

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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|--|---|------------------------------------|
| _____  | ) |                                    |
| AMERICAN NURSES ASS'N, <i>et al.</i> ,       | ) |                                    |
|  | ) |                                    |
| Plaintiffs                                   | ) |                                    |
|  | ) |                                    |
| v.   | ) |                                    |
|  | ) | Civil Action No. 1:08-cv-2139(RMC) |
| LISA JACKSON, in her official capacity as    | ) |                                    |
| Administrator, U.S. Environmental Protection | ) |                                    |
| Agency, <i>et al.</i>                        | ) |                                    |
| Defendants.                                  | ) |                                    |
| _____  | ) |                                    |

**STIPULATION**

WHEREAS, on April 15, 2010, the Court entered a consent decree resolving the claims of Plaintiffs American Nurses Ass'n *et al.* ("Plaintiffs") against Defendant Lisa Jackson, in her official capacity as Administrator of the United States Environmental Protection Agency, *et al.* ("EPA");

WHEREAS, Paragraph 4 of the Consent Decree provides that by no later than November 16, 2011, EPA shall sign a notice of final rulemaking setting forth EPA's final emission standards for coal- and oil-fired electric utility steam generating units ("EGUs") pursuant to CAA section 112(d);

WHEREAS, the final emission standards required by Paragraph 4 are already 9 years overdue;

WHEREAS, the Agency seeks a 30-day extension of the deadline for completing the final emission standards for coal- and oil-fired EGUs to account for EPA's extension of the comment period for 30 days and to allow time for the Agency to complete its responses to the comments

raised on the proposed rule;

WHEREAS, Paragraph 6 of the Consent Decree provides that any dates set forth in the Consent Decree may be extended by written agreement of the parties and notice to the court;

WHEREAS, Plaintiffs reserve their right to object to any further extension of the Consent Decree deadline, except as stipulated below;

NOW, THEREFORE, the parties agree as follows:

EPA shall have an extension until December 16, 2011, to sign a notice of final rulemaking setting forth EPA's final emission standards for coal- and oil-fired EGUs pursuant to CAA section 112(d). No other provisions of the Consent Decree are affected by this Stipulation.

So Agreed:

FOR THE DEFENDANTS:

IGNACIA S. MORENO  
Assistant Attorney General  
Environment & Natural Resources Division

Dated: October 21, 2011

/s/ Eric G. Hostetler

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Dated: October 21, 2011

FOR THE PLAINTIFFS:

/s/ James S. Pew

/s/ Ann Brewster Weeks

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/s/ John T. Suttles

/s/ John D. Walke

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/s/ Jon A. Mueller

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