



February 7, 2020

**By ECF**

Honorable Victor Marrero  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Environmental Justice Health Alliance for Chemical Policy Reform et al. v. EPA et al.*, 19-cv-02516 (VM)

Dear Judge Marrero:

We write to inform the Court that shortly after finalizing our February 3, 2020 letter, the Office of the Federal Register published the notice of the proposed Consent Decree. 85 Fed. Reg. 5955 (Feb. 3, 2020), *available at* <https://www.federalregister.gov/documents/2020/02/03/2020-01998/proposed-consent-decree-clean-water-act-and-administrative-procedures-act-claims>. Attached as exhibits to this letter are the Federal Register notice and proposed Consent Decree. Any public comments are due by March 4. Accordingly, by March 11, the parties will either: (1) submit the proposed Consent Decree to the Court for review and approval; or (2) provide another status update to the Court.

For the avoidance of doubt, the parties are not requesting any action by the Court on the proposed Consent Decree at this time.

Respectfully,

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Kaitlin Morrison (KM5240)  
Natural Resources Defense Council  
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*Counsel for Plaintiffs*

cc: Counsel for Defendants (via ECF)

# Exhibit A

**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OGC-2019-0667; FRL-10004-89-OGC]****Proposed Consent Decree, Clean Water Act and Administrative Procedures Act Claims****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Environmental Protection Agency (EPA) Administrator's, October 16, 2017, Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements, notice is hereby given of a proposed consent decree to address claims in a lawsuit filed by the Natural Resources Defense Council, Clean Water Action, and the Environmental Justice Health Alliance for Chemical Policy Reform (collectively, "Plaintiffs") in the United States District Court for the Southern District of New York. On March 21, 2019, Plaintiffs filed a complaint alleging, inter alia, that the United States Environmental Protection Agency ("EPA") had a duty under Clean Water Act ("CWA") section 311(j)(5)(A)(i), to issue regulations that require an owner or operator of a non-transportation-related onshore "facility described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of . . . a hazardous substance" (the "Hazardous Substance Worst Case Discharge Planning Regulations") by August 18, 1992. The proposed consent decree would set deadlines for EPA to complete a notice of proposed rulemaking pertaining to the issuance of the Hazardous Substance Worst Case Discharge Planning Regulations, and for publication of a notice taking final action following notice and comment rulemaking pertaining to the issuance of Hazardous Substance Worst Case Discharge Planning Regulations.

**DATES:** Written comments on the proposed consent decree must be received by *March 4, 2020*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2019-0667, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method). For comments submitted at [www.regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from

[www.regulations.gov](http://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA generally will not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the "For Further Information Contact" section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Richard L. Albores, Solid Waste and Emergency Response Law Office (7013D), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone: (202) 564-7102; email address: [Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Additional Information About the Proposed Consent Decree**

On March 21, 2019, Plaintiffs filed suit in the Federal district court for the Southern District of New York: *Natural Resources Defense Council, et. al v. United States Environmental Protection Agency, et. al*, No. 1:19-cv-02516 (S.D.N.Y., filed Mar. 21, 2019). Plaintiffs' Complaint brought two claims alleging violations of CWA section 311(j)(5)(A)(i), and the Administrative Procedures Act ("APA"). Plaintiffs' first claim alleged that EPA failed to issue "regulations mandated by the [CWA] requiring non-transportation-related substantial-harm facilities to plan, prevent, mitigate and respond to worst-case spills of hazardous substances . . . constitutes a failure to perform a non-discretionary duty or act in violation of the [CWA]." (Compl. Para. 34). Plaintiffs also claimed, "EPA's failure to issue these regulations constitute[d] agency action unlawfully withheld contrary to and in violation of the [APA] and the [CWA]." (Compl. Para. 45). Plaintiffs requested an order from the Court to compel EPA to promulgate Hazardous Substance Worst Case Discharge Planning Regulations (Compl. at 12). Following EPA's Answer, filed on June

4, 2019, Plaintiffs and EPA entered into discussions regarding a potential resolution of the lawsuit.

The proposed consent decree announced here would resolve the claims of the suit. As described in paragraph 3 of the proposed consent decree, within two years (24 months) of entry of the proposed consent decree, EPA will sign a notice of proposed rulemaking pertaining to the issuance of the Hazardous Substance Worst Case Discharge Planning Regulations. Under paragraph 4 of the proposed consent decree, EPA will sign a notice taking final action following notice and comment rulemaking pertaining to the issuance of Hazardous Substance Worst Case Discharge Planning Regulations. See the proposed consent decree for specific details.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the resolution of the claims contained in the proposed consent decree from the public. If so requested, EPA will also consider holding a public hearing on whether to enter into the proposed consent decree. EPA, the Department of Justice, and the United States Attorney for the Southern District of New York may withdraw or withhold consent to the proposed consent decree if the public comments disclose facts or considerations that indicate that such consent decree is inappropriate, improper, inadequate, or inconsistent with the requirements of the CWA. Unless EPA, the Department of Justice, or the United States Attorney for the Southern District of New York determines that this proposed consent decree should be withdrawn, the terms of the proposed consent decree will be affirmed and entered with the Court.

**II. Additional Information About Commenting on the Proposed Consent Decree****A. How can I get a copy of the proposed consent decree?**

The official public docket for this action (identified by EPA-HQ-OGC-2019-0667) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744,

and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available on EPA's website at <https://www.epa.gov/ogc/proposed-consent-decrees-and-draft-settlement-agreements#NRDCetav.epa> and through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search." It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket.

EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

#### *B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section, above. Please ensure that your comments are submitted within the specified comment period.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties

and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the [www.regulations.gov](http://www.regulations.gov) website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: January 23, 2020.

**John R. Michaud,**

*Associate General Counsel.*

[FR Doc. 2020-01998 Filed 1-31-20; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[Petition I-2019-3; FRL-10004-45-Region 1]**

### **Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Wheelabrator Environmental System Inc., Wheelabrator Concord Company, L.P., Concord, New Hampshire**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition to object to state operating permits.

**SUMMARY:** The EPA Administrator signed an Order, dated October 30, 2019, denying a petition dated March 14, 2019, filed by Anthony Caplan, Katherine Lajoie, Rebecca MacKenzie, and Janet Ward (the Petitioners). The Petitioners requested that the EPA object to a proposed Clean Air Act (CAA) title V operating permit (Permit No. TV-0032) issued by the New Hampshire Department of Environmental Services (NHDES) to Wheelabrator Environmental System, Inc., Wheelabrator Concord Company, L.P. (Wheelabrator), a large municipal waste incinerator located in Concord, New Hampshire.

**ADDRESSES:** Copies of the Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 1; Air

and Radiation Division; 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912. The Order is also available electronically at the following address: [https://www.epa.gov/sites/production/files/2019-11/documents/wheelabrator\\_response2019.pdf](https://www.epa.gov/sites/production/files/2019-11/documents/wheelabrator_response2019.pdf).

#### **FOR FURTHER INFORMATION CONTACT:**

Jessica Kilpatrick, Air Permits, Toxics, and Indoor Programs Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. (617) 918-1652, email [kilpatrick.jessica@epa.gov](mailto:kilpatrick.jessica@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords the EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

The Petitioners submitted a petition on March 14, 2019, requesting that the EPA object to the proposed CAA title V operating permit issued by NHDES to Wheelabrator (Permit No. TV-0032). The Petitioners alleged that (1) the operation of the Wheelabrator incinerator violates New Hampshire's Revised Statutes Annotated (RSA) 125-C, Title 10 Public Health, Chapter 125-C Air Pollution Control, Section 125-C:1 and releases persistent toxic substances, such as lead, mercury, cadmium, and dioxin, that "accumulate in our bodies (known as body burden) and in our environment (known as toxic loading) and cause harm in low doses;" (2) that "[s]napshot testing of smokestack emissions can neither determine nor ensure continuous compliance with air standards that are themselves not health based;" and that NHDES "has discretionary authority to either deny or approve a Title V permit and is not constrained by a requirement to only consider whether Wheelabrator's stack test results comply with emission standards;" (3) Wheelabrator violated state and federal law by incinerating

## Exhibit B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ENVIRONMENTAL JUSTICE  
HEALTH ALLIANCE FOR  
CHEMICAL POLICY REFORM;  
CLEAN WATER ACTION; and  
NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiffs,

v.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY; and ANDREW WHEELER,  
in her official capacity as Administrator  
of the United States Environmental  
Protection Agency,

Defendants.

19 Civ. 2516 (VM)

**CONSENT DECREE**

WHEREAS, on March 21, 2019, Plaintiffs Environmental Justice Health Alliance for Chemical Policy Reform, Clean Water Action, and Natural Resources Defense Council, Inc. (collectively “Plaintiffs”) filed the above-captioned matter against the United States Environmental Protection Agency (“EPA”) and Andrew R. Wheeler, in his official capacity as Administrator of the EPA (collectively “Defendants”);

WHEREAS, Plaintiffs allege that EPA had a duty under Clean Water Act (“CWA”) section 311 (j)(5)(A)(i), 33 U.S.C. § 1321(j)(5)(A)(i), to issue regulations that require an owner or operator of a non-transportation-related onshore “facility described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of . . . a hazardous substance” (the “Hazardous Substance Worst Case Discharge Planning Regulations”) by August 18, 1992 (ECF No. 1, Compl. ¶¶ 23, 25, 29, 30);

WHEREAS, Plaintiffs allege that EPA failed to comply with this alleged mandatory duty (Compl. ¶¶ 34, 45);

WHEREAS, the relief requested in the Complaint includes an order from this Court to compel EPA to promulgate the Hazardous Substance Worst Case Discharge Planning Regulations (Compl. at 12);

WHEREAS, Plaintiffs and Defendants have agreed to a settlement of this action without admission of any issue of fact or law;

WHEREAS, Plaintiffs and Defendants consider this Consent Decree to be an adequate and equitable resolution of all the claims in this matter and therefore wish to effectuate a settlement;

WHEREAS, Plaintiffs and Defendants agree that this Court has subject matter jurisdiction sufficient to enter this Consent Decree containing the relief described herein;

WHEREAS, Plaintiffs and Defendants agree that resolution of this matter without further litigation is in the best interest of the parties, the public, and judicial economy;

WHEREAS, the Court, by entering this Consent Decree, finds that the Consent Decree is fair, reasonable, in the public interest, and consistent with the CWA;

NOW THEREFORE, before the taking of testimony, without trial or determination of any issues of fact or law, and upon the consent of Plaintiffs and Defendants, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. This Court has jurisdiction to enter this Consent Decree and, pursuant to the Consent Decree, order the relief stated herein.
2. This Consent Decree applies to, is binding upon, and inures to the benefit of the parties (and their successors, assigns, and designees).



3. No later than 24 months after the Court's entry of this Consent Decree, EPA shall sign (and within 15 days thereafter transmit to the Office of the Federal Register) a notice of proposed rulemaking pertaining to the issuance of the Hazardous Substance Worst Case Discharge Planning Regulations. In addition, EPA shall provide a copy of the notice of proposed rulemaking to Plaintiffs within 7 days of publication by the Office of the Federal Register.

4. No later than 30 months after publication of the proposed Hazardous Substance Worst Case Discharge Planning Regulations described in Paragraph 3, EPA shall sign (and within 15 days thereafter transmit to the Office of the Federal Register) a notice taking final action following notice and comment rulemaking pertaining to the issuance of Hazardous Substance Planning Regulations. In addition, EPA shall provide a copy of such notice to Plaintiffs within 7 days of publication by the Office of the Federal Register.

5. After publication of notice of the final action required by Paragraph 4 in the Federal Register, this Consent Decree shall terminate and the action shall be dismissed with prejudice. Defendants may move the Court for an order reflecting that such termination has occurred. Plaintiffs shall have 14 days in which to respond to such motion.

6. Nothing in this Consent Decree shall be construed as precluding EPA from issuing proposed or final Hazardous Substance Worst Case Discharge Planning Regulations by a date earlier than the deadlines established by this Consent Decree.

7. The deadlines established by this Consent Decree may be extended (a) by written stipulation of Plaintiffs and Defendants, or (b) by the Court on a motion of Defendants for good cause shown pursuant to the Federal Rules of Civil Procedure, and upon consideration of any response by the Plaintiffs. A modification of deadlines pursuant to subsection (a) of this paragraph shall be noted by the parties on the docket of this case. A determination by EPA to



issue a supplemental notice of proposed rulemaking may constitute good cause under this paragraph. Plaintiffs reserve the right to challenge such a determination by EPA and to oppose any request for an extension.

8. Any provision of this Consent Decree other than a deadline may be modified by the Court following motion of either Plaintiffs or Defendants for any good cause shown and upon consideration of any response by the non-moving party.

9. In the event of a dispute between Plaintiffs and Defendants 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. The parties shall meet and confer in order to attempt to resolve the dispute. If the parties are unable to resolve the dispute within 14 days after receipt of the notice, either party may petition the Court to resolve the dispute.

10. No motion or other proceeding seeking to enforce this Consent Decree or for contempt of Court shall be properly filed unless Plaintiffs have followed the procedure set forth in Paragraph 9 and provided Defendants with written notice received at least 14 days before filing of such motion or proceeding.

11. This Court shall retain jurisdiction over this matter to enforce the terms of this Consent Decree and to consider any requests for costs of litigation, including attorneys' fees.

12. Nothing in the terms of this Consent Decree shall be construed (a) to confer upon this Court jurisdiction to review any final rule or determination issued by EPA pursuant to this Consent Decree; (b) to confer upon this Court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals under CWA section 509(b)(1), 33

U.S.C. § 1369(b)(1); or (c) to waive any claims, remedies, or defenses that the parties may have under CWA section 509(b)(1), 33 U.S.C. § 1369(b)(1).

13. Nothing in this Consent Decree shall be construed to limit or modify any discretion accorded EPA by the CWA 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 final actions promulgated pursuant to this Consent Decree. EPA's obligation to perform each action specified in this Consent Decree does not constitute a limitation or modification of EPA's discretion within the meaning of this paragraph.

14. Except as expressly provided herein, nothing in this Consent Decree shall be construed as an admission of any issue of fact or law. By entering into this Consent Decree, Defendants and Plaintiffs do not waive or limit any claim, remedy, or defense, on any grounds, related to any final action EPA takes with respect to the actions addressed in this Consent Decree.

15. The deadline for filing a motion for costs of litigation (including attorneys' fees) for activities performed prior to entry of the Consent Decree is hereby extended until 90 days after this Consent Decree is entered by the Court. Nothing in this paragraph shall be construed as an admission or concession by Defendants that Plaintiffs are entitled to or eligible for recovery of any costs or attorneys' fees.

16. Plaintiffs reserve the right to seek additional costs of litigation, including attorneys' fees, incurred subsequent to the entry of this Consent Decree and arising from Plaintiffs' need to enforce or defend against efforts to modify its terms or the underlying schedule outlined herein, or for any other unforeseen continuation of this action. Defendants reserve the right to oppose any such request. For purposes of this paragraph, costs of litigation do

not include costs or attorneys' fees associated with Plaintiffs' participation in any administrative proceedings contemplated by this Consent Decree.

17. It is hereby expressly understood and agreed that this Consent Decree was jointly drafted by Plaintiffs and Defendants. Accordingly, the parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning, or interpretation of this Consent Decree.

18. Any notices required or provided for by this Consent Decree shall be in writing, via electronic mail or certified mail, and sent to each of the following counsel (or to any new address of the parties' counsel as filed and listed in the docket of the above-captioned matter, at a future date):

a. For Plaintiffs:

Kaitlin Morrison  
Natural Resources Defense Council  
40 West 20th Street  
New York, NY 10011  
E-mail: [kmorrison@nrdc.org](mailto:kmorrison@nrdc.org)

Jared E. Knicley  
Natural Resources Defense Council  
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Washington, DC 20005  
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b. For Defendants:

Charles S. Jacob  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Email: [charles.jacob@usdoj.gov](mailto:charles.jacob@usdoj.gov)

Richard Albores  
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19. Defendants and Plaintiffs 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.

20. Defendants and Plaintiffs recognize that the possibility exists that a lapse in appropriations by Congress could result in an EPA shutdown that in turn could cause a delay of EPA's compliance with the obligations contained in this Consent Decree. In the event of an EPA shutdown that exceeds 7 days, EPA may invoke this paragraph and automatically extend the next applicable deadline in this Consent Decree by one day for each day of the EPA shutdown. Notwithstanding the prior sentence, in the event of an EPA shutdown within 180 days of a deadline set forth in this Consent Decree, EPA may invoke this paragraph and automatically extend such deadline one day for each day of the EPA shutdown, regardless of the length of any such EPA shutdown. To invoke its rights to an automatic extension as set forth in this paragraph, EPA must provide Plaintiffs and the Court with notice no later than 10 days after funding is restored to the EPA. Any dispute regarding such invocation shall be resolved in accordance with the dispute resolution provision in Paragraph 9 of this Consent Decree. Nothing in this paragraph shall preclude EPA from seeking any other extension, either by stipulation or court order, pursuant to the procedures of Paragraph 7 above, including on the ground that an EPA shutdown

constitutes good cause for an extension, nor limit Plaintiffs' right to oppose any such request for an additional extension.

21. This Consent Decree shall become effective upon the date of its entry by the Court. If for any reason the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of either party and the terms of the proposed Consent Decree may not be used as evidence in any litigation between the parties.

22. The undersigned representatives of Plaintiffs and Defendants certify that they are fully authorized by the parties they represent to consent to the Court's entry of the terms and conditions of this Consent Decree.

COUNSEL FOR PLAINTIFFS:

Dated: New York, New York  
February \_\_, 2020

By: \_\_\_\_\_  
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COUNSEL FOR DEFENDANTS:

Dated: New York, New York  
February \_\_, 2020

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_  
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SO ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
VICTOR MARRERO  
United States District Judge