

**MEMORANDUM**

DATE: November 9, 2009

SUBJECT: Modification to Deadline for Stationary RICE NESHAP in Consent Decree

FROM: Melanie King

TO: RICE NESHAP Project File

On November 9, 2009, the EPA and the Sierra Club agreed to a modification of the consent decree that required EPA to promulgate a final NESHAP on or before February 10, 2010 for existing stationary reciprocating internal combustion engines that are located at area sources or are less than 500 HP and located at major sources. The modification extended the deadline for the final NESHAP for stationary spark ignition engines until August 10, 2010. The deadline for stationary compression ignition engines remains February 10, 2010. A copy of the modification to the consent decree is attached.

Pursuant to this modification, the EPA intends to promulgate the final NESHAP for existing stationary compression ignition engines that are located at area sources or are less than 500 HP and located at major sources on or before February 10, 2010. The final NESHAP for existing spark ignition engines that are located at area sources or are less than 500 HP and located at major sources will be promulgated on or before August 10, 2010.

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

SIERRA CLUB,	)	Case No. 1:01CV01537
	)	and Consolidated Cases
Plaintiff,	)	
	)	
v.	)	Judge Paul L. Friedman
	)	
LISA P. JACKSON, Administrator,	)	
U.S. Environmental Protection Agency,	)	
	)	
Defendant.	)	

**STIPULATION OF MODIFICATION TO  
DEADLINE IN PARTIAL CONSENT DECREE**

Pursuant to Paragraph 4(a) of the Consent Decree entered on May 22, 2003, the parties stipulate that Paragraph 2(d)(v) shall be modified to provide as follows:

(d) The Administrator shall promulgate regulations under Clean Air Act § 112(d), 42 U.S.C. § 7412(d), pursuant to Clean Air Act § 112(k), 42 U.S.C. § 7412(k), for the following categories and/or subcategories of area sources on or before the following dates:

(v) For Stationary Internal Combustion Engines that are located at area sources or are less than 500 horsepower and located at major sources, the Administrator shall: (1) for existing engines that are compression-ignition engines, promulgate a final rule on or before

February 10, 2010; (2) for existing engines that are spark ignition engines, promulgate a final rule on or before August 10, 2010.

SO STIPULATED:

FOR PLAINTIFF

Date: November 9, 2009

/s/ JAMES PEW  
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FOR DEFENDANT

Date: November 9, 2009

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