

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

WILDEARTH GUARDIANS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 1:09-cv-00089-CKK
	)	
LISA P. JACKSON, Administrator,	)	
United States Environmental Protection Agency,	)	
	)	
Defendant.	)	
_____	)	

**THIRD STIPULATION OF THE PARTIES TO MODIFY CONSENT DECREE**

WHEREAS, on February 5, 2010, the Court entered a Consent Decree in this matter, which set forth January 31, 2011, as the date by which EPA would issue various proposed rules and/or determinations, and November 30, 2011, as the date by which EPA would issue various final rules and/or determinations pursuant to 42 U.S.C. §§ 7411(b)(1)(B), 7412(d)(6), and 7412(f)(2); see Docket Entry 25, paragraphs 3-8;

WHEREAS, on January 25, 2011, the parties filed a stipulation of modification extending EPA’s time to issue the proposed rules and/or determinations from January 31, 2011, to April 29, 2011; see Docket Entry 26;

WHEREAS, on April 27, 2011, the parties filed a second stipulation of modification extending EPA’s time to issue the proposed rules and/or determinations from April 29, 2011, to July 28, 2011, and EPA’s time to issue the final rules and/or determinations from November 30, 2011, to February 28, 2012; see Docket Entry 27;

WHEREAS, on July 28, 2011, EPA issued the proposed rules, see 76 Fed. Reg. 52,738;

WHEREAS, EPA received numerous requests to extend the public comment period for the proposed rules and intends to extend the public comment period by an additional 30 days;

WHEREAS, the Consent Decree allows for modification of any provision of the Consent Decree by written stipulation of the parties with notice to the Court, see Docket Entry 25, paragraph 10(a);

NOW THEREFORE, the parties hereby stipulate as follows:

1. EPA is no longer required to perform the actions discussed in paragraphs 6-8 of the Consent Decree by February 28, 2012.
2. Instead, EPA must perform such actions no later than April 3, 2012.
3. With the exception of the above-stated modifications, no other provision of the Consent Decree has been modified.

SO AGREED:

FOR PLAINTIFFS

/s/ Robin Cooley  
Robin Cooley  
Earthjustice  
1400 Glenarm Place, Suite 300  
Denver, CO 80202  
Tel: (303) 623-9466  
rcooley@earthjustice.org

FOR DEFENDANT

IGNACIA S. MORENO  
Assistant Attorney General

/s/ Stephanie J. Talbert  
Stephanie Talbert  
U.S. Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 23986  
Washington, DC 20026-3986  
Phone (202) 514-2617

[stephanie.talbert@usdoj.gov](mailto:stephanie.talbert@usdoj.gov)

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