**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

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| DEFENDERS OF WILDLIFE and SIERRA CLUB | ) | |
| Plaintiffs, | ) | |
| v. | ) | Case No. 10-cv-1915 (RWR) |
| GINA McCARTHY, Administrator, United States Environmental Protection Agency, | ) | |
| Defendant. | ) | |

**JOINT STIPULATED EXTENSION AND CONSENT DECREE MODIFICATION**

Whereas, on March 18, 2012, the Court entered a Consent Decree in this matter;

Whereas, Paragraph 4 of the original Consent Decree provides that by January 31, 2014, the Administrator of the United States Environmental Protection Agency ("EPA") shall sign a decision taking final action following notice and comment rulemaking pertaining to the effluent limitations guidelines referred to in the Consent Decree as the "Steam Electric Effluent Guidelines";

Whereas, Paragraph 5 of the Consent Decree provides that any dates set forth in the Consent Decree may be extended by written agreement of the parties and notice to the Court;

Whereas, Paragraph 5 of the Consent Decree provides the Consent Decree may be otherwise modified by written agreement of the parties and approval of the Court;

Whereas, on April 2, 2012, the parties filed a Corrected Stipulated Extension extending the deadline in Paragraph 4 of the Consent Decree until April 28, 2014;

Whereas, on September 20, 2012, the parties filed a Stipulated Extension extending the deadline in Paragraph 4 of the Consent Decree until May 22, 2014;

Whereas, EPA requires an extension of the final action deadline in Paragraph 4 until September 30, 2015;

Whereas, based on EPA's agreement not to invoke in the future the procedures in Paragraph 6 of the Decree that enable EPA, under certain circumstances, to obtain an automatic extension of deadlines established by the Consent Decree, Plaintiffs are willing to extend the final action deadline in Paragraph 4 to September 30, 2015;

Whereas, Plaintiffs consent to the extension of time with the understanding that EPA does not plan to seek further extensions of the final action deadline in Paragraph 4 beyond September 30, 2015, and with the understanding that EPA has separately committed in the case of Appalachian Voices et al v. McCarthy, Case No. 1:12-cv-00523, to sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Whereas, Plaintiffs reserve the right to request a more expedited deadline than September 30, 2015, in the event that EPA does not sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Whereas, as set forth in the parties' December 10, 2012, stipulation, EPA has previously agreed to file reports with the Court on the status of the rulemaking at 90-day intervals;

Now, therefore, the parties agree and stipulate as follows:

1. The May 22, 2014 deadline in Paragraph 4 of the Consent Decree shall be extended until September 30, 2015, and this extension shall be automatically effective upon notice to the Court pursuant to the second sentence in Paragraph 5 of the Consent Decree;

2. The parties agree that the extension and modifications provision of the Consent Decree shall be modified so as to substitute, in Paragraph 5 of the Consent Decree, the language "The parties may seek a modification of this Consent Decree" for the language "To the extent that the parties are not able to agree to an extension, EPA may seek a modification of this Consent Decree." The parties further agree to eliminate Paragraph 6 of the Consent Decree, in its entirety, and to strike the following language in Paragraph 7 of the Consent Decree: "If EPA does not provide notice pursuant to Paragraph 6 above."

3. The parties agree to remove Jennifer S. Peterson from the list of Recipients for Notification under Paragraph 20 and to add:

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4. Pursuant to the first sentence of Paragraph 5 of the Consent Decree, the modifications to the Consent Decree set forth in Paragraphs 2 and 3 above shall be effective upon approval of the Court. The parties agree, however, that, regardless of whether the Parties' stipulation in Paragraph 2 above regarding the elimination of Paragraph 6 of the Consent Decree is approved by this Court, EPA will not, under any circumstance, invoke the procedures, including the provision for an automatic extension, set forth in Paragraph 6 of the Consent Decree should it seek any further extension of the deadline in Paragraph 4 of the Consent

Decree. EPA reserves the right to pursue a modification of the deadline in Paragraph 4 of the Consent Decree under the procedures set forth in Paragraph 7 of the Consent Decree.

5. No other provisions of the Consent Decree are affected by this Stipulation.

SO AGREED:

FOR DEFENDANT:

STEVEN SILVERMAN
Deputy Assistant Attorney General
Environment and Natural
Resources Division

Dated: April 7, 2014

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FOR PLAINTIFFS:

Dated: April 7, 2014

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**SO ORDERED:**

Dated: _____

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THE HONORABLE RICHARD W. ROBERTS