

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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WILDEARTH GUARDIANS,	)	
	)	
Plaintiff	)	
	)	
	)	
v.	)	NO. 4:09-CV-02453-CW
	)	
	)	
LISA JACKSON, in her official capacity as	)	
Administrator of the Environmental	)	
Protection Agency	)	
	)	
Defendant	)	

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**JOINT MOTION TO ENTER CONSENT DECREE**

Plaintiff WildEarth Guardians and defendant Lisa Jackson, in her official capacity as Administrator of the Environmental Protection Agency, (“EPA”) jointly move the Court to enter the attached proposed consent decree.

1. As explained in the Notice of Lodging filed November 10, 2009, the decree could not become effective until the notice and comment process required by section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), had been completed.
2. The required notice was published in the Federal Register on December 7, 2009. 74 Fed. Reg. 64,076.
3. No substantive comments were received on the proposed decree.

4. The parties have agreed that two changes to the decree previously lodged with the Court are appropriate. Specifically, (1) the deadline for EPA to either approve a State Implementation Plan, promulgate a Federal Implementation Plan, or approve a State Implementation Plan in part with promulgation of a partial Federal Implementation Plan for Oklahoma to meet the requirement of 42 U.S.C. § 7410(a)(2)(D)(i)(I) regarding contributing significantly to nonattainment in other states for the 1997 National Ambient Air Quality Standards for 8-hour ozone and fine particulate matter has been extended from May 10, 2010 to May 10, 2011; and (2) the deadline for EPA to either approve State Implementation Plan, promulgate a Federal Implementation Plan, or approve a State Implementation Plan in part with promulgation of a partial Federal Implementation Plan for Oklahoma to meet the requirement of 42 U.S.C. § 7410(a)(2)(D)(i)(I) regarding interference with maintenance of attainment in other states for the 1997 National Ambient Air Quality Standards for 8-hour ozone and fine particulate matter has been extended from November 10, 2010 to May 10, 2011. Because the proposed consent decree already contained a deadline of May 10, 2011, these modifications do not extend the total time for EPA to comply with the decree.<sup>1/</sup>

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<sup>1/</sup> The revised consent decree also corrects some of the citations to 42 U.S.C. § 7410(a)(2)(D)(i)(I).

5. EPA has determined that these modifications to the proposed consent decree are not significant enough to require a new process of notice and comment.

6. Accordingly, Wildearth Guardians and EPA jointly move the Court to enter the attached consent decree.

Respectfully Submitted,

February 18, 2010

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