

No. 11-1131), Hatfield Township Municipal Authority (“Hatfield”), Petitioner-Intervenor MaxWest Environmental Systems (“MaxWest”) (Case No. 11-1167), and Petitioner Sierra Club (Case No. 11-1185), and (collectively “the Parties”) have conferred concerning a proposed briefing schedule and format. The Parties were able to agree on the briefing format and schedule and have authorized EPA to submit the following proposal on behalf of all Parties.

BACKGROUND

1. The consolidated petitions in this case seek review of a final EPA action under the Clean Air Act entitled “Standards of Performance for the New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units,” 76 Fed. Reg. 15372 (March 21, 2011), which established emission limitations and other requirements under Section 129 of the Clean Air Act, 42 U.S.C. § 7429, applicable to sewage sludge incinerators (“SSI Rule”).

2. Three petitions for review of the SSI Rule were filed by NACWA (No. 11-1131), Hatfield (No. 11-1167), and Sierra Club (No. 11-1185). On May 25, 2011, the Court consolidated the three cases under the lead case, No. 11-1131. NACWA and Hatfield have intervened in Sierra Club’s case on EPA’s behalf, Sierra Club has intervened in NACWA’s on EPA’s, and MaxWest has intervened in NACWA’s case on behalf of Petitioner NACWA.

3. By its Order of November 29, 2011, this Court directed the parties to submit a proposal for a briefing schedule and format to the Court by December 9, 2011.

PETITIONERS' OPENING BRIEFS AND INTERVENOR-PETITIONER'S BRIEF

4. Two Petitioners, NACWA and Hatfield, are aligned in these consolidated cases and will be collectively referred to as "Municipal Petitioners." Sierra Club is not aligned with either NACWA or Hatfield and will be referred to as the "Environmental Petitioner."

5. The Parties agree and propose that the date for Petitioners' and Intervenor-Petitioner's opening briefs should be February 24, 2011, which the parties believe is reasonable due to counsels' schedules and deadlines in other cases.

6. The Parties propose that NACWA and Hatfield file a combined Municipal Petitioners' brief, which shall not exceed 14,000 words, and that Sierra Club file a separate Environmental Petitioner brief, which shall not exceed 14,000 words.

7. As to the format and schedule for the Intervenor-Petitioner MaxWest the Parties agree that MaxWest may file a separate Intervenor-Petitioner brief that shall not exceed 8,750 words.

RESPONDENT EPA’S OPENING BRIEF AND INTERVENOR-RESPONDENTS’ BRIEFS

8. The Parties agree that EPA should file a combined brief in response to all opening briefs within 90 calendar days after the date on which Petitioners’ briefs are filed. The Parties agree that EPA’s word limit for its combined response shall be equal to the combined word limit of all three briefs from Petitioners and Intervenor-Petitioner.

9. The Parties propose that Intervenor-Respondents file briefs in support of EPA 10 calendar days after EPA files its response brief. NACWA and Hatfield will file a combined Municipal Intervenor-Respondents’ brief that shall not exceed 8,750 words. Sierra Club will file an Environmental Intervenor-Respondent’s brief that shall not exceed 11,750 words to account for responding to the separate briefs filed by Municipal Petitioners and Intervenor-Petitioner.

PETITIONERS’ AND INTERVENOR-PETITIONER’S REPLY BRIEFS, PARTIES’ JOINT APPENDIX AND PARTIES’ FINAL BRIEFS

10. The Parties propose that Municipal Petitioners and Environmental Petitioner file separate reply briefs within 45 calendar days after Respondent files its brief. Each Petitioner reply brief shall not exceed 7,000 words.

11. The Parties agree that Intervenor-Petitioner MaxWest will file a separate reply brief not to exceed 3,500 words.

12. The joint appendix would be filed 18 calendar days after the reply briefs and final briefs would be filed 10 calendar days after the joint appendix.

13. The following table summarizes EPA's proposed briefing schedule and format (all days shall mean calendar days):

<u>Filing</u>	<u>Date</u>	<u>Page Length (words)</u>
Municipal Petitioners' and Environmental Petitioner's brief	Feb. 24, 2011	14,000 each
Intervenor-Petitioner MaxWest opening brief	Feb. 24, 2011	8,750
EPA's combined response brief	90 calendar days after Petitioners' and Intervenor-Petitioner's briefs	word limit equal to the combined total of Municipal Petitioners', Environmental Petitioner's, and Intervenor-Petitioner's briefs
Intervenor-Respondents' briefs (NACWA/Hatfield and Sierra Club)	10 calendar days after EPA files its response brief	NACWA/Hatfield: 8,750 Sierra Club: 11,750
Petitioners' reply briefs	45 calendar days after Respondent's brief	7,000 each
Intervenor-Petitioner's reply brief	45 calendar days after Respondent's brief	3,500 words
Joint Appendix	18 days after Petitioners' replies	

Final briefs 10 days after Joint
Appendix

CONCLUSION

The Parties believe that the joint proposal is reasonable and respectfully request that the Court adopt that format and schedule.

Respectfully Submitted,

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Dated: December 9, 2011

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December 9, 2011, a true and correct copy of the foregoing EPA'S PROPOSED BRIEFING SCHEDULE AND FORMAT ON BEHALF OF ALL PARTIES, was served electronically through the ECF system on all registered counsel.

/s/ Michele L. Walter _____
MICHELE L. WALTER