

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|-------------------------------|---|--------------------------|
| ENVIRONMENTAL DEFENSE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No.: 03-01737 (RMU) |
| |) | |
| MARIANNE LAMONT HORINKO, |) | |
| Acting Administrator, |) | |
| U.S. Environmental Protection |) | |
| Agency |) | |
| |) | |
| Defendant. |) | |
| |) | |

**DEFENDANT’S NOTICE OF LODGING
OF PROPOSED CONSENT DECREE**

Defendant Marianne Lamont Horinko, Acting Administrator of the United States Environmental Protection Agency (“EPA”), with this notice lodges with the Court a proposed consent decree.

The proposed consent decree which Defendant lodges today should not be signed or entered by the Court at this time. Pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), the consent decree is not final and cannot be entered by the Court until the EPA Administrator provides “a reasonable opportunity by notice in the Federal Register to persons who are not named as parties or intervenors to the action” to comment in writing upon the proposed decree. After a reasonable public comment period, the EPA Administrator must promptly consider any written comments received. Id. If none of the comments disclose facts or considerations which indicate that the decree is inappropriate, improper, inadequate or

inconsistent with the requirements of the Clean Air Act, the Acting Administrator will request the Court to enter the decree. Id.

Respectfully submitted,

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural
Resources Division

/s/ Eileen T. McDonough
EILEEN T. MCDONOUGH
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M. LEA ANDERSON
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August 18, 2003

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2003, a copy of the foregoing was served by the Court's electronic filing system upon:

David S. Baron
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W.
Suite 702
Washington, D.C. 20036-2212

/s/ Eileen T. McDonough