

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

IN RE SIERRA CLUB,)
)
 Petitioner.)
)
 _____)
)

Case No. 05-1045

STIPULATION MODIFYING CONSENT ORDER

On August 11, 2006, the Court entered a Consent Order establishing a schedule for the United States Environmental Protection Agency (“EPA”) to take action on a rulemaking pursuant to the remand in Sierra Club v. EPA, 167 F.3 658 (D.C. Cir. 1999). Paragraph 2 of the Consent Order specified that the schedule may be extended by a stipulation signed by both parties.

The parties hereby stipulate that the schedule established in the Consent Order shall be extended. EPA shall sign a notice of proposed rulemaking no later than November 15, 2008, and shall sign a notice of final rulemaking no later than September 15, 2009. The parties further stipulate that these deadlines will be extended by six months if the requirements of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. § 609(b), are triggered to allow time for the additional work required by that Act.

SO STIPULATED:

FOR PLAINTIFF

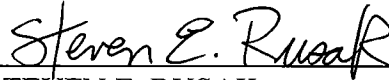
Date: 12/4/07

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FOR DEFENDANT

Date: 12/4/07

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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NOTICE OF STIPULATION MODIFYING CONSENT ORDER

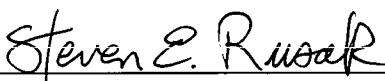
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Although EPA timely signed a notice of proposed rulemaking, subsequent decisions by this Court in other matters make re-proposal necessary. Therefore, in accord with Paragraph 2, the parties have signed a Stipulation modifying the schedule. The stipulation is attached hereto.

Respectfully submitted,

Date: 12/4/07

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