

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

_____)	
DEFENDERS OF WILDLIFE and)	
SIERRA CLUB)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10-cv-1915 (RWR)
)	
LISA P. JACKSON,)	
Administrator, United States)	
Environmental Protection Agency,)	
)	
Defendant.)	
_____)	

DECEMBER 10, 2012 STIPULATED EXTENSION

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

Whereas, Paragraph 3 of the original Consent Decree provides that by July 23, 2012, Defendant Lisa P. Jackson, Administrator of the United States Environmental Protection Agency (“EPA”), shall sign a notice of proposed rulemaking pertaining to revisions to the effluent limitations guidelines referred to in the Consent Decree as the “Steam Electric Effluent Guidelines”;

Whereas, Paragraph 4 of the original Consent Decree provides that by January 31, 2014, the EPA Administrator shall sign a decision taking final action following notice and comment rulemaking pertaining to revisions to the Steam Electric Effluent Guidelines;

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

Whereas, on April 2, 2012, the parties filed a Corrected Stipulated Extension extending the deadline in Paragraph 3 of the Consent Decree until November 20, 2012, and 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 3 of the Consent Decree until December 14, 2012, and the deadline in Paragraph 4 of the Consent Decree until May 22, 2014;

Whereas, EPA does not plan to seek further extensions of the proposed rule deadline in Paragraph 3 beyond April 19, 2013;

Whereas, at the request of Plaintiffs, EPA will file reports with the Court on the status of the rulemaking every 30 days from the filing of this Stipulated Extension until EPA completes its obligations as set forth in Paragraph 3 of the Consent Decree;

Whereas, at the request of Plaintiffs, EPA will file reports with the Court on the status of the rulemaking every 90 days from the EPA's completion of its obligations as set forth in Paragraph 3 of the Consent Decree until EPA completes its obligations as set forth in Paragraph 4 of the Consent Decree;

Whereas, over the past 20 years, growing use of flue-gas desulfurization systems has increased the amount of toxic metals discharged from power plants, and installation of scrubbers is expected to increase over the next 15 years;

Whereas, in the absence of nationally applicable effluent limitations guidelines and standards for steam electric facilities, permitting authorities are required under section 402(a)(1) of the Clean Water Act, 33 U.S.C. § 1342(a)(1), to develop technology-based effluent limitations and standards on a best professional judgment basis, and development of these best professional

judgment limitations and standards takes more time and resources than implementation of a nationally applicable rule;

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

The December 14, 2012 deadline in Paragraph 3 shall be extended until April 19, 2013.

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

SO AGREED:

FOR DEFENDANT:

IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural
Resources Division

Dated: 12/10/2012

/s/ Madeline Fleisher
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FOR PLAINTIFFS:

Dated: 12/10/2012

/s/ Jennifer S. Peterson
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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2012, I electronically filed the foregoing Stipulation with the Clerk of the Circuit Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Madeline Fleisher
MADELINE FLEISHER, Attorney