

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:11-cv-0001-CJA-MEH
(Consolidated with 11-cv-00743-CMA-MEH)

WILDEARTH GUARDIANS,

Plaintiffs,

v.

LISA JACKSON, in her official capacity as
Administrator, United States Environmental
Protection Agency,

Defendant.

STIPULATION TO EXTEND DEADLINES IN CONSENT DECREE

WHEREAS, Plaintiffs WildEarth Guardians (“Guardians”), National Parks Conservation Association (“NPCA”), and the Environmental Defense Fund, and Defendant Lisa Jackson, in her official capacity as Administrator of the United States Environmental Protection Agency (“EPA”) entered into a Consent Decree in this case, which the Court entered on September 27, 2011 (Doc. 67).

WHEREAS, Paragraph 6 of the Consent Decree, as modified by a prior Order of this Court, Dkt. No. 71, requires EPA to sign, by March 29, 2013, a notice of proposed rulemaking to meet the regional haze implementation plan requirements that were due by December 17, 2007, under EPA’s regional haze regulations, for the State of Wyoming.

WHEREAS, Paragraph 7 of the Consent Decree, as modified by a prior Order of this Court, Dkt. No. 71, requires EPA to sign, by September 27, 2013, a notice of final rulemaking to meet the regional haze implementation plan requirements that were due by December 17, 2007, under EPA's regional haze regulations, for the State of Wyoming.

WHEREAS, Paragraph 12 of the Consent Decree provides that the deadlines in Paragraphs 4 through 9 of the Consent Decree may be extended for a period of 60 days or less by written stipulation executed by counsel for EPA, Guardians and NPCA filed with the Court.

WHEREAS, EPA, Guardians and NPCA have agreed to extend the deadlines set forth in Paragraphs 6 and 7 of the Consent Decree, as modified, for periods of 60 days or less.

NOW THEREFORE, the parties stipulate and agree to extend the deadlines in Paragraphs 6 and 7 of the Consent Decree as follows:

6. By May 23, 2013, EPA shall sign a notice of re-proposed rulemaking in which it proposes approval of a SIP, promulgation of a FIP, partial approval of a SIP and promulgation of a partial FIP, or approval of a SIP or promulgation of a FIP in the alternative, for the State of Wyoming, to meet the regional haze implementation plan requirements that were due by December 17, 2007, under 40 C.F.R. § 51.309(g). In its re-proposal, EPA will propose to determine, for each source subject to BART, the period of time for BART compliance that is as expeditious as practicable, as required by 42 U.S.C. § 7491.

7. EPA shall by November 21, 2013, sign a notice of final rulemaking promulgating a FIP for the State of Wyoming, to meet the regional haze implementation plan requirements that were due by December 17, 2007, under the requirements of 40 C.F.R. § 51.309(g), unless, by November 21, 2013, EPA has signed a notice of final rulemaking unconditionally approving a SIP, or promulgating a partial FIP and partial unconditional approval of a SIP, for the State of Wyoming that meets the regional haze implementation plan requirements that were due by December 17, 2007, under the requirements of 40 C.F.R. § 51.309(g).

Dated: March 25, 2013

FOR PLAINTIFF WILDEARTH GUARDIANS

/s Ashley D. Wilmes

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of March 2013, I electronically filed the foregoing Stipulation to Extend Deadlines in Consent Decree with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following e-mail addresses:

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