

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 DEADLINES 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,<sup>1/</sup> and United States Environmental Protection Agency (collectively “EPA”);

WHEREAS, the Consent Decree 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 criteria and

---

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

primary and secondary national ambient air quality standards (“NAAQS”) for particulate matter and 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, EPA believes that deadlines in Paragraph 3 of the Consent Decree need to be modified, including: (1) the March 28, 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 December 19, 2007, 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, EPA is seeking an extension to the deadlines in Paragraph 3 of the Consent Decree to facilitate EPA’s completion of a number of specific analyses that EPA understands to have been recommended by the CASAC Review Panel for Ozone during that Panel’s review of the second draft of the Staff Paper in August 2006, and whereas, the attached letter from EPA to

Plaintiffs dated September 29, 2006, further explains EPA's reasons for seeking modification of the Paragraph 3 deadlines;

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;

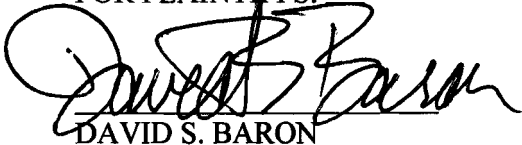
NOW THEREFORE, Plaintiffs and EPA hereby agree and stipulate as follows:

1. EPA shall have an extension until May 30, 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 February 20, 2008, to sign for publication in the Federal Register a notice of final rulemaking setting forth its 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

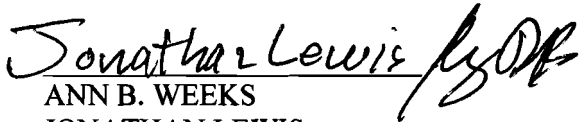
Suite 702

Washington, D.C. 20036-2212

(202) 667-4500

Dated: October 17, 2006

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: October 17, 2006



JAMES DOUGHERTY

(D.C. Bar No. 939538)

709 Third Street, SW

Washington, D.C. 20024-3103

(202) 488-1140

Dated: October 17, 2006

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

FOR EPA

SUE ELLEN WOOLDRIDGE  
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: October 18, 2006