



U.S. Department of Justice

Environment and Natural Resources Division

DJ # 90-5-2-4-18110/1

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November 3, 2009

By email and first class mail

Travis E. Stills, Esq.
Energy Minerals Law Center
1911 Main Avenue, Suite 238
Durango, CO 81301

Re: Settlement Agreement in Colorado Citizens Against Toxic Waste and Rocky Mountain Clean Air Action v. Lisa P. Jackson, in her official capacity as Administrator, United States Environmental Protection Agency, Civ. Action No. 08-cv-01787-REB-MEH (D. Colo.)

Dear Travis:

Pursuant to Paragraph 12 of the Settlement Agreement ("Agreement") in this matter, I am writing to inform you that the EPA Administrator has consented to the Agreement and that the Agreement is therefore final as of the date of this letter. Accordingly, the steps EPA agreed to undertake as outlined in Paragraph 3 of the Agreement are now operative. In addition, as set forth in Paragraph 4 of the Agreement, the United States has agreed to pay Plaintiffs certain statutory costs and attorneys' fees in the amount of \$27,427.50. Please provide me with the account and routing information referenced in Paragraph 4 so that the appropriate request for payment can be made.

Paragraph 2 of the Agreement required Plaintiffs to file a motion to administratively close the case under D.C.Colo.LCivR 41.2 within 10 business days of the date this Agreement became final pursuant to Paragraph 12. However, in response to the parties joint motion made pursuant to Paragraph 1 that the case be stayed pending completion of the process under section 113(g) of the Clean Air Act, the court on its own initiative issued an order to administratively close the case. Thus, there is no need to make a separate motion to administratively close the case.

The final action in the case, a motion by Plaintiffs for voluntary dismissal of the Complaint with prejudice, pursuant to Fed. R. Civ. P. 41(a), is required by Paragraph 2 of the Agreement. That motion is to be filed within 10 business days after publication in the Federal Register of EPA's promulgation of either: (1) EPA's issuance of a final determination not to revise Subpart W; or (2) EPA's promulgation of a final revision of Subpart W.

I am glad that we were able to resolve this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Laurel A. Bedig
Laurel A. Bedig, Trial Attorney
Environmental Defense Section

cc: Susan Stahle, EPA Office of General Counsel