

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ENVIRONMENTAL DEFENSE and)	
AMERICAN LUNG ASSOCIATION,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 1:05-cv-00493 RBW
)	
STEPHEN L. JOHNSON,)	
Administrator, United States)	
Environmental Protection Agency,)	
)	
Defendant.)	

STIPULATION EXTENDING DEADLINE

Pursuant to Paragraph 2 of the Consent Decree entered in this matter, Plaintiffs Environmental Defense and American Lung Association and Defendant Stephen L. Johnson, Administrator of the United States Environmental Protection Agency (“EPA”), hereby stipulate and agree that the deadline in Paragraph 1(a) for EPA to sign a notice for publication in the Federal Register of the Agency’s determinations pursuant to section 110(k)(1)(B) of the Clean Air Act (“CAA”) as to whether each state has submitted the state implementation plan (“SIP”) revisions required by CAA section 110(a)(2) (except subsection 110(a)(2)(D)(i)) for the implementation, maintenance, and enforcement of 1997 ozone NAAQS that meet the minimum criteria promulgated by EPA pursuant to CAA section 110(k)(1)(A) shall be extended from December 15, 2007, until March 17, 2008.

The stipulation is contingent upon EPA’s sending letters with the text on the attachment hereto to responsible officials in each of the states and territories no later than December 21, 2007. If EPA fails to timely issue these letters, EPA must make the determination for the ozone

SIPs required by Paragraph 1 of the Consent Decree no later than December 21, 2007.

SO AGREED:

For Plaintiffs:

/s/ DAVID S. BARON
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For Defendant:

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Dated: December 14, 2007

ATTACHMENT

Dear _____:

This letter is to inform you that the plaintiffs in *Environmental Defense v. Johnson* have agreed to extend the time provided for EPA to make findings regarding whether states have made complete section 110(a)(2) SIP submittals for the 8-hour ozone NAAQS from December 15, 2007, until March 17, 2008. EPA will make findings of failure to submit by March 17, 2008, with respect to any state that has not submitted by January 7, 2008 a complete section 110(a)(2) SIP for the 8-hour ozone NAAQS.

With respect to the section 110(a)(2) SIPs for the PM_{2.5} standards, EPA expects states to make section 110(a)(2) SIP submissions for PM_{2.5} by April 4, 2008. If states fail to do so, EPA will initiate an action to make a finding of failure to submit. Under the consent decree, EPA has an obligation to make a finding of failure to submit by October 5, 2008 for any state that has not made a complete SIP submission. Plaintiffs have informed us that they will not be willing to extend the consent decree deadline for EPA to make findings of failure to submit for the PM_{2.5} SIPs.