Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIERRA CLUB, Plaintiff, v. LISA P. JACKSON, in her official capacity as Administrator, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Defendant.	Civil Case No. 1:11-cv-2000 (RMC)

CONSENT DECREE

WHEREAS, on January 16, 2012, Plaintiff Sierra Club filed a First Amended Complaint in this matter against Defendant Lisa P. Jackson, in her official capacity as Administrator of the United States Environmental Protection Agency (hereinafter, "EPA" or "the Agency"), alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401-7671q, and that such alleged failure is actionable under section 304(a)(2) of the CAA, 42 U.S.C. § 7604(a)(2);

WHEREAS, Sierra Club's First Amended Complaint alleges that EPA has failed to perform a duty mandated by CAA sections 110(k)(2) and (3), 42 U.S.C. §§ 7410(k)(2) and (3), to take timely final action to approve, disapprove, or partially approve/disapprove the state implementation plan ("SIP") submittals or portions of submittals from: (1) Georgia addressing the 1997 annual fine particulate matter ("PM2.5") National Ambient Air Quality Standard ("NAAQS") emissions inventory, attainment demonstration, contingency measures, reasonably available control measures/reasonably available control technology ("RACM/RACT") and

reasonable further progress ("RFP") requirements for the Metro Atlanta area, received by EPA on or about July 7, 2010; (2) Georgia addressing the 1997 annual PM2.5 NAAQS emissions inventory requirement for the Macon, Georgia area, received by EPA on or about August 20, 2009; (3) Georgia addressing the 1997 annual PM2.5 NAAQS emissions inventory requirement for the Georgia portion of the Chattanooga, Tennessee area, received by EPA on or about November 4, 2009; (4) Georgia addressing the 1997 annual PM2.5 NAAQS emissions inventory requirement for the Rome, Georgia area, received by EPA on or about November 4, 2009; (5) Alabama addressing the 1997 annual PM2.5 NAAQS emissions inventory, attainment demonstration, contingency measures, and RACM/RACT requirements for the Alabama portion of the Chattanooga, Tennessee area (Jackson County, Alabama), received by EPA on or about October 7, 2009; and (6) Georgia addressing the 1997 8-hour ozone NAAQS, including volatile organic compound ("VOC") and nitrogen oxides ("NOx") contingency measures, emissions inventory, emissions statements, attainment demonstration, RACT for non-control technique guidelines VOC for major sources, and NOx RACT for major sources for the Metro Atlanta area, received by EPA on or about October 26, 2009;

WHEREAS, on November 27, 2009, EPA took final action to approve the emissions statement requirements for the Georgia 1997 8-hour ozone NAAQS for the Metro Atlanta area (74 Fed. Reg. 62,249);

WHEREAS, on January 12, 2012, EPA took final action to approve the emissions inventory for the Georgia 1997 annual PM2.5 NAAQS for the Rome, Georgia area (77 Fed. Reg. 1,873);

WHEREAS, on February 8, 2012, EPA took final action to approve the emissions inventory for the Georgia and Alabama portions of the 1997 annual PM2.5 NAAQS for the

Chattanooga, Tennessee area (77 Fed. Reg. 6,467);

WHEREAS, on March 1, 2012, EPA took final action to approve the emissions inventory for the Georgia 1997 annual PM2.5 NAAQS for the Metro Atlanta area (77 Fed. Reg. 12,487);

WHEREAS, on March 2, 2012, EPA took final action to approve the emissions inventory for the Georgia 1997 annual PM2.5 NAAQS for the Macon area (77 Fed. Reg. 12,724);

WHEREAS, the State of Georgia, by letter dated December 29, 2011, withdrew its previously submitted 1997 annual PM2.5 NAAQS attainment demonstration, contingency measures, RACM/RACT and RFP requirements for the Metro Atlanta area. The State of Georgia did not withdraw any portions of its previous submittal for the Metro Atlanta area that pertain to emissions inventories;

WHEREAS, the State of Georgia, by letter dated February 16, 2012, withdrew its previously submitted 1997 8-hour ozone NAAQS attainment demonstration and VOC and NOx contingency measures for the Metro Atlanta area;

WHEREAS, the Parties wish to effectuate a complete and final settlement of Sierra Club v. Jackson, Case No. 11-cv-2000 (D.D.C.), without expensive and protracted litigation and without the admission of any issue of fact or law;

WHEREAS, the Parties, by entering into this Consent Decree, do not waive or limit any claim, remedy, or defense, on any grounds, related to any final EPA action;

WHEREAS, the Parties consider this Consent Decree to be an adequate and equitable resolution of all of the claims in the above-captioned case;

WHEREAS, the Court, by entering this Consent Decree, finds that the Consent Decree is fair, reasonable, in the public interest, and consistent with the CAA, 42 U.S.C. §§ 7401-7671q;

NOW THEREFORE, before the taking of testimony, without trial or determination of

any issue of law or fact, and upon the consent of the Parties, it is hereby ORDERED, ADJUDGED and DECREED that:

1. This Court has subject matter jurisdiction over the claims set forth in the complaint and to order the relief contained in this Consent Decree. Venue is proper in the United States District Court for the District of Columbia.

2. Pursuant to section 110(k) of the CAA, 42 U.S.C. § 7410(k), the appropriate EPA official shall no later than September 14, 2012, sign for publication in the Federal Register a notice or notices of the Agency's final action approving, disapproving, or approving in part and disapproving in part the SIP submittal received by EPA from Georgia on or about October 26, 2009 addressing the 1997 8-hour ozone NAAQS, including the emissions inventory, RACT for non-control technique guidelines VOC for major sources, and NOx RACT for major sources for the Metro Atlanta area.

3. Pursuant to section 110(k) of the CAA, 42 U.S.C. § 7410(k), the appropriate EPA official shall no later than October 15, 2012, sign for publication in the Federal Register a notice or notices of the Agency's final action approving, disapproving, or approving in part and disapproving in part the SIP submittal received by EPA on or about October 7, 2009 from Alabama addressing the 1997 annual PM2.5 NAAQS attainment demonstration, contingency measures, and RACM/RACT requirements for the Alabama portion of the Chattanooga, Tennessee area (Jackson County, Alabama).

4. If any State withdraws any of the SIP submittals described in Paragraphs 2 and 3, then EPA's obligation to take the corresponding action on such SIP submittal is automatically terminated.

5. After signing a final rule or determination as described in Paragraphs 2 and 3 of

this Consent Decree, EPA shall promptly deliver notice of such actions to the Office of Federal Register for review and publication.

6. The deadlines in Paragraphs 2 and 3 may be extended by (a) written stipulation executed by counsel for Sierra Club and EPA with notice to the Court, or (b) by the Court on a motion of EPA for good cause shown pursuant to the Federal Rules of Civil Procedure, and upon consideration of any response by Sierra Club and any reply by EPA. Any other provision of this Consent Decree may be modified by the Court following motion of Sierra Club or EPA for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any opposition by the non-moving party and any reply.

7. Sierra Club and EPA shall not challenge the terms of this Consent Decree or this Court's jurisdiction to enter and enforce this Consent Decree.

8. Sierra Club and EPA agree that this Consent Decree shall constitute a complete and final settlement of all claims that Sierra Club has asserted against the United States, including EPA, under any provision of law in connection with Sierra Club v. Jackson, Case No. 11-cv-2000 (D.D.C.). Sierra Club therefore discharges and covenants not to sue the United States, including EPA, for any such claims.

9. Nothing in this Consent Decree shall be construed to limit or modify any discretion accorded EPA by the CAA or by general principles of administrative law in taking the actions which are the subject of this Consent Decree, including the discretion to alter, amend, or revise any responses or final actions contemplated by this Consent Decree. EPA's obligation to perform the actions specified in this Consent Decree by the times specified herein does not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.

10. Nothing in this Consent Decree shall be construed as an admission of any issue of

fact or law to waive or limit any claim, remedy, or defense, on any grounds, related to any final action EPA may take with respect to the actions addressed in this Consent Decree.

11. Nothing in this Consent Decree shall be construed to: (a) confer upon this Court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals pursuant to CAA section 307(b)(1), 42 U.S.C. §§ 7607(b)(1), including final action taken pursuant to section 110(k) of the CAA, 42 U.S.C. § 7410(k), approving, disapproving, or approving in part and disapproving in part a SIP submittal; or (b) waive any claims, remedies, or defenses the Parties may have under CAA section 307(b)(1), 42 U.S.C. § 7607(b)(1).

12. The deadline for filing a motion for costs of litigation, including reasonable attorney's fees, incurred prior to entry of this Consent Decree is hereby extended until sixty (60) days after the entry of this Consent Decree by this Court. During this time, the Parties shall seek to resolve informally any claim for costs of litigation, including reasonable attorney's fees, and if they cannot, will submit that issue to the Court for resolution. The United States does not waive or limit any defenses it may have to such claim. The Court shall retain jurisdiction to resolve any requests for costs of litigation, including reasonable attorney's fees.

13. The Parties recognize and acknowledge that the obligations imposed upon EPA under this Consent Decree can only be undertaken using appropriated funds legally available for such purpose. No provision of this Consent Decree shall be interpreted as or constitute a commitment or requirement that the United States obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law.

14. Any notices required or provided for by this Consent Decree shall be made in writing, via facsimile or other means, and sent to the following:

For Plaintiff Sierra Club:

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For Defendant EPA:

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STEVEN ANDERSON
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anderson.steve@epa.gov

15. In the event of a dispute between the Parties concerning the interpretation or implementation of any aspect of this Consent Decree, the disputing party shall provide the other party with a written notice outlining the nature of the dispute and requesting informal negotiations. If the Parties cannot reach an agreed-upon resolution within ten (10) business days after receipt of the notice, either party may move the Court to resolve the dispute.

16. No motion or other proceeding seeking to enforce this Consent Decree or for

contempt of Court shall be properly filed unless Sierra Club has followed the procedure set forth in Paragraph 15, and provided EPA with written notice received at least ten (10) business days before the filing of such motion or proceeding.

17. The Court shall retain jurisdiction to determine and effectuate compliance with this Consent Decree. When EPA's obligations under Paragraphs 2 and 3 have been completed, any relevant notices have been published in the Federal Register, and any claim for costs of litigation, including reasonable attorney's fees, has been resolved pursuant to the process described in Paragraph 12, the above-captioned matter shall be dismissed with prejudice. EPA shall file an appropriate notice with the Court so that the Clerk may close the file.

18. The Parties agree and acknowledge that before this Consent Decree can be finalized and entered by the Court, EPA must provide notice in the Federal Register and an opportunity for comment pursuant to CAA section 113(g), 42 U.S.C. § 7413(g). EPA will deliver a public notice of this Consent Decree to the Federal Register for review, publication, and public comment within ten (10) business days after lodging this Consent Decree with the Court. After this Consent Decree has undergone an opportunity for notice and comment, the Administrator and the Attorney General, as appropriate, will promptly consider any such written comments in determining whether to withdraw or withhold consent to this Consent Decree, in accordance with section 113(g) of the CAA, 42 U.S.C. § 7413(g). If the Administrator or the Attorney General elects not to withdraw or withhold consent to this Consent Decree, the Parties will promptly file a motion that requests the Court to enter this Consent Decree.

19. The undersigned representatives of each party certify that they are fully authorized by the party they represent to bind that party to the terms of this Consent Decree.

SO ORDERED on this ___ day of _____ 2012.

_____
JUDGE ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE

SO AGREED:

FOR PLAINTIFF Sierra Club

_____
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DATED:

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DATED:

Of Counsel for Defendant:

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