



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

October 1, 2019

By ECF

Honorable Edgardo Ramos  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Natural Resources Defense Council, Inc. v. United States Environmental Protection Agency, et al.*, 16 Civ. 1251 (ER)

Dear Judge Ramos:

This Office represents Defendants in the above-referenced matter. Pursuant to Paragraph 7 of the Consent Decree, entered by this Court on October 18, 2016, I write to provide notice that the parties have stipulated to extend the deadline for EPA to sign for publication in the Federal Register a final maximum contaminant level goal (“MCLG”) and a national primary drinking water regulation (“NPDWR”) for perchlorate from December 19, 2019, to June 19, 2020.

By way of background, on December 10, 2018, the Court granted a six-month extension of EPA’s Consent Decree deadline to sign for publication a proposed MCLG and NPDWR for perchlorate in the Federal Register. Dkt. No. 57. As a result, the proposed rule deadline became May 28, 2019, which EPA satisfied by signing the proposed rule on May 23, 2019.<sup>1</sup> The proposed rule was subsequently published in the Federal Register on June 26, 2019, with a notice requesting public comment on the proposed rule, two alternative MCLG/MCL values of 18 mg/L and 90 mg/L respectively, and an alternative under which the EPA would withdraw its 2011 determination to regulate perchlorate. *See* “National Primary Drinking Water Regulations: Perchlorate; Proposed rule, request for public comment,” 84 Fed. Reg. 30524, 30525 (June 26, 2019). The comment period closed on August 26, 2019.

In light of the prior six-month extension of the proposed rule deadline, EPA has requested, and NRDC has agreed to, a corresponding six-month extension of the Consent Decree’s December 19, 2019, final rule deadline (set forth in paragraph 5 of the Consent Decree). Dkt. No. 38 ¶ 5. Under the terms of the Consent Decree, ¶ 7, this deadline “may be extended by written stipulation of NRDC and EPA and notice to the Court.” Accordingly, the parties have executed the attached stipulation providing that the December 19, 2019, deadline

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<sup>1</sup> The original extension to April 30, 2019, was extended to May 28, 2019, as a result of the government shutdown. *See* Dkt. No. 59.

has been extended to June 19, 2020. No action is required by the Court with respect to this extension.

Thank you for your consideration of this matter.

Respectfully submitted,

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Southern District of New York

By: /s/ Emily E. Bretz  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and ANDREW  
WHEELER, in his official capacity as  
Administrator of the United States  
Environmental Protection Agency,<sup>1</sup>

Defendants.

No. 16 Civ. 1251 (ER) (GWG)

ECF Case

**STIPULATION**

Plaintiff Natural Resources Defense Council (NRDC) and Defendants United States

Environmental Protection Agency and Andrew Wheeler, in his official capacity, (collectively,

EPA) hereby stipulate as follows.

1. Pursuant to Paragraph 7 of the Consent Decree, Dkt. No. 38, the December 19, 2019 deadline for EPA to sign for publication in the Federal Register a final MCLG and NPDWR for perchlorate, as set forth in paragraph 5 of the Consent Decree, is hereby extended by six months, until June 19, 2020.

**IT IS SO STIPULATED.**

Dated: September 30, 2019

**Natural Resources Defense Council**

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<sup>1</sup> Andrew Wheeler has been automatically substituted for Gina McCarthy pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

Dated: September 24, 2019

**United States Environmental Protection Agency  
& Andrew Wheeler**

By: 

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