

July 6, 2000

Administrator  
Environmental Protection Agency  
401 M St., SW  
Washington DC 20460

**Re: Notice of Intent to File Citizen Suit  
Certified Mail No. 7099 3400 0002 1339 0141**

Dear Administrator:

This letter constitutes formal notice pursuant to Clean Air Act §304(b)(2), and in accordance with 40 CFR 54, that the Louisiana Environmental Action Network (LEAN) intends to file a citizen suit pursuant to Clean Air Act §304(a)(2). This citizen suit is being filed as a result of the Environmental Protection Agency's failure to perform a nondiscretionary act. Section 181 (b)(2) requires the Administrator to determine whether an area has attained the National Ambient Air Quality Standard (NAAQS) for ozone within six months following the applicable attainment date including any lawful extension. This section also requires the Administrator to reclassify the area and to publish notice in the Federal Register, no later than six months following the attainment date, identifying each area that has been determined as having failed.

The attainment date for the Baton Rouge Serious Ozone Nonattainment Area was November 15, 1999. The Administrator has 1) failed to determine whether Baton Rouge has attained the ozone NAAQS, 2) failed to reclassify the Baton Rouge Ozone Nonattainment Area in accordance with the law, and 3) failed to publish notice in the Federal Register within six months of November 15, 1999 identifying the Baton Rouge area as not attaining the ozone NAAQS and as severe for ozone.

Because of the Administrator's failure to act in this matter, LEAN hereby gives notice that it intends to file a citizen suit seeking the Administrator's compliance with Clean Air Act provisions. The full name and address of the person giving this notice is Louisiana Environmental Action Network, P.O. Box 66323, Baton Rouge, LA 70896. Any questions regarding this notice may be directed to LEAN's attorneys at the Tulane Environmental Law Clinic.

Respectfully submitted,  
TULANE ENVIRONMENTAL LAW CLINIC

By: \_\_\_\_\_  
Suzanne S. Dickey, Attorney for LEAN

cc: Gregg Cooke, EPA Region VI  
Dale Givens, LDEQ  
Gov. Murphy J. "Mike" Foster