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10  
11 UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 CALIFORNIA DUMP TRUCK OWNERS  
14 ASSOCIATION,

15 Plaintiff,

16 v.

17 MARY D. NICHOLS, Chairperson of the  
18 California Air Resources Board; and JAMES  
19 GOLDSTENE, Executive Officer of the  
California Air Resources Board,

20 Defendants,

21  
22 NATURAL RESOURCES DEFENSE  
23 COUNCIL, INC.,

24 Defendant-Intervenor.  
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Case No. 2:11-CV-00384-MCE-GGH

STATEMENT OF UNDISPUTED FACTS IN  
SUPPORT OF DEFENDANT-  
INTERVENOR NATURAL RESOURCES  
DEFENSE COUNCIL'S CROSS-MOTION  
FOR SUMMARY JUDGMENT

Date: January 26, 2012  
Time: 2:00 p.m.  
Judge: Hon. Morrison C. England, Jr.  
Courtroom: 7

UNDISPUTED STATEMENT OF FACT	EVIDENCE IN SUPPORT
<p>1. The California Air Resources Board (“CARB”) adopted the Truck and Bus Rule<sup>1</sup> in 2008, and amended the rule in September 2011. The amended rule became final on December 14, 2011.</p>	<p>Declaration of T. Brasil submitted in support of defendants Nichols and Goldstene’s Opp. to Plaintiff’s Motion of Summary Judgment, ¶¶ 12, 18.</p>
<p>2. Regions in California, including the San Joaquin Valley Air Basin and South Coast Air Basin, violate the United States Environmental Protection Agency’s (“EPA”) PM2.5 and ozone standards, which must be attained by 2014 and 2023, respectively.</p>	<p>Declaration of M. Lin Perrella, Ex. C at 21–22 (CARB Initial Statement of Reasons, Oct. 2010).</p>
<p>3. CARB adopted the Truck and Bus Rule to reduce air pollution, including emissions of diesel particulate matter, and to meet national ambient air quality standards established by EPA.</p>	<p>Declaration of M. Lin Perrella, Ex. E at 3 (CARB Executive Order R-11-009).</p>
<p>4. EPA has proposed to approve the Truck and Bus Rule as part of California’s State Implementation Plan, finding that the rule is authorized under the federal Clean Air Act.</p>	<p>Approval and Promulgation of Implementation Plans, 76 Fed. Reg. 40652, 40658 (proposed July 11, 2011) (to be codified at 40 C.F.R. pt. 52).</p>

Dated: December 22, 2011

David Pettit  
 Melissa Lin Perrella  
 Morgan Wyenn  
 Natural Resources Defense Council, Inc.

By: /s/ Melissa Lin Perrella  
 Attorneys for Defendant-Intervenor  
 Natural Resources Defense Council, Inc.

<sup>1</sup> The “Truck and Bus Rule” is formally entitled “Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles,” 13 Cal. Code. Reg. § 2025.