

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN LUNG ASSOCIATION,
ENVIRONMENTAL DEFENSE,
NATURAL RESOURCES DEFENSE
COUNCIL, SIERRA CLUB,
ALABAMA ENVIRONMENTAL
COUNCIL, CLEAN AIR COUNCIL,
MICHIGAN ENVIRONMENTAL
COUNCIL, OHIO ENVIRONMENTAL
COUNCIL, and SOUTHERN ALLIANCE
FOR CLEAN ENERGY,

Plaintiffs,

v.

STEPHEN L. JOHNSON,
Administrator, United States
Environmental Protection Agency, and
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

C.A. No. 03-778 (ESH)

JOINT STIPULATION
TO MODIFY DEADLINE IN CONSENT DECREE

WHEREAS, on July 31, 2003, the Court entered a consent decree in this matter between Plaintiffs American Lung Association et al. and Defendants Stephen L. Johnson, Administrator, United States Environmental Protection Agency,^{1/} and United States Environmental Protection Agency (collectively “EPA”);

WHEREAS, the Consent Decree, inter alia, resolves claims concerning EPA’s alleged obligations under 42 U.S.C. § 7409(d)(1), to (a) complete a thorough review of the air quality

^{1/} Administrator Stephen L. Johnson is automatically substituted for his predecessor in office pursuant to Fed. R. Civ. P. 25(d)(1).

criteria and primary and secondary national ambient air quality standards (“NAAQS”) for ozone, (b) make such revisions in the foregoing criteria and NAAQS, and promulgate such new NAAQS, as may be appropriate in accordance with 42 U.S.C. §§ 7408 and 7409(b), and (c) publish in the Federal Register pursuant to 42 U.S.C. § 7607(d) EPA’s proposed and final decisions concerning such review, including any new and/or revised NAAQS, and also publish in the Federal Register pursuant to 42 U.S.C. § 7408(d) notice of the issuance of revised air quality criteria;

WHEREAS, Paragraph 3 of the Consent Decree was modified by order dated December 16, 2004, upon the unopposed motion of EPA for modification of the Consent Decree;

WHEREAS, Paragraph 3 of the Consent Decree was further modified by stipulation of the parties filed with the Court on October 18, 2006;

WHEREAS, EPA believes that current deadlines in Paragraph 3 of the Consent Decree need to be further modified, including: (1) the May 30, 2007, deadline for EPA to sign for publication in the Federal Register a notice of proposed rulemaking setting forth its proposed decision pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the national ambient air quality standards for ozone, and (2) the February 20, 2008, deadline for EPA to sign for publication in the Federal Register a notice setting forth its final decision pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the national ambient air quality standards for ozone and promulgating such new standards and/or revisions of standards as may be appropriate in accordance with 42 U.S.C. §§ 7408 and 7409(b);

WHEREAS, Paragraph 4 of the Consent Decree provides that the Parties may extend the deadlines in Paragraph 3 of the Consent Decree by written stipulation executed by counsel for the Parties and filed with the Court;

WHEREAS, Plaintiffs reserve their right to object to any further extension of the Consent Decree deadlines, except as stipulated below;

NOW THEREFORE, Plaintiffs and EPA hereby agree and stipulate as follows:

1. EPA shall have an extension until June 20, 2007, to sign for publication in the Federal Register a notice of proposed rulemaking setting forth its proposed decision pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the national ambient air quality standards for ozone promulgated under 42 U.S.C. § 7409, and proposing such new standards and/or revisions of standards as may be appropriate in accordance with 42 U.S.C. §§ 7408 and 7409(d).

2. EPA shall have an extension until March 12, 2008, to sign for publication in the Federal Register a notice of final rulemaking setting forth its final decision pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the national ambient air quality standards for ozone and promulgating such new standards and/or revisions of standards as may be appropriate in accordance with 42 U.S.C. § 7408 and 7409(b).

SO STIPULATED:

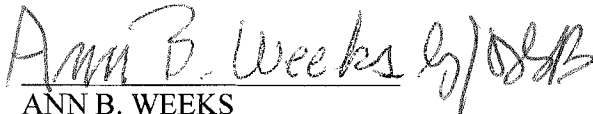
FOR PLAINTIFFS:



DAVID S. BARON
(D.C. Bar No. 464222)
Earthjustice
1625 Massachusetts Ave., NW
Suite 702
Washington, D.C. 20036-2212
(202) 667-4500

Dated: March 2, 2007

Attorney for Plaintiffs
American Lung Association,
Environmental Defense,
Natural Resources Defense Council, and
Sierra Club



ANN B. WEEKS
JONATHAN LEWIS
Clean Air Task Force
18 Tremont Street, Suite 530
Boston, MA 02108
(617) 292-0234

Dated: March 2, 2007



JAMES DOUGHERTY
(D.C. Bar No. 939538)
709 Third Street, SW
Washington, D.C. 20024-3103
(202) 488-1140

Dated: March 2, 2007

Attorneys for Plaintiffs
Alabama Environmental Council,
Clean Air Council,
Michigan Environmental Council,
Ohio Environmental Council, and
Southern Alliance for Clean Energy

FOR EPA

MATTHEW J. McKEOWN
Acting Assistant Attorney General
Environment and Natural Resources Division

By: Eric Hostetler
ERIC G. HOSTETLER, Attorney
D.C. Bar #445917
Environmental Defense Section
U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986
Voice: (202) 305-2326
Telecopier: (202) 514-8865

Dated: March 2, 2007