

SECOND AMENDMENT TO SETTLEMENT AGREEMENT AMONG THE ENVIRONMENTAL PROTECTION AGENCY, PLAINTIFFS IN CRONIN, ET AL. V. REILLY, 93 CIV. 314 (LTS) (SDNY), AND PLAINTIFFS IN RIVERKEEPER, ET AL. V. EPA, 06 CIV. 12987 (PKC) (SDNY)

WHEREAS, on November 22, 2010, the Environmental Protection Agency (“EPA”) entered into a settlement agreement (the “Settlement Agreement”) with the plaintiffs in two actions previously pending in the United States District Court for the Southern District of New York (collectively, “Riverkeeper”) – *Riverkeeper, et al. v. Jackson*, 93 Civ. 0314 (LTS), and *Riverkeeper, et al. v. EPA*, 06 Civ. 12987 (PKC) – concerning EPA’s issuance of rules implementing section 316(b) of the Clean Water Act (“CWA”), 33 U.S.C. § 1326(b);

WHEREAS, pursuant to Paragraph 4 of the Settlement Agreement, EPA agreed, *inter alia*, that on or before July 27, 2012, the “EPA Administrator shall sign for publication in the Federal Register a notice of its final action pertaining to issuance of requirements for implementing section 316(b) of the CWA at existing facilities,” Settlement Agreement ¶ 4;

WHEREAS, on March 11, 2011, EPA and Riverkeeper entered into an amendment to the Settlement Agreement (the “First Amendment”), pursuant to which the parties agreed to certain extensions of deadlines under Paragraphs 3 and 6(a)(i) of the Settlement Agreement;

WHEREAS, EPA has requested, and Riverkeeper has consented, to modify the date on or before which EPA is to take the action under Paragraph 4 of the Settlement Agreement, by extending that date;

NOW, THEREFORE, EPA and Riverkeeper, intending to be bound by this

Second Amendment to the Settlement Agreement, hereby stipulate and agree as follows:

1. Paragraph 4 of the Settlement Agreement shall be amended to provide:


“No later than June 27, 2013, the EPA Administrator shall sign for publication in the Federal Register a notice of its final action pertaining to issuance of requirements for implementing section 316(b) of the CWA at existing facilities. EPA shall make a copy of the notice available to the Cronin Plaintiffs, the SDNY Phase III Plaintiffs, and the SDNY Phase III Intervenors within five business days following signature.”

2. Within 10 days of the execution of this Second Amendment, a link to a copy of this Second Amendment shall be posted on the Office of Water website.

FOR EPA:

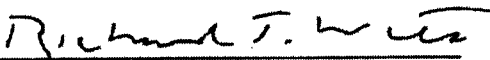
PREET BHARARA
United States Attorney
Southern District of New York

Dated: July 17, 2012



LI YU
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, NY 10007
(212) 637-2734

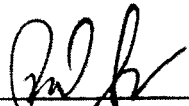
Dated: July __, 2012



RICHARD T. WITT
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

FOR RIVERKEEPER:

Dated: July 17, 2012



REED W. SUPER
Super Law Group, LLC
131 Varick Street, Suite 1001
New York, New York 10013
(212) 242-2273

