42 U.S.C. § 7661d(b)(2).

27. On May 9, 2014, Plaintiffs sent Defendant notice of their intent to sue the Administrator for her failure to grant or deny the Monticello Petition within 60 days.

Big Brown Steam Electric Station

28. Luminant applied to the TCEQ to renew its Title V operating permit No. O65 for the Big Brown Generating Station on May 10, 2010. The Executive Director of the TCEQ issued a draft renewal operating permit (“Big Brown Draft Permit”), notice of which was published on September 22, 2011. The public comment period for the Big Brown Draft Permit ended on October 24, 2011.

29. On October 24, 2011, Plaintiffs submitted written comments to the TCEQ during the public comment period. The comments identified specific deficiencies contained in the Big Brown Draft Permit.

30. EPA’s 45-day review period for the proposed permit ended on January 1, 2014. EPA did not object to the permit.

31. On March 3, 2014, Plaintiffs timely filed with EPA a petition to object the Big Brown Title V operating permit (“Big Brown Petition”). 42. U.S.C. § 7661d(b)(2). The Big Brown Petition was based on (1) objections to the Big Brown Draft Permit that were raised with reasonable specificity during the public comment period and (2) objections to the permit that arose after the close of the public comment period, as required by 42 U.S.C. § 7661d(b)(2).

32. Though the Administrator was required to grant or deny the Big Brown Petition within 60 days, she has not yet done so. 42 U.S.C. § 7661d(b)(2).

33. On May 9, 2014, Plaintiffs sent Defendant notice of their intent to sue the Administrator for her failure to grant or deny the Big Brown Petition within 60 days.

VI. CAUSES OF ACTION

FAILURE TO RESPOND TO PLAINTIFFS' MARTIN LAKE PETITION

[42 U.S.C. § 7661d(b)(2)]

34. Plaintiffs re-allege and incorporate the allegations set forth in Paragraphs 1-33.

35. The Clean Air Act required Defendant to act on the Martin Lake Petition within 60 days of its filing. 42 U.S.C. § 7661d(b)(2) (stating that “[t]he Administrator shall grant or deny such a petition within 60 days after the petition is filed.”) (emphasis added). This is a non-discretionary duty. New York Public Interest Research Group v. Whitman, 214 F.Supp.2d 1, 3 (D.D.C. 2002).

36. It has been more than 60 days since Defendant received the Martin Lake Petition. Defendant's failure to grant or deny the Martin Lake Petition constitutes a failure to perform an act or duty that is not discretionary. 42 U.S.C. § 7604(a)(2).

FAILURE TO RESPOND TO PLAINTIFFS' MONTICELLO PETITION

[42 U.S.C. § 7661d(b)(2)]

37. Plaintiffs re-allege and incorporate the allegations set forth in Paragraphs 1-33.

38. The Clean Air Act required Defendant to act on the Monticello Petition within 60 days of its filing. 42 U.S.C. § 7661d(b)(2) (stating that “[t]he Administrator shall grant or deny such a petition within 60 days after the petition is filed.”) (emphasis added). This is a non-discretionary duty. New York Public Interest Research Group v. Whitman, 214 F.Supp.2d 1, 3 (D.D.C. 2002).

39. It has been more than 60 days since Defendant received the Monticello Petition. Defendant’s failure to grant or deny the Monticello Petition constitutes a failure to perform an act or duty that is not discretionary. 42 U.S.C. § 7604(a)(2).

FAILURE TO RESPOND TO PLAINTIFFS’ BIG BROWN PETITION

[42 U.S.C. § 7661d(b)(2)]

40. Plaintiffs re-allege and incorporate the allegations set forth in Paragraphs 1-33.

41. The Clean Air Act required Defendant to act on the Big Brown Petition within 60 days of its filing. 42 U.S.C. § 7661d(b)(2) (stating that “[t]he Administrator shall grant or deny such a petition within 60 days after the petition is filed.”) (emphasis added). This is a non-discretionary duty. New York Public Interest Research Group v. Whitman, 214 F.Supp.2d 1, 3 (D.D.C. 2002).

42. It has been more than 60 days since Defendant received the Big Brown Petition. Defendant’s failure to grant or deny the Monticello Petition constitutes a failure to perform an act or duty that is not discretionary. 42 U.S.C. § 7604(a)(2).

PRAYER FOR RELIEF

WHEREFORE, based upon the allegations set forth above, Plaintiffs respectfully request

that this Court:

- A. Declare that Defendant's failure to grant or deny the Plaintiffs' Martin Lake Petition, Monticello Petition, and Big Brown Petition within 60 days constitutes a failure to perform acts or duties that are not discretionary within the meaning of 42 U.S.C. § 7604(a)(2);
- B. Order the Defendant to grant or deny the Martin Lake Petition, Monticello Petition, and Big Brown Petition within sixty (60) days;
- C. Retain jurisdiction over this action to ensure compliance with the Court's Order;
- D. Award Plaintiffs their costs and fees related to this action; and
- E. Grant such other relief as the Court deems just and proper.

DATED: July 15, 2014

Respectfully Submitted,

/s/ Jennifer Duggan
Jennifer Duggan
D.C. Bar No. 978352
Environmental Integrity Project
1000 Vermont Ave. N.W. #1100
Washington, D.C. 20005
Phone: (802) 225-6774
jduggan@environmentalintegrity.org

Gabriel Clark-Leach
Texas Bar No. 24069516
Environmental Integrity Project
1002 West Ave., Ste. 305
Austin, Texas 78701
Phone: (512) 637-9478
Fax: (512) 584-8019
gclark-leach@environmentalintegrity.org

EXHIBIT A

Notice of Intent to Bring Suit Against Administrator McCarthy for Failure to Grant or Deny
Plaintiffs' Petition to Object to Part 70 Operating Permit No. O53



1002 West Avenue
Austin TX, 78701
p: (512) 637-9477 f: (512) 584-8019
www.environmentalintegrity.org

May 7, 2014

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Fax number (202) 501-1450

via certified mail

RE: Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O53 Issued to Luminant Generation Company for Operation of the Martin Lake Steam Electric Station in Rusk County, Texas

Dear Administrator McCarthy,

I am writing on behalf of the Environmental Integrity Project, and Sierra Club (“Petitioners”) to provide you with notice that we intend to bring suit against you in your official capacity as Administrator of the U.S. Environmental Protection Agency (“EPA”). This suit will seek redress for your failure to timely grant or deny our Petition to Object to the Part 70 Operating Permit No. 53 (“Proposed Permit”) issued to Luminant Generation Company (“Luminant”) for operation of the Martin Lake Steam Electric Station (“Martin Lake”) in Rusk County, Texas (“Petition”).

This Petition was timely filed on February 24, 2014, within 60 days following the end of EPA’s 45-day review period for the Proposed Permit.¹ Your failure to act on the Petition within 60 days is a violation of 42 U.S.C. § 7661d(b)(2). Unless you promptly respond to our Petition as required by law, Petitioners intend to file suit 60 days after you receive this notice letter to compel your response.

Authority to Bring Suit

Clean Air Act section 304(a)(2) authorizes citizen suits “against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). The Administrator has a nondiscretionary duty to grant or deny petitions filed by citizens that object to the issuance of a

¹ The Petition is attached to this notice letter as Attachment A.

federal operating permit on the basis that it contains provisions not in compliance with the Clean Air Act. 42 U.S.C. § 7661d(b)(2). In the event that the Administrator fails to perform this nondiscretionary duty, citizens may bring suit to compel such action. The district courts have jurisdiction over these suits. 42 U.S.C. § 7604(a).

The Clean Air Act requires citizens to give the Administrator notice 60 days before bringing an action under section 304(a)(2). 42 U.S.C. § 7604(b)(2). Petitioners are hereby giving you notice of their intent to file suit against you in your official capacity as Administrator of the EPA, under Clean Air Act section 304(a)(2), for failing to perform a non-discretionary duty. Petitioners may commence this suit at any time 60 days after you receive this notice.

Relief Requested

Petitioners will seek the following relief:

1. An order compelling you to grant or deny the Petition within 60 days from the date of the order;
2. Attorney's fees and other litigation costs; and
3. Other appropriate relief as allowed.

If you have any questions regarding the allegations in this notice, believe any of the foregoing information to be in error, wish to discuss the exchange of information, or would otherwise like to discuss a settlement of this matter prior to the initiation of litigation, please contact us at the address below.

Sincerely,



Gabriel Clark-Leach
Ilan Levin
Environmental Integrity Project
1002 West Avenue
Austin, TX 78701
(512) 637-9477 (phone)
(512) 584-8019 (fax)
gclark-leach@environmentalintegrity.org
ilevin@environmentalintegrity.org

Attachment

cc:

Eric Holder, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Ron Curry, Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Steve Hagle, P.E., Office of Air Deputy Director, MC-122
Texas Commission on Environmental Quality
P.O Box 13087
Austin, Texas 78711-3087

EXHIBIT B

Notice of Intent to Bring Suit Against Administrator McCarthy for Failure to Grant or Deny
Plaintiffs' Petition to Object to Part 70 Operating Permit No. O64



1002 West Avenue
Austin TX, 78701
p: 512-637-9477 f: 512-584-8019
www.environmentalintegrity.org

May 7, 2014

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Fax number (202) 501-1450

via certified mail

RE: Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O64 Issued to Luminant Generation Company for Operation of the Monticello Steam Electric Station in Titus County, Texas

Dear Administrator McCarthy,

I am writing on behalf of the Environmental Integrity Project, and Sierra Club (“Petitioners”) to provide you with notice that we intend to bring suit against the you in your official capacity as Administrator of the U.S. Environmental Protection Agency (“EPA”). This suit will seek redress for your failure to timely grant or deny our Petition to Object to the Part 70 Operating Permit No. O64 (“Proposed Permit”) issued to Luminant Generation Company (“Luminant”) for operation of the Monticello Steam Electric Station (“Monticello”) in Titus County, Texas (“Petition”).

Our Petition was timely filed on March 3, 2014, within 60 days following the end of EPA’s 45-day review period for the Proposed Permit.¹ Your failure to act on the Petition within 60 days is a violation of 42 U.S.C. § 7661d(b)(2). Unless you promptly respond to our Petition as required by law, Petitioners intend to file suit 60 days after you receive this notice letter to compel your response.

Authority to Bring Suit

Clean Air Act section 304(a)(2) authorizes citizen suits “against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). The Administrator has a nondiscretionary duty to grant or deny petitions filed by citizens that object to the issuance of a federal operating permit on the basis that it contains provisions not in compliance with the Clean

¹ The Petition is attached to this notice letter as Attachment A.

Air Act. 42 U.S.C. § 7661d(b)(2). In the event that the Administrator fails to perform this nondiscretionary duty, citizens may bring suit to compel such action. The district courts have jurisdiction over these suits. 42 U.S.C. § 7604(a).

The Clean Air Act requires citizens to give the Administrator notice 60 days before bringing an action under section 304(a)(2). 42 U.S.C. § 7604(b)(2). Petitioners are hereby giving you notice of their intent to file suit against you in your official capacity as Administrator of the EPA, under Clean Air Act section 304(a)(2), for failing to perform a non-discretionary duty. Petitioners may commence this suit at any time 60 days after you receive this notice.

Relief Requested

Petitioners will seek the following relief:

1. An order compelling you to grant or deny our Petition within 60 days from the date of the order;
2. Attorney's fees and other litigation costs; and
3. Other appropriate relief as allowed.

If you have any questions regarding the allegations in this notice, believe any of the foregoing information to be in error, wish to discuss the exchange of information, or would otherwise like to discuss a settlement of this matter prior to the initiation of litigation, please contact us at the address below.

Sincerely,



Gabriel Clark-Leach
Ilan Levin
Environmental Integrity Project
1002 West Avenue
Austin, TX 78701
(512) 637-9477 (phone)
(512) 584-8019 (fax)
gclark-leach@environmentalintegrity.org
ilevin@environmentalintegrity.org

Attachment

cc:

Eric Holder, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Ron Curry, Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Steve Hagle, P.E., Office of Air Deputy Director, MC-122
Texas Commission on Environmental Quality
P.O Box 13087
Austin, Texas 78711-3087

EXHIBIT C

Notice of Intent to Bring Suit Against Administrator McCarthy for Failure to Grant or Deny
Plaintiffs' Petition to Object to Part 70 Operating Permit No. O65



1002 West Avenue
Austin TX, 78701
p: 512-637-9477 f: 512-584-8019
www.environmentalintegrity.org

May 7, 2014

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Fax number (202) 501-1450

via certified mail

RE: Notice of Intent to Sue Administrator McCarthy for her Failure to Timely Grant or Deny a Petition to Object to Part 70 Operating Permit No. O65 Issued to Luminant Generation Company for Operation of the Big Brown Steam Electric Station in Freestone County, Texas

Dear Administrator McCarthy,

I am writing on behalf of the Environmental Integrity Project, and Sierra Club (“Petitioners”) to provide you with notice that we intend to bring suit against you in your official capacity as Administrator of the U.S. Environmental Protection Agency (“EPA”). This suit will seek redress for your failure to timely grant or deny our Petition to Object to the Part 70 Operating Permit No. O65 (“Proposed Permit”) issued to Luminant Generation Company (“Luminant”) for operation of the Big Brown Steam Electric Station (“Big Brown”) in Freestone County, Texas (“Petition”).

This Petition was timely filed on March 3, 2014, within 60 days following the end of EPA’s 45-day review period for the Proposed Permit.¹ Your failure to act on the Petition within 60 days is a violation of 42 U.S.C. § 7661d(b)(2). Unless you promptly respond to our Petition as required by law, Petitioners intend to file suit 60 days after you receive this notice letter to compel your response.

Authority to Bring Suit

Clean Air Act section 304(a)(2) authorizes citizen suits “against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). The Administrator has a nondiscretionary duty to grant or deny petitions filed by citizens that object to the issuance of a federal operating permit on the basis that it contains provisions not in compliance with the Clean

¹The Petition is attached to this notice letter as Attachment A.

Air Act. 42 U.S.C. § 7661d(b)(2). In the event that the Administrator fails to perform this nondiscretionary duty, citizens may bring suit to compel such action. The district courts have jurisdiction over these suits. 42 U.S.C. § 7604(a).

The Clean Air Act requires citizens to give the Administrator notice 60 days before bringing an action under section 304(a)(2). 42 U.S.C. § 7604(b)(2). Petitioners are hereby giving you notice of their intent to file suit against you in your official capacity as Administrator of the EPA, under Clean Air Act section 304(a)(2), for failing to perform a non-discretionary duty. Petitioners may commence this suit at any time 60 days after you receive this notice.

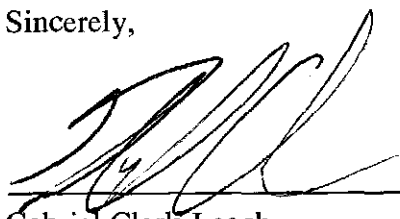
Relief Requested

Petitioners will seek the following relief:

1. An order compelling you to grant or deny the Petition within 60 days from the date of the order;
2. Attorney's fees and other litigation costs; and
3. Other appropriate relief as allowed.

If you have any questions regarding the allegations in this notice, believe any of the foregoing information to be in error, wish to discuss the exchange of information, or would otherwise like to discuss a settlement of this matter prior to the initiation of litigation, please contact us at the address below.

Sincerely,



Gabriel Clark-Leach

Ilan Levin

Environmental Integrity Project

1002 West Avenue

Austin, TX 78701

(512) 637-9477 (phone)

(512) 584-8019 (fax)

gclark-leach@environmentalintegrity.org

ilevin@environmentalintegrity.org

Attachment

cc:

Eric Holder, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Ron Curry, Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Steve Hagle, P.E., Office of Air Deputy Director, MC-122
Texas Commission on Environmental Quality
P.O Box 13087
Austin, Texas 78711-3087

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

<p>I. (a) PLAINTIFFS Environmental Integrity Project, Sierra Club</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Jennifer Duggan, Environmental Integrity Project, 1000 Vermont Ave N.W., Suite 1100, Washington, D.C. 20005, (802) 225-6774//Gabriel Clark-Leach, EIP, 1002 West Ave. Suite 305, Austin, Texas 78701, (512) 637-9478</p>	<p>DEFENDANTS Gina McCarthy in her official capacity as Administrator of the United States Environmental Protection Agency</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>																								
<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> </tr> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input checked="" type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input checked="" type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
--	---	---	---

<p><input checked="" type="radio"/> E. General Civil (Other)</p> <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>OR</p>	<p><input type="radio"/> F. Pro Se General Civil</p> <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
--	------------------	--	--

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 42 U.S.C. 7604(a)(2)--citizen suit under CAA for EPA Administrator's failure to conduct non-discretionary duty.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: July 14, 2014	SIGNATURE OF ATTORNEY OF RECORD: <i>Jennifer Staggan</i>
---------------------	--

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



Environmental Integrity Project and Sierra Club

Plaintiff(s)

v.

Gina McCarthy in her official capacity as
Administrator of the U.S. Environmental Protection
Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Jennifer Duggan
Environmental Integrity Project
1000 Vermont Ave NW, Suite 1100
Washington, D.C. 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)*
was received by me on *(date)* .

I personally served the summons on the individual at *(place)*
on *(date)* ; or

I left the summons at the individual's residence or usual place of abode with *(name)*
, a person of suitable age and discretion who resides there,
on *(date)* , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* , who is
designated by law to accept service of process on behalf of *(name of organization)*
on *(date)* ; or

I returned the summons unexecuted because ; or

Other *(specify)*:

My fees are \$ for travel and \$ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date:

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



Environmental Integrity Project and Sierra Club

Plaintiff(s)

v.

Gina McCarthy in her official capacity as
Administrator of the U.S. Environmental Protection
Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Eric H. Holder Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave N.W.
Washington, D.C. 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jennifer Duggan
Environmental Integrity Project
1000 Vermont Ave N.W., Suite 1100
Washington, D.C. 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)*
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)*
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)*
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)*
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia



Environmental Integrity Project and Sierra Club

Plaintiff(s)

v.

Gina McCarthy in her official capacity as
Administrator of the U.S. Environmental Protection
Agency

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Ronald C. Machen Jr., U.S. Attorney
Office of the U.S. Attorney for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Jennifer Duggan
Environmental Integrity Project
1000 Vermont Ave N.W., Suite 1100
Washington, D.C. 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)*
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)*
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)*
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)*
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: