

**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.)	
_____)	

FOURTH 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, on October 28, 2011, the parties filed a third stipulation of modification

extending EPA's time to issue the final rules and/or determinations from February 28, 2012, to April 3, 2012; see Docket Entry 28;

WHEREAS, EPA received numerous comments on the proposed rules and requires additional time to fully respond to the comments;

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 April 3, 2012.
2. Instead, EPA must perform such actions no later than April 17, 2012.
3. With the exception of the above-stated modifications, no other provision of the Consent Decree has been modified.

SO AGREED:

FOR PLAINTIFFS

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