

MODIFICATION OF SETTLEMENT AGREEMENT

Fowler et al. v. EPA

WHEREAS, in January 2009, numerous parties (collectively "Plaintiffs") filed suit against the United States Environmental Protection Agency ("EPA;" EPA and Plaintiffs are referred to herein as the "Parties") alleging that EPA failed to comply with the Clean Water Act, the Administrative Procedure Act, and the Chesapeake Bay Agreements with respect to restoring and preserving Chesapeake Bay water quality and living resources; and

WHEREAS, on May 10, 2010, the Parties executed a settlement agreement ("Agreement") resolving this lawsuit; and

WHEREAS, Paragraph IV.A. of the Agreement provides that the Parties may modify any deadline in the Agreement in writing; and

WHEREAS, Paragraph III.B.5. of the Agreement provides that EPA expects states to submit final Phase II Watershed Implementation Plans no later than November 1, 2011; and

WHEREAS, Paragraph III.B.8. of the Agreement provides that EPA will announce certain two-year milestones by May 1, 2011; and

WHEREAS, the Parties are agreed that these deadlines should be modified,

NOW, THEREFORE, the Parties agree as follows:

1. Paragraph III.B.5. is hereby modified by replacing "November 1, 2011" with "March 30, 2012."

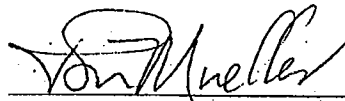
2. Paragraph III.B.8. is hereby stricken, and replaced with the following text:

By January 7, 2012, and every two years after that, EPA will announce two-year milestones for federal actions designed to reduce nutrient and sediment pollutant loadings to the Bay. EPA will invite other federal agencies to participate in a process, and EPA will coordinate the process among any agencies that choose to participate, with the goal of creating a series of two-year milestones, to commence

in January 2012, designed to reduce nutrient and sediment pollutant loadings to the Bay. Prior to their announcement in January, EPA will provide the public with a 30-day opportunity to review the two-year milestones for EPA actions designed to reduce nutrient and sediment pollutant loadings to the Bay. EPA will invite the other federal agencies to submit their own two-year milestones for actions designed to reduce nutrient and sediment pollutant loadings to the Bay to EPA for inclusion in that public review opportunity. EPA will include for public review any such milestones it receives in a timely manner. Consistent with the Executive Order Sections 202 and 203 and the Draft E.O. Strategy, EPA will strengthen stormwater practices on federal facilities and on federal lands.

3. This modification changes only the above-specified text, and does not change any other requirement or term of the Agreement.
4. Each undersigned representative of the Parties certifies that he or she is fully authorized by that Party to enter into and execute the terms of this modification, and to legally bind such Party to this modification.
5. This modification may be executed in any number of counterpart originals, all of which shall collectively constitute one agreement.

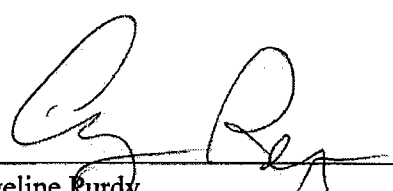
FOR PLAINTIFFS:



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Dated: 4/28/11

FOR EPA:



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Dated: 5/3/11

