

**NOMINATIONS OF GARY GUZY AND ANNE  
JEANNETTE UDALL**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS  
UNITED STATES SENATE**  
**ONE HUNDRED SIXTH CONGRESS**

FIRST SESSION

—————  
MARCH 4, 1999  
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Printed for the use of the Committee on Environment and Public Works



U.S. GOVERNMENT PRINTING OFFICE

55-953 cc

WASHINGTON : 1999

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## **NOMINATIONS OF GARY GUZY AND ANNE JEANNETTE UDALL**

**THURSDAY, MARCH 4, 1999**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:01 a.m., in room 406, Senate Dirksen Building, Hon. John H. Chafee (chairman of the committee) presiding.

Present: Senators Chafee, Inhofe, Baucus, and Lautenberg.

### **OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND**

Senator CHAFEE. All right, let's start. It is my understanding that Senator McCain will be here later to introduce Ms. Udall. We will proceed, and when Senator McCain arrives we will fit him into the program.

My plan is that I would make a brief opening statement—Senator Lautenberg, do you have an opening statement today?

Senator LAUTENBERG. Mr. Guzy is from New Jersey.

Senator CHAFEE. I knew you were going to introduce him.

The purpose of today's hearing is to consider two nominations. The first nomination is that of Mr. Gary Guzy, to be appointed as General Counsel of EPA.

The second nomination is of Dr. Anne Udall, to be reappointed as a member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

We welcome everybody here today. I understand Mr. Guzy's wife is present, as are his daughter and his son, so we welcome you and are delighted that you are here this morning.

Senator Lautenberg, a Member of our committee, will introduce Mr. Guzy in a few minutes.

We also welcome Senator McCain, as well as Dr. Udall's brother, Representative Mark Udall—is he here yet? Not yet? All right. They will be along shortly.

The Office of General Counsel at EPA provides legal services with respect to agency programs and activities, and provides legal opinions, legal counsel, and litigation support. It's a big job. Mr. Guzy was appointed Acting General Counsel by EPA Administrator Carol Browner on November 17, last year. Mr. Guzy has also served as Counselor to EPA and as EPA's Deputy General Counsel.

Before joining EPA, Mr. Guzy served as a senior attorney with the Department of Justice, Environment and Natural Resources Division. He is a graduate of Cornell Law School, where he also did his undergraduate work.

Dr. Anne Udall is currently assistant superintendent for curriculum and instruction for the Charlotte-Mecklenberg School District in Charlotte, NC. Dr. Udall has served as coordinator of gifted programs in the school district, and as a Critical Thinking Resource Specialist in the Staff Development Department of the Tucson Unified School District in Tucson, AZ. She began her career in education as a teacher with gifted children with learning disabilities. She received her Bachelor of Arts in secondary education and an M.A. in special education from the University of New Mexico, and a Ph.D. from the University of Arizona in 1987.

She was previously confirmed by the Senate to the board of trustees of the Morris K. Udall Foundation on October 6, 1994. She is the daughter—and Representative Udall is the son—of the late Morris K. Udall, whom most of us knew. Some of us, such as Senator Inhofe, knew him better than the rest of us, because Senator Inhofe served in the House with Morris Udall.

Dr. Udall, I understand there is a memorial service for your father later this afternoon, and I know that many here in the Senate would like to pay their respects to this fine gentleman. I am sure he would be very proud of both Mark and Anne if he could be here with us today.

The Morris K. Udall Foundation was established by Congress in 1992 as a nonprofit organization, committed to educating a new generation of Americans to preserve and protect their national heritage by the recruitment and preparation of individuals skilled in effective environmental public policy conflict resolution. I am pleased to report that both nominees have impressive backgrounds and are highly qualified for the positions before them. These positions pose challenges that I am confident both are prepared to face. I look forward to hearing what they have to say about their backgrounds and what they hope to accomplish.

Senator Lautenberg, do you have a statement here? If you have an introduction—we'll put off the introduction until Senator Inhofe makes an opening statement.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,  
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Thank you, Mr. Chairman.

First let me say that I have no problems with either of the nominees and look forward to supporting both nominees.

Mr. Guzy, while I believe you are going to do a good job as the General Counsel and I intend to support your nomination, I am concerned about how the Agency has been handling some of these consent decrees and some of these lawsuits. Just last week in the Washington Times—you probably read the article—in fact, I ask unanimous consent that at the conclusion of my opening remarks, that this article from the Washington Times be placed in the record.

Senator CHAFEE. Fine.

Senator INHOFE. They wrote a very disturbing article about the EPA's wasteful grants. In fact, I would like to enter that into the record. The article details how the Agency provides millions in grants to organizations who turn around and immediately sue and lobby the Agency. The appearance is that Federal taxpayers are subsidizing these lobbying efforts and lawsuits.

In addition, I am also concerned about how the Agency enters into the so-called consent decrees, where the EPA determines agency policies in what I consider to be "back-door negotiations." The appearance is that the Administration funds lawsuits by environmental organizations who sue the Agency with taxpayer funds; then the EPA turns around, enters into back-door negotiations with these groups, producing consent agreements that bind the Agency outside the normal notice.

So because of these concerns, Mr. Guzy—and it's not going to take any time to do this—I intend to hold up moving your nomination until we get a couple bits of information.

First, I would like a list covering the last 6 years, of all grants to individuals or organizations that have also sued the Agency. Please include the amount and purpose of the grant and the relevant dates for grants and lawsuits.

Second, I would like a list of all parties to any consent agreements that the EPA entered into over the last 6 years. And please—

Senator CHAFEE. Senator, I just want to make sure that Mr. Guzy is able to get this down.

Senator INHOFE. Well, I'm going to give him a copy of this.

Senator CHAFEE. OK.

Senator INHOFE [continuing]. And please include a description of what was agreed to in the consent agreements, and which parties were present during the negotiations.

Maybe you can address a couple of these things in your opening remarks, and I will stay here for those opening remarks before I have to leave.

Thank you, Mr. Chairman.

[The prepared statement of Senator Inhofe and the referenced article from the Washington Times follow:]

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE  
STATE OF OKLAHOMA

Thank you Mr. Chairman for calling this hearing today.

First, I would like to say that I have no problems with either of the nominees. I would like to welcome Ms. Udall and congratulate her on her renomination, I am sure her father would be proud of the work she has accomplished on behalf of the Morris Udall Foundation.

Mr. Guzy, while I believe you will do a good job as the General Counsel of the EPA and I intend to support your nomination, I am concerned about how the Agency has handled lawsuits over the last 6 years, supporting those who sue the EPA.

Just last week in the Washington Times, a columnist wrote a very disturbing article on the EPA's wasteful grants. In fact, I would like to enter the article into the record. The article details how the Agency provides millions in grants to organizations who turn around and immediately sue and lobby the Agency. The appearance is that the Federal taxpayers are subsidizing these lobbying efforts and lawsuits.

In addition, I am also concerned how the Agency enters into these so-called "consent agreements" where the EPA determines Agency policy in backdoor negotiations.

The appearance is that this Administration funds lawsuits by environmental organizations who sue the Agency with taxpayers funds. Then the EPA turns around

and enters into backdoor negotiations with these groups, producing consent agreements that bind the Agency outside the normal notice and comment process.

Because of these concerns, and your role as the General Counsel for the EPA, I am requesting that you provide the Committee the following information, and I will withhold my support for moving your nomination forward until we have received the information.

1. I would like a list, covering the last 6 years, of all grants to individuals or organizations that have also sued the Agency. Please include the amount and purpose of the grant, and the relevant dates for the grants and lawsuits.

2. I would like a list of all parties to any "consent agreements" that the EPA entered into over the last 6 years. Please include a description of what was agreed to in the consent agreements, and which parties were present during the negotiations.

I want to thank you in advance for cooperating with this request and I look forward to supporting your nomination once we have received the information.

[From the Washington Times, Wednesday, February 24, 1999]

#### EPA'S WASTEFUL GRANTS

[by Deroy Murdock]

The EPA gets by with a lot of help from its friends.

Since President Nixon gave birth to the Environmental Protection Agency, its budget has skyrocketed from \$384 million in fiscal 1970 to \$7.3 billion in fiscal 1998, outpacing inflation by 456 percent.

One secret behind EPA's ballistic budget trajectory is its support of non-profit organizations. Citizens Against Government Waste (CAGW) recently released a report titled "Phony Philanthropy" by David E. Williams and Elizabeth L. Wright. They explore more than \$236 million in EPA grants given to 839 non-profit groups in 1995 and 1996. Like a squad of taxpayer-funded cheerleaders, many of these outfits waved their pom-poms and lobbied Congress for higher EPA spending.

EPA grants also squandered tax money on corporate welfare, silly ethnic diversity schemes and projects best reserved to states and localities. These highly politicized boondoggles clean up little pollution and beg to be excised with a budgetary ax.

The EPA, for instance, gave \$166,888 to the American Lung Association. The ALA lobbied Congress for increased EPA funding, including new money for lung research. Who would you guess that might benefit?

The Consumer Federation of America received \$380,275 from the EPA to promote "indoor air quality awareness." The CFA then asked Congress to maintain funding of the EPA's indoor air quality activities.

The National Rural Water Association received a healthy \$14,436,634 from the EPA. It returned the favor by charging its lobbying expenses to the EPA and the US Department of Agriculture. It organized lobbying by state associations and even incorporated a full-time, taxpayer-funded EPA employee in its legislative efforts through the Intergovernmental Personnel Act, a sort of borrow-a-bureaucrat program.

The National Senior Citizens Education and Resource Center may be the EPA's most notorious grantee. This offshoot of the National Council of Senior Citizens received a shocking 99.7 percent of its budget from Federal grants in 1995-1996, including \$6,074,800 from the EPA. From 1992-1996, it gave \$460,043 in campaign contributions—all to Democrats. The Federal Election Commission fined the group \$12,000 for campaign violations in 1996. Wearing T-shirts that read, "SHAME," about 20 NCSC members were removed by the Capitol Police after they disrupted a Sept. 23, 1995, House Ways & Means Committee hearing on Medicare.

When the EPA isn't spending your money to ask Congress for more money, it showers your money on industries with lots of money. It gave \$432,840 to the International Association of Lighting Management to "test, validate and, if necessary, revise the decades old data underlying Luminaire Dirt Depreciation (LDD) curves used in current lighting system design." As anyone who has cleaned up for house guests knows, dusty lampshades are a domestic nightmare. But couldn't General Electric or the folks who sell Mr. Clean perform this vital research?

And the EPA's \$1,397,718 grant to the Geothermal Heat Pump Consortium to underwrite a "National Earth Comfort Program" sounds lovely, but why not leave that to the home heating industry?

Sometimes it seems the EPA's left hand doesn't know what its far-left hand is doing. What else could explain an \$81,391 grant to the Lawyer's Committee for Civil

Rights? It is assisting two "environmental justice" lawsuits against the EPA. In short, the EPA is using your money to help lawyers sue the EPA. The circle of life is complete!

As if there were no 10th Amendment, the EPA occasionally resembles a giant city hall. The San Francisco League of Urban Gardeners, aka SLUG, received \$35,515 from the EPA for "urban greening, neighborhood beautification and local food production." Next time SLUG members need money, they should call San Francisco Mayor Willie Brown at 415-554-4000.

Perhaps most troubling is the EPA's support for non-profits with race-tinged agendas. It gave \$11,000 to Boston's Environmental Diversity Forum, for example. EDF's mission is to "protect the environment by advocating racial, cultural and economic diversity at all organizational levels and in all policies and programs of the environmental movement." One hundred thousand dollars in EPA funds went to the Korean Youth and Community Center in Los Angeles for "linguistically and culturally appropriate community education, technical and small business assistance to find healthy alternatives to perchloroethylene, a dry cleaning agent." The EPA should focus on pollution and leave multiculturalism to the Rev. Jesse Jackson and its other champions.

The GOP Congress should hold oversight hearings on these and scores of other fishy EPA grants that CAGW has exposed. Then, with this nonsense clearly on the record, it can begin to slash EPA's budget accordingly.

Senator CHAFEE. OK, fine.

Now, if you would like to introduce Mr. Guzy, Senator Lautenberg.

**OPENING STATEMENT OF HON. FRANK R. LAUTENBERG,  
U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator LAUTENBERG. Thanks, Mr. Chairman.

I am pleased to welcome Gary Guzy here because in Gary, we have an example of those who are committed to government service, where extensive opportunity on the outside would be easily available. He is a talented fellow and as noted, Mr. Chairman, the President sent his name up to be General Counsel of the Environmental Protection Agency, and we are pleased and lucky to have him. He is from New Jersey, as you might guess, and he was New Jersey-born, as was his mother, in my home town where I was born, in Paterson, NJ.

Gary had honors when he was in high school, which was an indication of what was yet to come. But then he left our State and attended college and law school in a beautiful part of New York State—it doesn't compare to New Jersey—but he went to Cornell, and he returned to a profession highly regarded in the State of New Jersey, and that is environmental protection.

Gary Guzy clerked for an Appeals Court judge, worked in private practice, and then came to Government with a position in Department of Justice's Environment and Natural Resources Division. At the Department of Justice, he specialized in wetlands, water quality, federalism, regulatory takings, and hazardous waste issues, and from there he came to the Environmental Protection Agency as Deputy General Counsel, where he helped manage the Agency's legal staff.

I must say that it is my view that they have done a terrific job over there. We have gotten rid of a lot of the litigious environmental suits, proceeded to negotiated settlements, and that's why we now have in Superfund almost some 600 sites that are cleaned up, with approximately 100 yet to go. Progress has been notably improved there.

From 1995 to 1998 he served as Counselor to EPA Administrator Carol Browner, where he worked on children's environmental health and the restoration of the Everglades, among other issues.

I hope, Mr. Chairman, that you and Senator Inhofe, who has legitimate questions to ask, will take a few minutes to visit with Mr. Guzy. He is an impressive fellow and I know that he is going to do an excellent job as EPA's General Counsel, and I recommend him to the committee with a full heart and head, knowing that he is going to do a very good job there, and I'm sure he'll be able to respond appropriately to Senator Inhofe's inquiries.

I just hope that we will be able to move along with dispatch.

Also if I might, Mr. Chairman, I would like to take one moment to welcome Anne Udall, because she represents such a distinguished family. What an appropriate place this is, this hearing room, for Udall family members to gather, because your father was so much an environmentalist and his reputation for honesty and integrity is second to none. We are pleased to have you with us today.

Thanks very much, Mr. Chairman.

Senator CHAFEE. Thank you.

Senator Baucus.

**OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR  
FROM THE STATE OF MONTANA**

Senator BAUCUS. Thank you, Mr. Chairman.

First of all, I am sure all of you have welcomed the family?

Senator CHAFEE. We have, yes.

Senator BAUCUS. Good.

Mr. Guzy, I really do wish you the very best in this job. It is not easy, but as you know, public service sometimes has its rewards. Usually it has its rewards, but sometimes its frustrations, and I just want you to know that I am very impressed with how much the EPA has progressed over the years on a practical and pragmatic basis in just trying to solve problems. I know you will follow the same tradition, and I very much urge you to do so.

I think Carol Browner has done a terrific job in leading the Agency, and I just hope, again, that you can just help her to keep her feet on the ground, and your head screwed on straight, just keep your focus on what we're all supposed to be doing here, listening to people so that we can do a good job in serving them.

Again, there is no reason why I should think you would not do that, and I wish you the very best.

Senator CHAFEE. Thank you.

Now I see that Representative Udall is here. You undoubtedly have a busy schedule; if you would like to come up and say a few words on behalf of your sister—and we hope they are favorable words—

[Laughter.]

Senator CHAFEE. You go to it.

**STATEMENT OF HON. MARK UDALL, U.S. REPRESENTATIVE  
FROM THE STATE OF COLORADO**

Mr. UDALL. Thank you, Mr. Chairman, members of the committee. It is a privilege to be here today with you. It is even more of a privilege to introduce my sister, Anne Udall, to you.

I have known her since an early age—

[Laughter.]

Mr. UDALL [continuing]. And I am still here to commend her to you.

I am sure that Anne is also concerned, on the other hand, that my appearance might torpedo her nomination—

[Laughter.]

Mr. UDALL [continuing]. So I hope, whether I hurt or help her, that you will take a look at her record, and I think that record speaks for itself.

We are very proud of the Udall Foundation and what it has accomplished and what it can accomplish in the future. Anne, in bringing her background as an educator to the Foundation, certainly has been a real asset. As you know, the Foundation has as one of its missions to help educate Native Americans in environmental policy and health policy, and she certainly has been able to bring some important understandings to that part of the mission.

I think you also know that the Foundation has really been more aggressive in its mission, including the environmental mediation piece that has just been added, and I would thank the Senate for its support of that undertaking as well.

So it gives me great pleasure to introduce my sister to you, Anne Jeannette Udall, and commend her to you.

Thanks for letting me appear today. Thank you.

Senator CHAFEE. Fine.

Does anybody have any questions?

[No response.]

Senator CHAFEE. All right, fine. We know you have a busy schedule, so if you want to go along, that would be fine.

Mr. UDALL. I'm going to sit here for a few minutes, Mr. Chairman, if that's all right.

Senator CHAFEE. All right, fine.

Now, Mr. Guzy, we welcome you again. One of the things that impressed me tremendously is the number of lawyers that you supervise in total. Is it 300? How many is it?

Mr. GUZY. It's around 250 lawyers, about 350 positions all together, including our support staff.

Senator CHAFEE. All right. Why don't you go ahead with your statement?

**STATEMENT OF GARY GUZY, NOMINATED BY THE PRESIDENT  
TO BE GENERAL COUNSEL, ENVIRONMENTAL PROTECTION  
AGENCY**

Mr. GUZY. Thank you and good morning, Mr. Chairman, Senator Baucus, Members of the committee. It is a great honor to be here today, to have been nominated by the President and asked by Administrator Browner to serve as General Counsel of the Environmental Protection Agency.

I am also deeply grateful to Senator Lautenberg for his very generous words, for the leadership that he has provided on environmental issues, as well as for the service that he has provided to the citizens of my home State.

I am delighted to be joined by my wife and children, by EPA's Acting Principal Deputy General Counsel, Lisa Freidman, who has been an employee of the Office of General Counsel of EPA for 22 years, and by Bob Dreher, our Deputy General Counsel.

I believe that now is an opportune time to be taking on the challenges of serving as EPA's General Counsel. First, EPA today is a fundamentally different organization. It is one that is reconnected to communities, to the American people, and it is helping to make a difference in the issues that people face in their everyday lives. Whether it be a child who suffers from asthma, or a family who lives near a river too polluted for fishing or swimming, our Nation still has much to do to protect the health of its citizens and its environment. When I think back to my own early childhood, living in Newark, NJ, with a mother—a single parent, a dedicated public school teacher—from that I recognize that a government that is caring, that is honest, that is open, can make a difference in the lives of ordinary citizens. I look to my own two small children and recognize the importance of the work we are embarked on together to assure them a healthy future and the continued enjoyment of our Nation's legendary natural bounty that has been so important in my own life.

Second, I am very hopeful that we are again entering a period of basic agreement on the tasks to be done to advance public health and environmental protection. I know you've heard the phrase about the pendulum swinging back and forth, and it has been doing that for several years, but I really sense a much more fundamental agreement today on the important work that we all have to do together to continue the bipartisan accomplishments of public health and environmental protection of the last 30 years.

As our statutes in this area have matured, we have the challenge of keeping their overall goals and framework in mind as we apply them to new situations and in fresh ways, and these developments will challenge us. This will demand balance, will demand common sense, and will demand judgment. If confirmed, I look forward to working in a close cooperative relationship with this committee and its staff in meeting these challenges.

I have been privileged over the last several years to have worked with Administrator Browner who, with her senior leadership team, has demonstrated a commitment to the protection of public health and the environment that is accomplished through creative means that provide unprecedented flexibility to communities and to industry. This approach has continued to demonstrate that our economy and our environment are inextricably linked, and that a strong economy and a healthy environment are twin, compatible goals that must drive all of our actions.

In the course of this work I have had the opportunity to work with many members of this committee and their staffs on many issues of shared interest. These include working to protect children from the threat of environmental tobacco smoke, to helping to ensure the future of the Everglades, and these efforts have required

careful, respectful coordination of activities among the legislative, executive, and judicial branches of our Government.

When I think of some of the major issues EPA will face over the next several years, I am struck by how central “sound lawyering” will continue to be to the success of these efforts. Whether it be new efforts to apply more broadly the lessons learned from reinvention, or our implementation of the protections for children under the new Food Quality Protection Act, whether it be meeting the challenge of the responsible collection, use, and dissemination of information, or EPA’s work under the Clean Water Action Plan to address nonpoint source pollution—all of these challenges will demand the best from our Nation’s premier environmental law firm.

I am delighted to be rejoining a group that is as talented, creative, dedicated, and hard-working as the career staff at EPA’s Office of General Counsel. They have an expertise in environmental law that is unmatched. I recognize that EPA’s currency with the Congress, with the courts, and with the public is its credibility, and that much of this rests with the objectivity, with the integrity of the work of the Agency’s Office of General Counsel.

I look forward, if confirmed, to continuing the great traditions of that office and to the opportunity for continued public service.

I also know from my career in the private practice of environmental law, representing private industry and States, and then from my work at the Department of Justice and at EPA representing the Federal Government, that keeping an open mind, being attentive to absolute fairness of process for all affected parties, is also essential to the ultimate success of our work.

When I clerked for Judge Elbert Tuttle, who had by then served as a Federal Circuit Court judge for 30 years following his already long and distinguished career in private practice and the military, it so impressed me that he was absolutely, vitally interested in my then-relatively uninformed views. And this openness of thinking, this reaching out to hear everyone’s perspective, no matter how hard we’ve been at an issue, no matter how long we’ve worked at it, how much we’ve been immersed in it—that kind of reaching out is critical to improving the quality of EPA’s analysis and the quality of EPA’s decisions.

It is also critical that we maintain the highest of ethical standards in our work. These are values that, if confirmed, I will strive to take to my job every day and continue to build in our staff.

I also recognize that the EPA’s General Counsel has the rare luxury of a vantage point that cuts across all of the Agency’s work, providing an important check-and-balance and a means for integrating disparate agency activities.

That check-and-balance—if I may address some of the concerns that Senator Inhofe raised—oftentimes, the Office of General Counsel reviews and provides counsel to the activities around the Agency, and I think one of the areas in which I am proudest of the accomplishments over the last 6 years has been the improvements in the management integrity that have occurred at the Agency. There have been vast improvements in that area, and the concerns that you have asked about—whether grant funds are being improperly used to litigate against the Federal Government, whether consent decrees are being used in a way that is inappropriate—are all abso-

lutely fair concerns that we should work together to ensure that you are satisfied on them. I know that we have, in fact, addressed a number of these issues in the past. We have worked hard to ensure that grant funds that the Agency provides are not used in any way, that Federal taxpayer dollars are not used in any way, to support litigation against the Federal Government. That would be inappropriate, and we have a number of management checks built into our system, designed to ensure that that is not, in fact, done.

I believe we have provided that list of grants to individuals on the House side, and we would obviously be happy to provide it to you, as well.

The questions that you raise about the use of consent decrees are also very important. They pose a number of very difficult and challenging issues for the Agency. As one example, under the Clean Water Act, we now face litigation, brought primarily by environmental groups, in approximately 35 States around the country for the failure of those States and the failure of EPA to carry out its obligations to perform, to carry out total maximum daily load calculations. That provides an enormous management challenge, and it is absolutely true that negotiations through consent decrees, the avoidance of litigation, provides an important management tool in order to help prioritize the Agency's responsibilities and carry those out.

In addition, it is very important that the public comment provisions when we do have negotiations and enter into a consent decree are absolutely abided by, that there be a fair and full and open opportunity for public comment about the obligations that the Agency does determine to take on. Generally it is our preference to work through settlement agreements rather than court-bound consent decrees, but there are times when that becomes necessary as well, and we would be pleased to work with you to gain a better understanding of your concerns in that area.

I wish you could have joined me several weeks ago when I went door to door at EPA's offices to meet the staff of our Office of General Counsel. The excitement of our lawyers at working for the public on the issues that EPA confronts every day is palpable, it's invigorating, and it's a joy to see. But it also creates a very deep responsibility to lead this group wisely, as does the responsibility of ensuring that our Nation's environmental laws are faithfully carried out. These are public trusts that, if confirmed, I look forward to working closely with you to ensure.

I would be very pleased to answer any questions that the committee may have.

Senator CHAFEE. Thank you, Mr. Guzy.

Are you willing to appear at the request of any duly constituted committee of the Congress as a witness?

Mr. GUZY. Yes, I am.

Senator CHAFEE. And do you know of any matters which you may or may not have thus far disclosed which might place you in any conflict of interest if you are confirmed in this position?

Mr. GUZY. No, I do not.

Senator CHAFEE. I think the questions that Senator Inhofe asked were very valid questions, and I will be curious as to the answer, likewise. If you can get those up as quickly as possible, it will help

us, because we do want to move along with your confirmation and that of Ms. Udall.

Mr. GUZY. I appreciate that, Mr. Chairman. I would be pleased to provide those to you, as well.

Senator CHAFEE. This is a very impressive job which you have, as we pointed out earlier. Not only do you have lawyers here, but you have lawyers scattered around the country.

Suppose EPA wants to pursue a clean water permit violator—I'm giving you a hypothetical here. Now, there would be lawyers, presumably, from the Office of Water at EPA's Office of Enforcement, is that correct?

Mr. GUZY. Lawyers from both of those offices, that is correct.

Senator CHAFEE. And your office, the Office of General Counsel?

Mr. GUZY. That's correct.

Senator CHAFEE. How about from the Department of Justice? Would there be lawyers there, too, from them?

Mr. GUZY. Oftentimes that is the case as well.

Senator CHAFEE. Now, how do you divide up the labor when you get so many cooks in the broth, here?

Mr. GUZY. It is more an art than a science.

Senator CHAFEE. I'll bet.

Mr. GUZY. Our office often serves the function of trying to mediate and work through the internal differences of opinion that may exist. It's not surprising that oftentimes there are different views. We bear primary responsibility at the Agency for understanding and interpreting the statutes that Congress has created.

Senator CHAFEE. Something that you can be helpful to us on is how we might fine-tune some of these statutes that we have. Now, sometimes it is not possible to do that in the Clean Water Act, the Clean Air Act, or whatever it is. By getting into the act, we open the door, and we may open the door to a lot of trouble. However, it is nice to know what the people out on the front lines would like.

So in the course of your work—this committee is here to help you, not to be an obstacle—in the course of your work, if you find that there should be fine-tuning in some respect of these laws, of these environmental laws, come up and let us know and we'll do what we can to fix them up. It may not be possible, but at least we would know from our experience in talking with you.

Now, let me ask you this, what are your top three priorities? Give us your priorities.

Mr. GUZY. First and foremost, Mr. Chairman, is to act as a careful steward of the environmental statutes that Congress has created. My primary responsibility will be to ensure that the Agency's actions are fully lawful, that they are true to both the letter and the spirit of the environmental statutes, and that they create sustainable constructs under those statutes as we move into new areas that may not have been fully anticipated when they were passed. In many instances, these laws have been around for 25 or 30 years, and they have been enormously successful laws. There are a new set of challenges that really need to be addressed under those laws.

Second, I would like to be able to foster new thinking on the Agency's behalf among the staff of the Office of General Counsel on alternative, nonregulatory methods for achieving our goals. Oftentimes we proceed down a course that almost seems pre-pro-

grammed to meet the responsibilities of the statutes. Things like enhanced partnerships with industry, communities, our fellow regulators, use of additional tools such as the appropriate use of information—I think that they often provide enormous opportunities for achieving the goals of the environmental and public health statutes and are ones that really merit very, very careful exploration.

And then last, I would very much like to employ the skills that I see that I have as a problem-solver and as a finder of common ground, to continue to develop agreed-upon areas of environmental and public health protection. It strikes me that nearly 30 years ago Congress created a very long-lasting structure for the future of environmental and public health protection, and some continuation of the discussion of what should be the framework for the next 30 years, in a nonpartisan and constructive manner, would be an enormously valuable contribution.

Senator CHAFEE. Well, thank you very much.

I just want to say, before calling on Senator Baucus, that there tends to be a sense of gloom sometimes about the environment. We see cases have been lost or activities taken, but if you just pick up today's New York Times, on the West Coast and the East Coast, you see two very, very exciting articles. The first one deals with the saving of that redwood forest on the West Coast, an incredible achievement for which we give credit to Secretary Babbitt and all who worked on it, and the State of California.

On the East Coast, in Maine, you might have seen that they have thousands of acres—I mean, hundreds of thousands of acres—that have been put into what you might call a conservation easement.

So good things are happening, and it is important for all of us to realize that and not just concentrate on the setbacks that we receive.

Senator Baucus.

Senator BAUCUS. Thank you very much, Mr. Chairman.

Mr. Guzy, I compliment you on your goals, and the last one particularly. I hope you have the time; I suspect that in the daily rush it is going to be difficult to accomplish all that, but I very much hope that you can.

I would like you, if you could, to just tell us your thoughts about cost-benefit analysis. It's kind of a buzz word around here, and well intended; people want to balance the costs against the benefits and determine what the proper results should be.

Yesterday we had an oversight hearing on the Safe Drinking Water Act and, as you know, there is a cost-benefit analysis provision there, but that's with respect to cancer only and not other health consequences that might occur, non-carcinogenic health consequences that might occur.

Senator Voinovich from Ohio suggested at an earlier hearing this year that perhaps cost-benefit should be applied to the ambient air standards and to other statutes.

What are your thoughts on what works and what doesn't work? You don't have to be too conclusionary about it, but what are some of the benefits and what are some of the problems that you run into? For example, how do you monetize certain benefits? Just any guidance you might have.

Mr. GUZY. Sure. Cost-benefit analysis, Senator, can be a very important analytical tool, cost-effectiveness considerations, for helping to understand and helping the public to understand the nature of the decisions we face in the environment and public health area, and to help improve the quality of those decisions.

Nonetheless, it carries with it a number of very significant pitfalls. You've mentioned the Safe Drinking Water Act, and I think it is an interesting model because it represents a very carefully balanced approach to the use of cost-benefit analysis. While it requires that analysis, on the other hand it doesn't mandate the use of its results as a decisional tool, and that's absolutely critical.

Second, there was an important recognition that this committee had in adopting that provision, that judicial review of the cost-benefit analysis should not be allowed to overwhelm the decisions that are made, should not become a barrier to carrying out the responsibilities of that statute.

Statutes and the challenges they pose may differ, so the kind of balance that is struck under the Safe Drinking Water Act may or may not be appropriate in different areas. You have mentioned the fact that the end points under the Safe Drinking Water Act primarily are cancer; the roots of ingestion are a glass of water, primarily, whereas something like the Clean Air Act—widely dispersed pollutants, a wide variety of end points, and the challenges then become much, much more difficult. There are very tough questions posed by cost-benefit analysis. How do you monetize those benefits? How do you truly understand the values that should be assigned to those things? How much do you value a lost IQ point in a child? How much can you value a decision that a child has to stay indoors, that they can't go outside and play soccer, that they miss a day of school? How do you value human life?

Oftentimes the results in cost-benefit analysis are so driven by the assumptions that are put into the equation that cost-benefit analysis really is a fairly crude tool that, in my opinion, cannot be used to drive, in and of itself, decisions about what the appropriate outcome should be.

Let me mention one other thing. There is a very wise recognition in the Clean Air Act that science and analysis will change over time, that it will improve, and that's why, for example, in setting public health ambient air quality standards, Congress recognized that that should be done periodically; that you stop, you do the best job you can every 5 years, and continue to refine and improve.

If Congress were to set up a test that requires that every question have a full answer in every single way, and that that then can be subject to judicial review in every single fashion, I believe that would be a recipe for not getting the job done and for ignoring the fact that science, our understanding, continues to progress.

Across-the-board statutes may be helpful in advancing more informed analysis, but if there is a cross-cutting statute, my belief is that it should not require that cost-benefit-based decisions be employed as a decisional tool across the board, and it should not allow judicial review of those analyses to supplant continued progress.

Senator BAUCUS. That's a very good response.

Another buzz word, "sound science." What does sound science mean to you?

Mr. GUZY. Sound science means that we employ the best, most reasoned basis for agency decisions; that we use the tools that are available for doing that, such as appropriate peer review to ensure the integrity of scientific decisions; and also that we deploy our resources based upon some understanding of what the relative risks are, based upon use of that science.

It oftentimes, I think unfortunately, is used as a codeword to challenge agency decisions and the integrity of those agency decisions based upon an assertion that we may or may not have taken appropriate steps without really looking carefully at those steps. One example is the use of appropriate scientific assumptions. It would be impossible to do our work without using some scientifically valid assumptions, and not having an absolutely complete data set in hand.

Senator BAUCUS. But is it true that in the final analysis it's a matter of judgment, that science can't make the judgment, that a regulator or a public policy person must eventually then make it?

Mr. GUZY. I would agree with you, Senator, that science is another tool that informs the kind of public policy decisions that are required under the environmental and public health statutes, that it oftentimes cannot provide complete yes-or-no answers, much as we would like it to be able to.

Senator BAUCUS. Thank you very much. You're going to do a good job.

Mr. GUZY. Thank you.

Senator CHAFEE. Senator Lautenberg.

Senator LAUTENBERG. Very briefly. Since I come from a business background, I am interested in process. I note that sometimes between various regional offices, that you will get different responses to things, and I am sure that's true in the Office of General Counsel as well.

Have you taken a look at that to see how headquarters functions with the regionals and see whether or not everybody has a common view, or what the approach to the problems ought to be?

Mr. GUZY. I have, and I have found the same thing that confirms your impressions. At the beginning of last week I met with all of our regional counsels from all 10 of the EPA regions, and we had a very productive discussion about ways that we could improve that situation.

In May, for the first time ever, we are hosting in Washington a national law office counseling conference, to provide uniform training to counseling attorneys across the country. In addition, we will be working to create a National Legal Council, consisting of our regional counsels, our Deputy General Counsels who are here today, and our Associate General Counsels who head our very small offices, in order to ensure that for difficult problems we can work them through together, and also that we can wisely deploy our resources so that we are not duplicating expertise in various areas around the country and reinventing the wheel.

Senator LAUTENBERG. OK. You did what I wanted to do, which was to indicate that you are aware of the problem and that you're going to do something to solve it. It would make for easier and more efficient functioning, I think, if we could get that done.

Mr. GUZY. Yes, sir.

Senator LAUTENBERG. You did respond in part on this to Senator Chafee. In the enforcement of environmental law there is sometimes a question or a doubt about whether it's the Department of Justice's or EPA's attorneys. Is it possible to have concurrent jurisdiction on these with the two agencies?

Mr. GUZY. I have actually had, as you know from my background, the benefit of working in both places. I believe that there is a very productive and strong relationship between EPA and the Department of Justice on environmental matters. They provide a variety of skills that the Agency does not currently have, and they provide an enormously valuable perspective as well, based upon their litigating strength.

Nonetheless, I would be happy to work with you to examine ways in which it may be appropriate to explore additional litigating authority for the Agency.

Senator LAUTENBERG. OK. I am on the subcommittee that has jurisdiction over Justice appropriations, and I am interested in seeing how we can improve the function.

I thank you very much, and I agree with the comments made by others that you are going to do very well, that you are going to represent EPA and the Government very well, and you also bring some distinction to our precious little State of New Jersey. Thank you very much.

Mr. GUZY. Thank you, Senator.

Senator CHAFEE. OK, Mr. Guzy, if you can get those answers to Senator Inhofe quickly, and send us a copy, if you would, to the committee here.

Thank you very much.

Mr. GUZY. Thank you, Mr. Chairman.

Senator CHAFEE. All right. Now, Ms. Udall, why don't you go ahead with your statement?

**STATEMENT OF ANNE UDALL, NOMINATED BY THE PRESIDENT TO BE REAPPOINTED AS A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION**

Ms. UDALL. All right. I asked Mark to stay so that I could really tell you the truth about him.

[Laughter.]

Ms. UDALL. We are all really excited about his new job. We think it's funny that he has to wear a coat and tie every day, so we give him a hard time, but we're very proud of Mark.

Mr. Chairman and members of the committee, I am pleased and honored to be nominated for another term on the Board of Trustees of the Morris K. Udall Foundation. Since the Foundation's beginning 4 years ago, I have had the privilege of serving on the Foundation as the vice chair. In the past 4 years we have proudly carried on the vision of a man who has been a great public servant.

As Senator Chafee mentioned, today is particularly poignant for me as his colleagues and my family will honor Dad at a memorial service this afternoon in a place that he loved, the U.S. Congress.

There has been much said about Dad over the years, but when Mark and I and four of my other brothers and sisters were at the

White House on behalf of Dad, and President Clinton awarded Dad the Medal of Freedom, the President said about Dad,

His landmark achievements, such as reforming campaign finance, preserving our forests, safeguarding the Alaskan wilderness, and defending the rights of Native Americans were important indeed. But he distinguished himself above all as a man to whom other leaders would turn for judgment, skill, and wisdom. Mo Udall is truly a man for all seasons and a role model for what is best in American democracy.

Senators will recall that the Udall Foundation is both similar to, and different from, its predecessors in the Federal family, the Truman, Madison, and Goldwater Foundations. We are similar in that we are educational entities that award college scholarships, fellowships, and internships to further public goals. The Udall Foundation's focuses are the environment and Native American affairs.

We differ in that our Foundation was given a broader mandate than the others. Congress also told us to do policy work in the areas of Native American health care and environmental conflict resolution; to hold annual conferences on important national issues; and to work with the Udall Center at the University of Arizona to generate new research in our fields.

The Foundation, in carrying on Dad's legacy, is dedicated to civility, integrity, and consensus. Since our establishment we have accomplished the following.

The Foundation has awarded 220 scholarships to college juniors and seniors who are planning careers in the environment or Native American health care. Interest in the Udall scholarships has grown rapidly and today, more than 1,200 colleges and universities participate.

Senator CHAFEE. I didn't quite understand that. What does it mean, "participate"?

Ms. UDALL. One of the ways that you succeed in awarding scholarships is that you make sure that each campus has a scholarship representative. Actually, campuses can turn you down. So a scholarship program can come to a campus and say, "We'd like you to publicize this," and they can say no. So it's really quite an accomplishment when you have 1,200 campuses that actually have representatives who say, "I will shepherd this through; I will make sure students hear about it."

Senator CHAFEE. Does Brown University participate, for example? Do you know?

Ms. UDALL. Yes.

Senator CHAFEE. The University of Rhode Island, perchance? Do you know? I mean, it seems to me that they ought to.

Ms. UDALL. If they don't, we'll make sure they do.

[Laughter.]

Senator CHAFEE. Well, if you could draw it to their attention, I would appreciate it.

Ms. UDALL. Definitely.

Senator CHAFEE. It seems to me that it makes a scholarship available for the young people who are there.

Ms. UDALL. Right.

Senator CHAFEE. Thank you. Go ahead.

Ms. UDALL. The demand is such that the Board would like to raise the annual number of awards from 75 to 100, and the stipend from \$5,000 to \$7,500.

We have initiated the first Native American congressional Internship Program, with which I know you are familiar. This year we graduated and sent back to their tribes the third class of Udall interns with an enriched knowledge of Congress and the executive branch. Congressional interns, all of whom are college graduates, are split evenly between Republican and Democratic offices. Three slots have been available at the White House. Interns are lodged at The George Washington University and are provided a per diem and, upon successful completion of the program, a stipend of \$1,200.

The program also provides regular counseling, travel to historic sites, and special meetings with national leaders. The evidence thus far suggests that our graduates are having a dramatic impact on their tribes.

The Foundation has begun a program to support top doctoral candidates in their dissertation years. Last year we began by authorizing the gift of \$24,000 each to two of the Nation's leading graduate students after a national competition. The first year was judged a success, yielding two potentially publishable theses covering new ground in environmental research. The Board has decided to continue the program this year and expand it over time as our financial resources grow.

We have sponsored two widely reported national conferences on environmental issues, and a third conference last October on Native American health care.

The Foundation has conducted extensive preliminary planning for a program that will begin this year, which is called Parks In Focus. In cooperation with the Boys and Girls Club, the National Park Service, and two private concerns, Cannon and Kodak, we will take inner city into our National Parks for long weekends. They will be given cameras and will engage in photography contests. Their photos then will be displayed in their schools. This effort with grade school children will supplement our educational programs which focus primarily on college and graduate students.

Finally, again, an effort with which the committee is very familiar, we have undertaken a searching analysis of the methods of environmental conflict resolution and its possible use by Federal agencies. The Foundation's efforts include convening a large national conference on this subject and conducting simulations to test negotiating methods.

This research led to a request by Senator John McCain, that the Foundation undertake a formal role as the Federal mediator in environmental disputes. In consultation with the White House, Senator McCain introduced S. 399, which was subsequently approved by the final Senate and House and signed by President Clinton in January of last year. The law creates within the Udall Foundation a new Federal entity known as the United States Institute for Environmental Conflict Resolution. This Institute will be located with the Foundation in Tucson, providing a neutral site within the Federal establishment but outside the Beltway where public and pri-

vate interests can seek common ground and settle environmental disputes.

The Institute is intended to give yet another boost to the growing environmental conflict resolution movement, to move away from a period of confrontation and litigation to a new area where we follow Mo Udall's lead and strive for consensus.

I am hopeful that the committee can see the great work that the Foundation has undertaken and is continuing to pursue. For me personally, as Mo's daughter and as an American who is committed to public service in my own life, serving on the Board of Trustees has been a very special honor for me. Over the past several years, as Dad struggled daily with the trials of Parkinson's disease, I had a great deal of pride and satisfaction knowing that in some small way I was able to carry on his great work. I would very much appreciate the opportunity to continue to serve on the Board of Trustees of the Morris K. Udall Foundation.

Thank you.

Senator CHAFEE. Well, thank you very much, Dr. Udall.

Are you willing to appear at the request of any duly constituted committee of the Congress as a witness?

Ms. UDALL. Yes.

Senator CHAFEE. Do you know of any matters which you may or may not have thus far disclosed which might place you in any conflict of interest if you are confirmed?

Ms. UDALL. No.

Senator CHAFEE. I take it that your organization is headquartered in Tucson?

Ms. UDALL. That is correct.

Senator CHAFEE. What other sources of revenue, outside of—I'm not even sure of what your sources of revenue are. Start with the Federal Government.

Ms. UDALL. The Federal Government in the initial legislation gave \$20 million to the Foundation as their corpus, and the Foundation has very strict laws that regulate how the money can be spent. We spend the interest off the corpus. The Congress just approved another \$4.25 million.

The legislation also gives us the opportunity to raise private funds if we wish, which we have not pursued as a Foundation, but I think at one point we will look at that as a possibility.

Senator CHAFEE. I would encourage you to do that, because I think that there is going to be a feeling that if there is no private support for one of these undertakings—and we have several of them, as you have mentioned here; indeed, I thought there would have been more than you listed. You mentioned the Truman, Madison, and Goldwater Foundations. I would have thought there would be more than that. I thought we did one for Sam Nunn.

But in any event, I think that the attitude is going to be that "it's time each tub stood on its own bottom" to the greatest extent possible, and if there is no public support for such an Institute or Foundation, then why should the Federal Government continue doing it solely?

Ms. UDALL. The Board is very, very aware of the issue that you have raised. I think in our first couple of years we felt a very strong commitment to make an impact and to do some good things

with the money. I also agree with you that we will be looking at and pursuing other sources of support.

Senator CHAFEE. Good.

You know, it's amazing; there's a lot of money out there. There is. There is money rolling around in this country that astonishes you. Some humble-seeming person that you never suspected will walk in and plunk down a million dollars. Now, I'm not saying that these things are lying around and all you have to do is bend over and pick them up, but it is astonishing, the money that can be raised.

Senator BAUCUS.

Senator BAUCUS. Thanks, Mr. Chairman.

I might say, you might try to grab it now before the stock market takes a dip.

[Laughter.]

Senator BAUCUS. I am particularly interested in conflict resolution. Could you tell us what you are doing and what lessons you have learned that could be applied elsewhere in environmental disputes?

Ms. UDALL. Right now, Senator Baucus, the Conflict Resolution Center has really been in the process of defining its role and really looking at how it is going to be a broker for other Federal agencies.

I think one of the things that we're learning is that once you get people to the table, you can often find common ground, and it's about really encouraging people that there is a benefit to talking about something before you look at litigation.

Senator BAUCUS. Now, do you make yourselves available for various disputes?

Ms. UDALL. Yes. The law states that Federal agencies must use us before they move to litigation, and then we will also make ourselves available to other people as a broker for services. We will engage in some mediation, but our primary responsibility is to help agencies and other groups that are in disagreement to find people who can help them mediate.

Senator BAUCUS. Can you give us an example of where you've jumped in and helped?

Ms. UDALL. Yes. Right now we're looking for perhaps a national case or two to take on, but one that we did get involved in was actually in Arizona. We helped mediate some work over the placement of a building and how it would impact on the owl population. There were a number of agencies in the Arizona area that were particularly deadlocked, so the Institute helped pull together some folks to talk about it and to really see if we could resolve that.

Senator BAUCUS. Do you get at all involved in undertakings to start even earlier, sort of work with groups to prevent conflicts from arising in the first place?

Ms. UDALL. One of the big pieces—and the Board right now is really sort of fleshing out how we want to make an impact, because it is such a growing area and there is such great need—but one of the areas that we are putting a lot of attention on is the actual training of folks in conflict mediation who are involved, so that before it even gets to the point of litigation, people realize that there are tools available to them and how they might reach consensus.

Senator BAUCUS. Again, can you give an example?

Ms. UDALL. I don't have any examples of the training we have provided, although I do know that that will be a major focus for us over the next 2 years.

Senator BAUCUS. Now, is your charter for conflict resolution broad? Is it narrow?

What I'm getting at is this. We have a highway problem in Montana—

[Laughter.]

Ms. UDALL. Bring it on, right?

Senator BAUCUS. Right. It is Highway 93, and it is very heavily traveled. It is a very scenic part of Montana. It goes through a Salish-Kootenai Reservation, a Flathead Reservation, and the Federal Government, the Federal Highway Administration, the State, and the tribe are trying to figure out what to do with this highway. We all know there's going to be a highway, we just don't know what the design is going to be.

So I will give them your name.

[Laughter.]

Ms. UDALL. We are ready.

As an outsider to all of this, when this issue was first raised and we pulled together a lot of people, I was astounded at the sort of "family conflicts" that arise just among Government agencies. It was astounding to me.

So it is very much part of our vision to work in situations like you described.

Give them Terry's name and Chris' name.

[Laughter.]

Senator BAUCUS. OK. Well, if you get a phone call, you will know where it came from.

Ms. UDALL. That's great.

Senator BAUCUS. OK, thank you.

Senator CHAFEE. I know Senator McCain was very anxious to be here to introduce you, Dr. Udall, and regrettably he couldn't be here, but I want to officially say that I am sure he regrets a great deal that he couldn't be here.

Ms. UDALL. Thank you.

Senator CHAFEE. OK, that concludes it. We thank you, and we want to move along with this nomination rapidly.

Ms. UDALL. Thank you very much, Senator.

[Whereupon, at 9:58 a.m., the committee was adjourned, to reconvene at the call of the chair.]

STATEMENT OF GARY S. GUZY, NOMINATED TO BE GENERAL COUNSEL,  
ENVIRONMENTAL PROTECTION AGENCY

Thank you and good morning, Mr. Chairman and Members of the Committee. It is a great honor to be here today and to have been nominated by the President and asked by Administrator Browner to serve as General Counsel of the Environmental Protection Agency.

I believe that now is an opportune time to be taking on the challenges of serving as EPA's General Counsel for several reasons:

First, EPA today is a fundamentally different organization that is reconnected to communities and the American people—helping make a difference in the issues people face in their everyday lives. EPA no longer is "the crucible of everyone's discontent", as it was once referred to in the past. It has become the crucible of hope. Whether it be the child who suffers from asthma, or the family that lives near a river too polluted for fishing or swimming, our Nation still has much to do to protect the health of its citizens and its environment. As I go about my work, I think back

to my early childhood—living in Newark, New Jersey, with my mother, a single parent and a dedicated public school teacher. From it I recognize that a government that is caring and honest and open can make a difference in the lives of ordinary citizens. I look to my own two small children and recognize the importance of the work we are embarked on together, to assure them a healthy future and the continued enjoyment of our Nation's legendary natural bounty that has been so important throughout my life.

Second, I am hopeful we are again entering a time of basic agreement on the tasks that are to be done to advance public health and environmental protection. The pendulum has done some swinging back and forth now for many years, but I now sense a more fundamental agreement on the important work that we all have to do together to continue the bipartisan accomplishments of the past 30 years. As the public health and environmental statutes have matured, we must keep their overall goals and framework in mind as we apply the law to new situations in fresh ways. These developments will continue to challenge us, and will demand balance, common sense, and judgment. If confirmed, I look forward to a close cooperative relationship with the Committee and its staff in carrying out this work.

I have been privileged over the last several years to have worked with Administrator Browner, who with her senior leadership team, has demonstrated an uncompromising commitment to the protection of public health and the environment, accomplished through creative means that provide unprecedented flexibility to communities and industry. This approach has continued to demonstrate that our economy and our environment are inextricably linked and that a strong economy and a healthy environment are twin and compatible goals that must drive our actions.

In the course of this work, I have had the opportunity to work with several members of this committee and their staffs on many issues of shared interest. These include working to protect children from the threat of environmental tobacco smoke and helping to insure the future of the Everglades. These efforts have required the careful and respectful coordination of activities in the legislative, executive, and judicial branches.

When I think of some of the major issues EPA will face over the next several years, I am struck by how central lawyering will continue to be to the success of these efforts. Whether it be new efforts to apply more broadly the lessons learned from reinvention, or EPA's setting of new tailpipe emissions and sulfur in fuels standards; or our implementation of the protections for children of the new Food Quality Protection Act, or new chemical testing initiatives being developed with industry and the environmental community; whether it be meeting the challenge of the responsible collection, use and dissemination of information, or EPA's work under the Clean Water Action Plan to address non-point source pollution—all of these challenges will demand the best from our Nation's premier environmental law firm.

I am delighted to be rejoining a group that is as talented, creative, dedicated, and hardworking as the career staff at EPA's Office of General Counsel. They have an expertise in environmental law that is unmatched. I recognize that EPA's currency with Congress, the courts, and the public is its credibility, and that much of this rests with the objectivity and integrity of the work of the Agency's Office of General Counsel. I look forward to continuing the great traditions of that office and to this opportunity for continued public service.

I also know—from my career in the private practice of environmental law representing private industry and States, and then from my work at the Department of Justice and at EPA representing the Federal Government—that keeping an open mind and being attentive to absolute fairness of process for all affected parties are also essential to the ultimate success of our work. When I clerked for Judge Elbert Tuttle—who had by then served as a Federal Circuit Court judge for 30 years, following his already long and distinguished career in private practice and the military—it so impressed me that he was vitally interested in my relatively uninformed views. This openness of thinking—this reaching out to hear all perspectives, no matter how long or hard we have been immersed in an issue—is critical to improving the quality of EPA's analysis and of its decisions. Also critical is maintaining the highest of ethical standards. These are values that, if confirmed, I will strive to take to my job every day, and to continue to build in our staff.

I will also work tirelessly to ensure that we create a seamless web of consultation with our agency clients by early work to help identify sound legal approaches to carrying out the Agency's mission. I want to build on the capacity for innovative, not purely reactive, counseling. And I recognize that the EPA's General Counsel has the rare luxury of a vantage point that cuts across all of the Agency's work—providing an important perspective and means for integrating disparate agency activities.

I wish you could have joined me several weeks ago when I went door-to-door at EPA's offices to meet the staff of the Office of General Counsel. The excitement of our lawyers at working for the public on the issues EPA confronts every day is palpable and invigorating. It is a joy to see. But it also creates a deep responsibility to lead this group wisely, as does the responsibility of ensuring that our Nation's environmental laws are faithfully carried out. These are public trusts that, if confirmed, I look forward to working closely with you to continue to ensure.

I would be pleased to answer any questions you may have.

# UNITED STATES SENATE

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING

WASHINGTON, DC 20510

# INFORMATION

## REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

**Name of Nominee:** Gary S. Guzy

**Business Address:** U.S. Environmental Protection Agency  
401 M Street, SW, Washington, DC 20460

**Business Phone:** (202 ) 260-8040

**Home Address:** 2337 Ashmead Place, N.W.  
Washington, DC 20009

**Home Phone:** ( 202 ) 483-8860

UNITED STATES SENATE  
 COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
 STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Guzy Gary Schoenholtz  
 (Last) (First) (Middle)

Position to which nominated: General Counsel, U.S. Environmental Protection Agency

Date of Nomination: January 14, 1999

Date of birth: 4th July 1958 Place of birth: Newark, New Jersey  
 (Day) (Month) (Year)

Marital status: Married Full name of spouse: Sharon Anita Sprague

Name and ages of children: Zoe Guzy-Sprague, Age 6  
Alexander Guzy-Sprague, Age 3

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>Cornell Law School</u>	<u>1979-1982</u>	<u>Cum Laude J.D.</u>	<u>1982</u>
	<u>Cornell University</u>	<u>1976-1979</u>	<u>A.B. Magna Cum Laude</u>	<u>1979</u>

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Acting General Counsel, U.S. Environmental Protection Agency, Washington, DC 11/17/95 to present  
Counselor to the Administrator, U.S. Environmental Protection Agency, Washington, DC 1994-1995 to 1995  
Deputy General Counsel, U.S. Environmental Protection Agency, Washington, DC  
Senior & Trial Attorney, U.S. Department of Justice, Environment & Natural Resources Division, Environmental Defense Section, Washington, DC 1987-1994

**Employment record—continued**

Associate, Kaye, Scholer, Fierman, Hays & Handler, Washington, DC 1983-1987

Judicial Clerk, Honorable Elbert P. Tuttle, US Court of Appeals for the Eleventh Circuit, Atlanta, Georgia 1982-1983

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Honors and awards:**

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

U.S. Department of Justice, Environment & Natural Resources Division, Special Commendation for Outstanding Service, 1991

U.S. Department of Justice, Environment & Natural Resources Division, Special Achievement Awards, 1990 & 1991

Quill & Dagger Honorary Society, Cornell University, 1979

\_\_\_\_\_  
\_\_\_\_\_

**Memberships:**

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
<u>Bar Memberships in New York &amp; District of Columbia</u>		<u>Since 1983</u>
<u>Cornell University</u>	<u>Trustee</u>	<u>1978-1982</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Qualifications:**

State fully your qualifications to serve in the position to which you have been named.

I have practiced environmental law for over 15 years and have had extensive

## Qualifications—continued

experience with the legal and policy challenges facing the Environmental Protection Agency. For the past three years, I have served as Counselor to EPA Administrator Carol M. Browner, serving as her senior policy advisor. In this role, I have been a part of the Agency's senior management team, providing advice on most of the major issues EPA has confronted. In my role as EPA's Deputy General Counsel, I gained extensive experience with EPA's litigation practice and counseling needs. Through my work at the Department of Justice, I came to appreciate the importance of specific statutory constructs and language and the role of courts in environmental law. I have also had the opportunity to represent industry and states in the private practice of environmental law, and to understand better their concerns and needs. During this entire period, my work with Congressional staff has given me an appreciation of the critical role Congress plays in setting national environmental priorities and in overseeing EPA's efforts.

**Future  
employment  
relationships:**

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I will continue my work on behalf of the Environmental Protection Agency.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

I have no such plans.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I left the EPA Deputy General Counsel position to serve as Counselor to the Administrator, and left that position to serve as Acting General Counsel.

**Financial Statement:**

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None, other than established Rollover 401(k) plans, noted on p.2, lines 1-5 and p. 3, lines 1-3 of SF-278 Schedule A.

2. Are any assets pledged?

None, other than my residences as security for their mortgages.

3. Are you currently a party to any legal action?

No.

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

No.

**Potential conflicts of interest:**

1. Describe any financial or deferred compensation agreements or other continuing of interest dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

As disclosed in my SF-278, my wife has a one-half remainder interest in stock in Tenneco Corporation, currently held by her parents' estate. This interest is worth approximately \$5,400.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I have executed an ethics agreement with EPA's Designated Agency Ethics Official recusing me from any specific party matters involving Tenneco. My wife and I intend to liquidate this stock if it is distributed to her by the estate.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

See Materials Transmitted by Office of Government Ethics with my SF-278.

**Political affiliation and activities:**

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years.

I have been a contributing member of the Democratic National Committee  
during the past ten years.

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**Published writings:**

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

"Wasted Recovery?: Private Cost Recovery Actions Under Superfund," 8 Chem.  
Waste Lit. Rptr. 523 (1984) (With David Bickart) (Publication)  
Recent Experiences in Regulatory Reform, Keystone, Colorado 3/24/96 (Speech)  
Various Speeches during 1994 and 1995 on wetlands regulation and private  
property rights (ALI/ABA, National League of CITIES Federal Circuit Bar)

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**Additional Matters:**

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

Additional matters—continued

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\_\_\_\_\_  
\_\_\_\_\_

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

*Gary S. Guzy*  
GARY S. GUZY

DISTRICT OF COLUMBIA, WASHINGTON ) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 21<sup>st</sup> day of JANUARY, 1999.

*Francis P. Bonds*

Notary Public

FRANCIS P. BONDS

NOTARY PUBLIC, DISTRICT OF COLUMBIA

My Commission Expires 31 August 2001

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS,  
ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC 20460, May 7, 1999.

THE HONORABLE JOHN CHAFEE, *Chairman*  
United States Senate  
Washington, DC 20515

DEAR MR. CHAIRMAN: This letter completes our response to the two requests for information that Senator Inhofe made during the March 4, 1999 hearing on the nomination of Gary Guzy for the position of the Environmental Protection Agency (EPA) General Counsel and that you clarified in a letter dated March 10, 1999. It supplements the partial responses we sent you on March 15.

*First Request*

In your first request, you and Senator Inhofe asked for:

- a list, covering the last ten years, of all grants to individuals or organizations (except States and local governments) that have also sued the Agency, including pending litigation. Please include the amount and purpose of the grant, and the relevant dates for the grants and the lawsuits.

In discussions with Chad Bradley of Senator Inhofe's staff on March 19, Mr. Bradley clarified that grants to Tribal governments, as well as State and local governments, are excluded from this request.

In response to your request, we are enclosing a list of non-governmental individuals and organizations that received grants from EPA from January 1, 1989 to March 31, 1999 and that also sued EPA during that period. For each grant received by these individuals and organizations during the January 1, 1989–March 31, 1999 period, we have identified the amount of the grant.

Although your request does not cover governmental entities, EPA has been sued on many occasions by States, local governments, and tribes that have received EPA grants.

the purpose of the grant, the date the grant was awarded, and the date of the project. In a separate list, we have identified the filing dates of the lawsuits brought by these entities against EPA.

Our response to this request was prepared by cross-checking a Department of Justice computerized list of all the parties in all the cases filed against EPA since January 1, 1989 against a computerized list of EPA grant recipients from FY 1989 to the present. After we identified those grant recipients that were also parties in lawsuits against EPA, we cross-checked that list against the computerized case list, and came up with a list of cases brought by EPA grantees.

We encountered a number of challenges trying to ensure accurate results. For example, quite a few of the over 3500 names on the case list were incomplete, and we had difficulty matching them up with the names on our grants list (and vice versa). The case list identified lead plaintiffs and lead petitioners, but did not indicate the party status of other listed parties. We tried to clarify some of this information by checking paper files, but the files were sometimes incomplete, particularly for older cases. In short, while we believe the enclosed lists are reasonably accurate and complete, it is possible that they may contain some errors or omissions.

We also want to bring one other issue to your attention. In a number of situations involving related corporate entities or chapters of national non-profit organizations, we had difficulty determining whether the entity that sued us was the entity that received a grant. For example, EPA has been sued by Texaco Exploration & Production, Inc. We do not know whether this company is part of Texaco, Inc., which received a grant from us, or is a separate corporate entity. Where we were able to sort out these types of relationships, we have done so. Where we were unable to do so, we have taken the conservative approach of listing all grantees and all litigants. This may overstate, however, the number of litigants who received EPA grants.

You should be aware that every EPA grant agreement is conditioned on compliance with OMB Circulars that prohibit the use of grant funds for suits against the Government. Specifically, they prohibit “costs of legal, accounting, and consultant services, and related costs, incurred in connection with ... the prosecution of claims or appeals against the Federal Government” (OMB Circular No. A-122, Attachment B, Section 10.g, which applies to nonprofit organizations; same provision in Circular No. A-21, Section J. 1 l.g, which applies to educational institutions) and “legal expenses for prosecution of claims against the Federal Government” (Circular No. A-87, Attachment B, Section 14.b, which applies to State, local, and tribal governments). In addition, EPA’s appropriation acts provide that grant funds may not be used “to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings.”

In addition, there are numerous administrative checks to assure that these requirements are met. EPA carefully reviews all grant applications and does not approve applications which indicate that grant funds are to be used for litigation. Every grant agreement expressly states that the agreement is subject to all applicable legal requirements, including statutes and OMB circulars such as the ones cited above. At the time a grant is closed out, the grantee must certify that grant funds have been spent consistent with the grant agreement. If EPA disagrees, it may disallow the expenditures. Furthermore, if the grantee knowingly falsifies this certification, it is subject to criminal penalties. Finally, improper expenditures may be identified either through EPA’s oversight of grant agreements or through the Inspector General’s audit of particular grant agreements.

#### *Second Request*

In his original second request, Senator Inhofe asked for “a list of all parties to any ‘consent agreements’ that the EPA entered into over the last six years.” He also asked us to provide “a description of what was agreed to in the consent agreements, and which parties were present during the negotiations.” On the afternoons of March 4 and 5, Mr. Bradley clarified that this request (1) was limited to non-governmental parties and does not include states, tribes, and local governments, (2) was limited to consent orders in defensive litigation and does not cover consent orders

in enforcement litigation or settlement agreements, and (3) covered a ten-year period.

On March 15, we sent you and Senator Inhofe and Senator Baucus, a table responding to your request as we understood it. After we sent you this information, we received your March 10 letter, which further clarified the request as follows:

I would like a list of all parties to any "consent agreements," "settlement agreements," or related matters that the EPA entered into over the last ten years, including pending litigation. Please include a description of what was agreed to in the consent agreements, and which parties were present during the negotiations.

In a March 19 discussion, Mr. Bradley clarified that (1) this request is limited to consent orders and settlement agreements in defensive litigation and does not cover consent orders or settlement agreements in enforcement litigation, (2) the reference to pending litigation means that the list should include consent agreements and settlement agreements in pending (as well as closed) cases, and (3) the reference to "related matters" means that the list should include any court document that has the same effect as a consent order or settlement agreement.

Enclosed are two tables containing the information you requested, plus information on the basis for the consent orders and settlement agreements. Because some of the EPA attorneys who worked on the older consent orders and settlement agreements are no longer employed by the Agency and because some of our older litigation files contain limited information, we had some difficulty assembling the information you requested for some of our older cases<sup>2</sup>. We believe, however, that the enclosed tables are reasonably accurate and complete.

<sup>2</sup> For a few of our older cases, we have been unable to identify a case number or other pertinent information about the case.

Please note that virtually all the orders in the enclosed consent order table merely establish court deadlines for EPA actions that are required by statute and do not dictate the content of those actions. Where they involve a commitment to undertake rulemaking, EPA's actions would be subject to the notice-and-comment provisions of the Administrative Procedure Act. Like all consent orders, each of these orders was reviewed at a high level within the Department of Justice and by a court to ensure that it was fair, reasonable, and in the public interest. In addition, it is the policy of the Department of Justice that the United States not consent to court orders which contain provisions for injunctive relief which could not be ordered by a court unilaterally. Finally, you should be aware that Section 113(g) of the Clean Air Act requires EPA to provide notice of and opportunity to comment on defensive consent orders under the Clean Air Act before they are final or filed with a court, a practice to which EPA carefully adheres.

The settlement agreements generally fall into three main categories: (1) agreements to resolve challenges to Agency rulemaking, in which EPA agrees to conduct further rulemaking or studies or to issue guidance on or otherwise clarify some aspect of the rule, (2) agreements to resolve disputes involving the payment of money (e.g., requests for attorneys' fees, takings claims, claims for reimbursement of response costs under Superfund), and (3) agreements to resolve allegations of Agency inaction, in which EPA agrees to take action by a date certain or to take actions which will contribute to the timely resolution of a matter. Like consent orders, rulemaking undertaken under these agreements would be subject to the notice-and-comment provisions of the Administrative Procedure Act, and the agreements themselves are reviewed by the Department of Justice and a court.

We believe this responds fully to the requests you and Senator Inhofe made on March 4 and 10. If you need additional information on this matter, however, we would be pleased to provide it.

Sincerely,

DIANE E. THOMPSON,  
*Associate Administrator for Congressional and Intergovernmental Relations.*

Ligant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
<b>ALABAMA RIVERS ALLIANCE INC</b>									
89	4	384624-99-0	ALABAMA RIVERS ALLIANCE INC		\$20,000	11/18/98	11/15/98	03/31/99	SOURCE WATER ASSESSMENT PROGRAM (SWAP)
<b>ALASKA CENTER FOR THE ENVIRONMENT</b>									
95	10	895397-01-0	ALASKA CENTER FOR THE ENVIRONMENT		\$20,000	04/11/95	07/01/95	06/30/96	GREEN STAR in the Schools Experiential Learning Project
<b>ALASKA CLEAN WATER ALLIANCE</b>									
95	10	996952-01-0	ALASKA CLEAN WATER ALLIANCE		\$5,000	06/29/95	06/01/96	06/01/97	SCOPING FOR COPPER RIVER DELTA DEMONSTRATION PROJECT
<b>AMERICAN FOREST &amp; PAPER ASSOCIATION</b>									
96	HQ	825078-01-0	AMERICAN FOREST & PAPER ASSOC		\$46,251	08/20/96	10/01/96	11/30/98	DEVELOPMENT OF OUTREACH MATERIALS FOR LOGGERS AND LANDOWNERS--To produce hands-on materials to use in explaining to landowners and loggers the best management practices for protecting water quality.
<b>AMERICAN LITTORAL SOCIETY</b>									
90	HQ	817595-01-0	AMERICAN LITTORAL SOCIETY		\$81,200	06/26/90	06/26/90	09/30/91	"New Ladies/ Beach Clean-Up" To clean up New Jersey beaches and to identify the types of debris found, its sources, + whether steps can be taken to prevent such debris from entering the marine environment and littering beaches.
93	2	002822-01-0	AMERICAN LITTORAL SOCIETY		\$26,000	09/22/93	10/01/93	09/30/94	NY/NJ HARBOR ESTUARY PROGRAM
94	2	992322-01-0	AMERICAN LITTORAL SOCIETY		\$16,500	04/15/94	05/01/94	11/01/94	ENVIRONMENTAL EDUCATION PROGRAM
94	HQ	823308-01-0	AMERICAN LITTORAL SOCIETY		\$10,000	06/02/94	09/05/94	12/04/94	'1984 COALITION TO RESTORE URBAN WATERS SECOND FRIENDS OF WASHED RIVERS NATIONAL CONFERENCE - To provide information and knowledge to grass-roots organizations to share experiences and related to efforts to restoring and
<b>AMERICAN LUNG ASSOCIATION</b>									
98	HQ	824687-01-0	AMERICAN LUNG SOCIETY		\$25,000	02/07/98	02/12/98	10/31/98	'AMERICORPS' THE SECOND RIVER RESTORATION PROJECT - The purpose of this project is to help residents of the Second River watershed to improve their environmental equity by providing environmental education and protection services in
97	2	992320-01-0	AMERICAN LITTORAL SOCIETY		\$1,000	09/26/97	10/01/97	06/30/98	NEAR COASTAL WATERS
90	HQ	816764-01-0	AMERICAN LUNG ASSOCIATION		\$2,639,449	01/11/90	12/21/89	06/30/94	'RADON PUBLIC INFORMATION PROGRAM AND INDOOR AIR QUALITY PROJECTS - To educate the public about health hazards of radon and indoor air quality issues through major public awareness campaigns.
91	HQ	817771-01-0	AMERICAN LUNG ASSOCIATION		\$200,315	10/12/90	10/01/90	12/31/94	'PHYSICIANS GUIDE TO INDOOR AIR POLLUTION. The Guide will inform practicing physicians and others in the medical profession about major indoor air pollutants, their sources and health effects, and appropriate control strategies.
91	HQ	818718-01-0	AMERICAN LUNG ASSOCIATION		\$238,663	09/15/91	10/9/91	06/30/96	COMPREHENSIVE OUTREACH CAMPAIGN MOTOR VEHICLE EMISSIONS CONTROL PROGRAM - To inform affected audiences about their rights and responsibilities under the Clean Air Act in relation to the tamper
92	4	002082-01-0	AMERICAN LUNG ASSOCIATION OF NYS		\$20,000	02/24/92	02/01/92	01/31/93	INDOOR AIR QUALITY
92	4	894305-92-0	AMERICAN LUNG ASSOCIATION OF NYS		\$38,068	09/10/92	09/10/92	09/30/93	INDOOR AIR OUTREACH PROJECT
93	2	002851-01-0	AMERICAN LUNG ASSOCIATION OF NYS		\$12,555	09/20/93	08/31/93	12/31/95	INDOOR AIR QUALITY
94	2	992027-01-0	AMERICAN LUNG ASSOCIATION OF MASSAU-SUFFOLK		\$10,289	04/15/94	05/01/94	04/30/95	ENVIRONMENTAL EDUCATION PROGRAM

Litigant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
	94		2 002851-01-0	AMERICAN LUNG ASSOCIATION OF NYS	\$14,523	08/29/94	07/01/94	12/31/94	INDOOR AIR QUALITY SCHOOL PROGRAM
	94		5 995490-01-0	AMERICAN LUNG ASSOCIATION OF MICHIGAN	\$30,000	08/26/94	08/01/94	04/30/98	INDOOR AIR PROGRAM
	94		7 997098-01-0	AMERICAN LUNG ASSOCIATION	\$61,500	09/30/94	10/01/94	09/30/95	INDOOR AIR QUALITY PUBLIC OUTREACH PROGRAM TO reduce public exposure to radon and indoor air quality in local communities and nationwide.
	94	HO	822807-01-0	AMERICAN LUNG ASSOCIATION	\$2,747,669	05/18/94	07/01/94	06/30/99	HEALTH EFFECTS OF OUTDOOR AIR POLLUTION DOCUMENT - To develop a reference that reviews recent information on the health effects of the criteria air pollutants.
	94	HO	822831-01-0	AMERICAN LUNG ASSOCIATION	\$85,910	09/30/94	10/17/94	03/31/98	'SCHOOL-BASED COMMUNITY MOBILIZATION REQUEST FOR ASTHMA CONTROL IN AT-RISK COMMUNITIES - The purpose of this project is to train and empower volunteers to identify and address asthma problems in the school-based asthma program and to encourage
	94	HO	823585-01-0	AMERICAN LUNG ASSOCIATION	\$239,392	09/31/94	10/01/94	06/30/99	REDUCTION OF GREENHOUSE GASES IN MOTOR VEHICLES AND BUGHADITION FOR OUT-GASING IN HOME greenhouses. The objective of this project will be to reduce the amount of greenhouse gases emitted by automobiles in these two non-air
	94	HO	823722-01-0	AMERICAN LUNG ASSOCIATION OF MIDWAY	\$6,440	09/20/94	10/01/94	09/30/95	HAZARDS IN THE RESIDENTIAL HOME ENVIRONMENT. ENVIRONMENTAL EDUCATION-HEALTH-ENHANCED INSPECTION/
	95		2 002407-01-0	AMERICAN LUNG ASSOCIATION OF NYS	\$4,980	01/18/95	08/01/92	12/31/92	EDUCATION/MEDIA OUTREACH-ENHANCED INSPECTION/
	95		3 992193-01-0	AMERICAN LUNG ASSOCIATION	\$2,000	02/24/95	02/15/95	07/01/95	MAINTENANCE
	95		2 992385-01-0	AMERICAN LUNG ASSOCIATION	\$5,000	09/12/95	07/01/95	07/01/95	ENVIRONMENTAL JUSTICE SMALL GRANTS PROGRAM
	95		3 993327-01-0	AMERICAN LUNG ASSOCIATION OF NY/S	\$6,000	09/20/95	06/30/95	05/31/98	INDOOR AIR QUALITY TEEN INFORMATIONAL CAMPAIGN
	95		7 997172-01-0	AMERICAN LUNG ASSOCIATION OF VA	\$6,500	09/20/95	06/30/95	09/30/95	INDOOR AIR QUALITY TRAINING
	95		7 997189-01-0	AMERICAN LUNG ASSOCIATION	\$29,000	09/28/95	07/01/95	09/30/95	TOOLS FOR SCHOOLS WORKSHOP
	95		7 997211-01-0	AMERICAN LUNG ASSOCIATION	\$34,474	09/15/95	09/30/95	09/01/98	Amendment to Extend the Budget & Project Periods
	95	HO	824408-01-0	AMERICAN LUNG ASSOCIATION	\$17,860	09/25/95	10/01/95	05/15/97	ADDING AN ENVIRONMENTAL TOBACCO SMOKE CESSATION PROGRAM TO THE TOBACCO CESSATION PROGRAM. The purpose is to reach out to culturally diverse groups with health education and disease management programs and activities designed at
	95		2 992556-01-0	AMERICAN LUNG ASSOCIATION OF NEW YORK	\$20,000	09/20/95	10/01/95	09/30/98	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the
	96		2 992556-01-0	AMERICAN LUNG ASSOCIATION OF NEW YORK	\$10,000	09/25/96	10/01/96	09/30/99	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the
	96		3 993446-01-0	AMERICAN LUNG ASSOCIATION OF VIRGINIA	\$6,739	09/23/96	09/01/96	11/30/97	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the
	96		5 995250-01-0	AMERICAN LUNG ASSOCIATION	\$4,696	09/23/96	10/01/96	11/30/97	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the
	96		7 997310-01-0	AMERICAN LUNG ASSOCIATION	\$7,000	09/23/96	09/01/96	09/30/98	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the
	96		9 995260-01-0	AMERICAN LUNG ASSOCIATION OF AZ	\$4,000	09/20/96	09/20/96	12/15/97	ACHIEVING HEALTHY INDOOR AIR WORKSHOP - Proposal to conduct a workshop to bring together a multi-disciplinary group of researchers and professionals to assess the current state-of-the-art in the

Litigant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
	96	HQ	825653-01-0	AMERICAN LUNG ASSOCIATION	\$33,055	08/29/96	10/01/96	09/30/98	HEALTHY SCHOOL INITIATIVE: BUILD AN INNER CITY SCHOOL IN MINNEAPOLIS WITH ENHANCED INDOOR AIR QUALITY. Demonstration Project to assist Minneapolis Public Schools in building a new inner city school with HHS e financed indoor air quality.
	97	2	992684-01-0	AMERICAN LUNG ASSOCIATION	\$40,000	08/21/97	10/01/97	09/30/98	MULTIMEDIA PROGRAM
	97	5	985699-01-0	AMERICAN LUNG ASSOCIATION	\$19,425	09/03/97	09/15/97	12/31/97	OPENBURRING IN THE GATEWAY INITIATIVE AREA
	97	7	997438-01-0	AMERICAN LUNG ASSOCIATION	\$49,392	09/12/97	10/01/97	09/30/99	INDOOR AIR QUALITY AND ASTHMA TRIGGERS VIDEO EXTEND BUDGET AND PROJECT PERIOD
	97	HQ	824848-01-0	AMERICAN LUNG ASSOCIATION	\$76,172	01/10/97	05/01/98	07/24/98	AIR POLLUTION, MOTOR VEHICLES AND PUBLIC HEALTH OUTREACH CAMPAIGN To reduce air pollution through raising public on ways they can assist to improve air quality in nonattainment areas in which they live.
	97	HQ	825483-01-0	AMERICAN LUNG ASSOCIATION	\$300,000	01/29/97	02/10/97	01/31/00	AIR POLLUTION, MOTOR VEHICLES AND PUBLIC HEALTH OUTREACH CAMPAIGN To reduce air pollution through raising public on ways they can assist to improve air quality in nonattainment areas in which they live.
	98	3	993750-01-0	AMERICAN LUNG ASSOCIATION OF VA	\$25,000	05/27/98	07/01/98	06/30/99	ENVIRONMENTAL EDUCATION
	98	7	997556-01-0	AMERICAN LUNG ASSOCIATION	\$5,000	07/07/98	07/01/98	06/30/99	OPEN AIRWAYS FOR SCHOOLS, ASTHMA MANAGEMENT LUNGS UNDER CONSTRUCTION ENVIRONMENTAL EDUCATION FOR PREGNANT/ PARENTING WOMEN
	98	7	997586-01-0	AMERICAN LUNG ASSOCIATION	\$9,200	08/28/98	09/01/98	09/30/99	PARENTING WOMEN
<b>AMERICAN PUBLIC POWER ASSOCIATION</b>									
	98	HQ	827041-01-0	AMERICAN PUBLIC POWER ASSOCIATION	\$82,500	09/29/98	10/28/98	10/26/01	THE POWER TO MARKET LANDFILL GAS ENERGY -- To demonstrate the use of landfill gas-to-energy (LFGE) as a green power resource and to assist municipal utilities in attaining the multiple benefits available to them through LFGE
<b>AMERICAN RIVERS</b>									
	93	HQ	821949-01-0	AMERICAN RIVERS	\$20,600	08/13/93	08/15/93	12/31/93	THE FUTURE OF AMERICA'S RIVERS. To organize and host a national river policy conference, to review current national river policy and shape future river protection directions and to coordinate the EPA Anniversary of the National Wild and Scenic River
	94	HQ	822914-01-0	AMERICAN RIVERS	\$10,000	06/02/94	06/03/94	11/30/94	THE STATE OF AMERICA'S WATERSHEDS AND RIPARIAN AREAS FORUM AND RIPARIAN PROTECTION INITIATIVE WORKSHOPS -- To organize and host two consecutive one-day workshops
	97	5	985599-01-0	AMERICAN RIVERS	\$20,000	08/14/97	08/15/97	03/31/99	UPPER MISSISSIPPI FLOODPLAIN DEMONSTRATION PROJECT
	97	HQ	825989-01-0	AMERICAN RIVERS	\$7,500	09/29/97	10/08/97	10/05/02	URBAN RIVERS CASEBOOK AND SYMPOSIUM -- To produce educational material that informs communities about the benefits of river revitalization and protection
	98	10	990087-01-0	AMERICAN RIVERS	\$10,000	12/17/97	12/17/97	09/30/99	YAKIMA BASIN OPERATING PLAN AND WASHINGTON STATE FORESTRY MODULE
<b>AMERICAN WATER WORKS ASSOCIATION</b>									
	89	8	008998-01-0	AMERICAN WATER WORKS ASSOCIATION	\$35,000	06/30/89	07/01/89	06/30/90	To fund a consultant (person) to provide technical assistance to North and South Dakota for the tribal water systems

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	89		8	008617-01-0 AMERICAN WATER WORKS ASSOCIATION	\$13,899	09/28/89	10/01/89	09/30/91	To fund a scitout rider (person) to provide technical assistance to North and South Dakota for the tribal water systems.
	90		8	008873-01-0 AMERICAN WATER WORKS ASSOCIATION	\$55,000	08/27/90	07/01/90	06/30/92	To fund a scitout rider (person) to provide technical assistance to North and South Dakota for the tribal water systems.
	90		9	009561-01-0 AMERICAN WATER WORKS ASSOCIATION	\$10,000	05/18/90	05/18/90	05/31/92	PUBLIC WATER SYSTEM SUPERVISION PROGRAM (PVSS)
	90		10	000509-01-0 AMERICAN WATER WORKS ASSOCIATION	\$10,000	09/24/90	10/01/90	04/30/91	Alaska's regulatory drinking water programs survey of study
	90		HQ	901876-01-0 AMERICAN WATER WORKS ASSOCIATION	\$310,450	09/28/90	10/15/90	09/30/93	DEVELOPMENT OF A PILOT NATIONAL TRAINING PROGRAM FOR STATES AND TERRITORIES
	90		HQ	817626-01-0 AMERICAN WATER WORKS ASSOCIATION	\$105,000	07/28/90	08/01/90	09/30/93	WATER CONSERVATION BENEFIT/COST ANALYSIS PROJECT - The objective of the project is to develop a biennially-updated manual for water utilities to evaluate cost and benefits of water conservation.
	91		10	000576-01-0 AMERICAN WATER WORKS ASSOCIATION	\$49,838	07/30/91	08/01/91	09/27/93	Water Conservation Handbook for Small and Medium-sized Utilities
	91		HQ	818244-01-0 AMERICAN WATER WORKS ASSOCIATION	\$95,833	09/16/91	10/01/91	08/30/94	PACKAGE WATER TREATMENT PLANT OPERATION AND MAINTENANCE MANUAL FOR SMALL UTILITIES
	92		8	008868-01-0 AMERICAN WATER WORKS ASSOCIATION	\$35,000	04/20/92	04/20/92	12/31/92	To fund a scitout rider (person) to provide technical assistance to North and South Dakota for the tribal water systems.
	92		10	000668-01-0 AMERICAN WATER WORKS ASSOCIATION	\$22,310	04/29/92	04/29/92	04/28/93	PROPOSAL TO IMPLEMENT A PUBLIC OUTREACH PROGRAM FOR ALASKA'S REGULATORY DRINKING WATER PROGRAM
	92		HQ	820412-01-0 AMERICAN WATER WORKS ASSOCIATION	\$45,000	08/28/92	09/10/92	12/15/93	TANKER CARRIAGE GOVERNMENTAL CONFERENCE ON DRINKING WATER QUALITY MANAGEMENT
	92		HQ	819540-01-0 AMERICAN WATER WORKS ASSOCIATION	\$3,132,000	06/16/92	08/17/92	12/16/99	COOPERATIVE AGREEMENT FOR DRINKING WATER TO manage specific initiatives 1 or the general public benefit PROJECT: The purpose for this project is to provide assistance to manage specific initiatives 1 or the general public benefit
	93		8	998073-01-0 AMERICAN WATER WORKS ASSOCIATION	\$127,382	02/18/93	02/18/93	06/30/95	WATER PLANT OPERATOR TRAINING ON INDIAN RESERVATIONS IN NORTH AND SOUTH DAKOTA
	93		10	000946-01-0 AMERICAN WATER WORKS ASSOCIATION	\$19,735	09/28/93	10/01/93	09/30/95	PROPOSAL FOR CONTINUED PUBLIC OUTREACH PROGRAM FOR ALASKA'S REGULATORY DRINKING WATER PROGRAM
	93		HQ	821079-01-0 AMERICAN WATER WORKS ASSOCIATION	\$675,000	09/30/93	10/15/93	10/14/99	COOPERATIVE AGREEMENT FOR DRINKING WATER TO provide technical assistance to the community and EPA with information on the best ways to implement and integrate water treatment process changes to comply with current and anticipated regulations.
	93		HQ	822023-01-0 AMERICAN WATER WORKS ASSOCIATION	\$200,000	09/17/93	10/01/93	12/31/95	WATER EFFICIENCY CLEARINGHOUSE - To initiate and coordinate water efficiency programs and disseminate efficiency information and support its operation for a period of one year.
	94		10	000960-01-0 AMERICAN WATER WORKS ASSOCIATION	\$36,000	09/28/94	10/01/94	09/30/96	PROPOSAL FOR CONTINUED PUBLIC OUTREACH WATER PROGRAM
	94		HQ	822946-01-0 AMERICAN WATER WORKS ASSOCIATION	\$457,500	09/27/94	10/01/94	09/30/99	WATER EFFICIENCY CLEARINGHOUSE - The special purpose of this project is to operate a national water efficiency clearinghouse which will assist water and wastewater utilities as well as other major users.

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	94	HQ	823816-01-0	AMERICAN WATER WORKS ASSOCIATION	\$32,000	09/21/94	10/01/94	09/30/97	WATER PROTECTION PLAN ANALYSIS: The purpose of this project is to develop and implement a water protection plan for communities which have developed and implemented Wellhead Protection Plans.
	95	HQ	824190-01-0	AMERICAN WATER WORKS ASSOCIATION	\$1,666,000	03/22/95	03/23/95	03/21/00	COOPERATIVE AGREEMENT FOR DRINKING WATER RESEARCH: The purpose of this project is to provide both the water utility and the EPA with information on the best ways to implement and integrate water treatment process changes to comply with current a
	96	HQ	824862-01-0	AMERICAN WATER WORKS ASSOCIATION	\$2,450,000	09/29/96	10/12/96	10/11/01	DRINKING WATER RESEARCH: The purpose of this project is to jointly work with and assist the American Water Works Association in conducting research on the best ways to provide the drinking water community with practical information on the best ways
	97	HQ	825625-01-0	AMERICAN WATER WORKS ASSOCIATION	\$1,625,000	09/12/97	10/01/97	09/30/02	THE MICROBIAL PATHOGENS/DISINFECTION BYPRODUCTS COUNCIL: The purpose of this project is to provide information on the best ways to develop a control strategy for disinfection byproducts in drinking water.
	97	HQ	825288-01-0	AMERICAN WATER WORKS ASSOCIATION	\$2,437,500	09/23/97	10/01/97	09/30/02	DRINKING WATER RESEARCH: The primary purpose of this project is to perform congressionally mandated drinking water research on the best ways to provide the drinking water community with practical information on the best ways to provide the drinking water community with practical information on the best ways
	97	HQ	825938-01-0	AMERICAN WATER WORKS ASSOCIATION	\$30,000	09/30/97	10/01/97	03/31/99	CAPACITY DEVELOPMENT VIDEO FOR SMALL DRINKING WATER SYSTEMS: To develop an informational video for small drinking water systems about the importance of technical, financial, and managerial capacity.
	98	HQ	826432-01-0	AMERICAN WATER WORKS ASSOCIATION	\$3,900,000	09/17/98	09/01/98	08/31/03	DRINKING WATER RESEARCH: The primary purpose of this project is to perform congressionally mandated drinking water research with the American Water Works Association Research Foundation (AWARF). This project will also help to further research on the best ways to provide the drinking water community with practical information on the best ways to provide the drinking water community with practical information on the best ways
	98	HQ	826468-01-0	AMERICAN WATER WORKS ASSOCIATION	\$88,175	04/06/98	05/01/98	04/30/99	SOURCE WATER PROTECTION SEMINARS FOR DRINKING WATER UTILITIES: The purpose of this project is to support the American Water Works Association in its effort to develop seminars pertaining to water protection for the benefit of the general
	98	HQ	826881-01-0	AMERICAN WATER WORKS ASSOCIATION	\$5,000	07/22/98	08/01/98	03/30/99	SOURCE WATER PROTECTION SYMPOSIUM: A FOCUS ON WATERBORNE PATHOGENS: The purpose of this project is to provide assistance to the recipient for the symposium for October 29-31, 1998. The objective is to provide information on the best ways to provide the drinking water community with practical information on the best ways to provide the drinking water community with practical information on the best ways
<b>ANACOSTIA WATERSHED SOCIETY</b>									
	95	3	893348-01-0	ANACOSTIA WATERSHED SOCIETY	\$20,000	06/12/95	07/01/95	06/30/96	ENVIRONMENTAL JUSTICE SMALL GRANTS PROGRAM
	96	3	893450-01-0	ANACOSTIA WATERSHED SOCIETY	\$20,000	08/26/96	09/01/96	08/31/97	ENVIRONMENTAL JUSTICE ANACOSTIA
	97	3	893616-01-0	ANACOSTIA WATERSHED SOCIETY	\$10,000	07/14/97	08/01/97	07/31/98	ENVIRONMENTAL JUSTICE PROJECT ANACOSTIA
	97	3	893625-01-0	ANACOSTIA WATERSHED SOCIETY	\$20,000	07/30/97	08/30/97	07/31/98	CHESAPEAKE BAY PROGRAM, A DAY ON THE RIVER
<b>ARIZONA TOXICS INFORMATION</b>									

Ligant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
	95	HO	824434-01-0	ARIZONA TOXICS INFORMATION	\$35,000	08/31/95	09/11/95	10/30/96	NORTHEASTERN SONORA-COCHISE COUNTY PLANNING PROJECT - To support a public northeastern Sonora/Cochise County environmental planning project. The project will assess public opinion and involvement in the identification of the areas most pressing env
	95	HO	824438-01-0	ARIZONA TOXICS INFORMATION	\$35,000	09/01/95	09/11/95	10/30/96	TUJANA RIVER WATERSHED TOXICS DATA PROJECT - To enable AZ Toxics in formation and Proyecto Fronterizo de Educacion Ambiental (Both Non-p rofit environmental policy organizations with enviro experience on the US-Mexico border), to participate with
<b>ATLANTIC STATES LEGAL FOUNDATION</b>									
	92	2	002730-01-0	ATLANTIC STATES LEGAL FOUNDATION	\$24,168	09/30/92	10/01/92	04/30/94	LAKE ONTARIO ECOSYSTEM STEWARDSHIP PROJECT
	96	2	992987-05-0	ATLANTIC STATES LEGAL FOUNDATION	\$50,000	09/29/96	10/01/96	03/31/99	TECHNICAL ASSISTANCE GRANT - ONONDAGA LAKE SITE
	96	2	992987-01-0	ATLANTIC STATES LEGAL FOUNDATION	\$20,000	09/29/96	10/01/96	03/31/99	WETLANDS CONSTRUCTION/RESTORATION PROJECT
<b>BABCOCK &amp; WILCOX</b>									
	89	HO	815890-01-0	BABCOCK & WILCOX	\$149,992	08/29/89	10/01/89	02/29/91	Cyclone Furnace for Wastes - Treatment of Contaminated Treating soils contaminated with metals and organic chemicals.
	92	HO	819288-01-0	BABCOCK & WILCOX	\$0	10/25/91	11/04/91	11/03/92	MINI-DEMO OF CYCLONE VITRIFICATION TECHNOLOGY.
<b>CITIZENS FOR A BETTER ENVIRONMENT</b>									
	95	9	998231-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$22,800	04/11/95	04/17/95	06/30/98	ENVIRONMENTAL EDUCATION PROGRAM
	96	5	985238-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$7,500	09/23/96	09/01/96	08/31/97	BASSETT CREEK WATERSHED PROJECT
	96	5	985275-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$35,985	07/12/96	07/15/96	07/14/97	POLLUTION PREVENTION - PRINTER CUSTOMIZED QUERY REPORTING
	96	HO	825314-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$148,987	09/27/96	10/01/96	06/30/98	CONVULSION REPORTING - MITI provides Convulsion Report I nformation to local professional organizations as they work to foster pollution prevention in their communities.
	98	5	985893-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$5,000	05/12/98	09/01/98	06/30/99	EDUCATING GIRLS AND YOUNG WOMEN ABOUT RISKS ASSOCIATED WITH ENDORCINE DISRUPTERS
	98	5	985893-01-0	CITIZENS FOR A BETTER ENVIRONMENT	\$74,000	08/06/98	10/01/98	09/30/99	MANAGEMENT PLANS/EJPT GRANT PROGRAM
<b>CITIZENS FOR A HEALTHY BAY</b>									
	91	10	008622-01-0	CITIZENS FOR A HEALTHY BAY	\$16,829	09/30/91	10/01/91	09/30/94	Technical Assistance at Commencement Bay, Nearshore Tidelands
	95	10	006622-02-0	CITIZENS FOR A HEALTHY BAY	\$32,350	10/19/94	10/01/94	12/31/95	Technical Assistance at Commencement Bay, Nearshore Tidelands
	96	10	006622-04-0	CITIZENS FOR A HEALTHY BAY	\$50,881	02/01/96	01/01/96	12/31/98	Technical Assistance at Commencement Bay, Nearshore Tidelands
	98	10	008622-01-0	CITIZENS FOR A HEALTHY BAY	\$30,000	11/04/97	11/01/97	12/31/99	Technical Assistance at Commencement Bay, Nearshore Tidelands
<b>CLEAN OCEAN ACTION</b>									
	90	HO	817586-01-0	CLEAN OCEAN ACTION	\$74,405	09/29/90	08/29/90	09/30/91	New Jersey Shore Beach Clean-Ups - New Jersey Beach Cleanup Project - Involve local citizens in cleaning up debris from New Jersey shores.
<b>COLORADO ENVIRONMENTAL COALITION</b>									
	92	8	988038-01-0	COLORADO ENVIRONMENTAL COALITION	\$5,500	09/18/92	09/18/92	01/31/93	SUBTITLE D - CONDUCT A NEEDS ASSESSMENT SURVEY FOR A COMPREHENSIVE ENVIRONMENTAL MUSEUM.

Ligant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
<b>CONCERNED CITIZENS OF AGRICULTURE STREET</b>									
94	6	990385-01-0	CONCERNED CITIZENS OF AGRICULTURE	TECHNICAL ASSISTANCE GRANT AT THE AGRICULTURE STREET LANDFILL SITE	\$23,590	09/27/94	09/26/97	09/26/97	TECHNICAL ASSISTANCE GRANT AT THE AGRICULTURE STREET LANDFILL SITE
98	6	990385-02-0	CONCERNED CITIZENS OF AGRICULTURE	TECHNICAL ASSISTANCE GRANT AT THE AGRICULTURE STREET LANDFILL SITE	\$26,372	02/11/98	09/27/97	09/26/00	TECHNICAL ASSISTANCE GRANT AT THE AGRICULTURE STREET LANDFILL SITE
<b>CONSERVATION LAW FOUNDATION</b>									
96	HO	825318-01-0	CONSERVATION LAW FOUNDATION OF NEW ENGLAND	BUILDING A BETTER URBAN ENVIRONMENT WITH ORIENTATION - A public education project aimed at increasing awareness of the impact of transportation in urban neighborhoods using pollution prevention activities as the proposed tool	\$67,764	09/29/96	10/15/96	05/31/98	BUILDING A BETTER URBAN ENVIRONMENT WITH ORIENTATION - A public education project aimed at increasing awareness of the impact of transportation in urban neighborhoods using pollution prevention activities as the proposed tool
98	1	991599-01-0	CONSERVATION LAW FOUNDATION	BUILDING A BETTER URBAN ENVIRONMENT WITH ORIENTATION - A public education project aimed at increasing awareness of the impact of transportation in urban neighborhoods using pollution prevention activities as the proposed tool	\$50,000	03/12/99	03/31/99	03/31/00	BUILDING A BETTER URBAN ENVIRONMENT WITH ORIENTATION - A public education project aimed at increasing awareness of the impact of transportation in urban neighborhoods using pollution prevention activities as the proposed tool
96	10	990745-01-0	COOK INLET KEEPER	COOK INLET KEEPER	\$25,000	09/20/96	09/20/96	03/01/98	COOK INLET WATERSHED NETWORK PROJECT
98	10	990328-01-0	COOK INLET KEEPER	COOK INLET KEEPER	\$12,000	08/12/98	08/12/98	07/31/99	COOK INLET WATERSHED OUTREACH PROJECT (USING GIS CD ROM)
<b>DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR</b>									
91	HO	819362-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	EDUCATIONAL OUTREACH AND TRAINING PROGRAM ON CHLOROFLUOROCARBONS (CFC'S)	\$25,368	09/10/91	10/01/91	09/30/92	EDUCATIONAL OUTREACH AND TRAINING PROGRAM ON CHLOROFLUOROCARBONS (CFC'S)
93	3	993172-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	ENVIRONMENTAL EDUCATION PROGRAM - TRANSPORTATION EDUCATIONAL OUTREACH	\$25,000	09/20/93	10/01/93	09/30/94	ENVIRONMENTAL EDUCATION PROGRAM - TRANSPORTATION EDUCATIONAL OUTREACH
95	3	993362-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION PROGRAM	\$46,200	09/12/95	10/01/95	09/30/96	ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION PROGRAM
95	3	993236-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	HOLISTIC EDUCATION CAMPAIGN ON OZONE	\$25,000	05/01/95	05/01/95	09/30/95	HOLISTIC EDUCATION CAMPAIGN ON OZONE
96	HO	825320-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION GRANT PROGRAM, Peer Outreach Team	\$195,090	09/27/96	10/01/96	03/31/99	ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION GRANT PROGRAM, Peer Outreach Team
98	3	993913-01-0	DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR	Program on Community Waste Reduction. The objective of this program is to educate the general public to community groups and tribal governments for projects	\$91,000	05/24/98	09/12/98	09/30/99	REGULATORY COMPLIANCE GUIDELINES FOR SMALL BUSINESSES
<b>EARTH ISLAND INSTITUTE</b>									
98	9	990553-01-0	EARTH ISLAND INSTITUTE	ENVIRONMENTAL EDUCATION	\$5,000	09/13/98	09/01/98	12/31/97	ENVIRONMENTAL EDUCATION
<b>EDISON ELECTRIC INSTITUTE</b>									
92	HO	820846-01-0	EDISON ELECTRIC INSTITUTE	ASSESSMENT OF THE TECHNICAL AND MARKET POTENTIAL FOR ELECTROTECHNOLOGIES TO REDUCE EMISSIONS OF NON-O	\$25,000	09/21/92	10/01/92	09/30/93	ASSESSMENT OF THE TECHNICAL AND MARKET POTENTIAL FOR ELECTROTECHNOLOGIES TO REDUCE EMISSIONS OF NON-O
95	HO	824697-01-0	EDISON ELECTRIC INSTITUTE	FINANCIAL MODELING AND ANALYSIS OF THE IMPACTS OF THE CRITICAL DETERMINANTS OF TRANSMISSION SIZING DECISIONS	\$73,500	09/29/95	10/09/95	12/15/96	FINANCIAL MODELING AND ANALYSIS OF THE IMPACTS OF THE CRITICAL DETERMINANTS OF TRANSMISSION SIZING DECISIONS
<b>ENVIRONMENTAL DEFENSE FUND</b>									
91	HO	815563-02-0	ENVIRONMENTAL DEFENSE FUND	NATIONAL RECYCLING PROMOTION THROUGH PUBLIC SERVICE ANNOUNCEMENTS	\$200,000	05/31/91	09/30/88	09/29/93	NATIONAL RECYCLING PROMOTION THROUGH PUBLIC SERVICE ANNOUNCEMENTS

Lligant	FY	Region	Grnt#	Recipient	Amount	Award Date	Project Start	Project End	Description
91		HQ	819164-01-0	ENVIRONMENTAL DEFENSE FUND	\$65,000	09/27/91	10/01/91		TRADABLE DISCHARGE PERMITS: A POTENTIAL TOOL FOR THE EFFECTIVE MANAGEMENT OF DRAINAGE FROM THE RIGID AGRICULTURE IN THE SAN JOAQUIN VALLEY - This study will assess the feasibility of a policy as a means of designing and implementing a system of tradable discharge permits.
92		HQ	815565-03-0	ENVIRONMENTAL DEFENSE FUND	\$250,000	12/18/91	09/30/98		NATIONAL PUBLIC SERVICE RECYCLING CAMPAIGN. ESTABLISHMENT OF INSTITUTIONAL INFRASTRUCTURE TO IMPLEMENT CO2 OFFSET FORESTRY PROJECTS IN THE U.S. AND RUSSIA. This project will assess institutional mechanisms necessary to stimulate investment in forest management projects in Russia.
93		HQ	821688-01-0	ENVIRONMENTAL DEFENSE FUND	\$259,083	09/30/93	10/01/93		NATIONAL PUBLIC SERVICE RECYCLING CAMPAIGN. To assist EPA in promoting and increasing public awareness of the benefits of recycling, this project will develop a video and waste management option.
94		HQ	815565-04-0	ENVIRONMENTAL DEFENSE FUND	\$560,000	06/24/93	09/30/98		NATIONAL PUBLIC SERVICE RECYCLING CAMPAIGN. To assist EPA in promoting and increasing public awareness of the benefits of recycling, this project will develop a video and waste management option.
94		6	8963349-01-0	ENVIRONMENTAL DEFENSE FUND	\$75,000	09/27/94	10/01/94		TRANSPORTATION EQUITY POLICY. - To analyze the distribution of costs and benefits in the transportation system, and investigate case studies in Transportation Equity Policy.
94		HQ	822775-01-0	ENVIRONMENTAL DEFENSE FUND	\$125,000	07/20/94	07/25/94		TRANSPORTATION EQUITY POLICY. - To analyze the distribution of costs and benefits in the transportation system, and investigate case studies in Transportation Equity Policy.
94		HQ	823355-01-0	ENVIRONMENTAL DEFENSE FUND	\$235,289	09/14/94	09/15/94		THE ALLIANCE FOR ENVIRONMENTAL INNOVATION: A PROJECT OF THE ENVIRONMENTAL DEFENSE FUND AND THE NATIONAL CENTER FOR ENVIRONMENTAL POLICY. This project is to support in-depth studies of business waste reduction practices.
95		2	892465-01-0	ENVIRONMENTAL DEFENSE FUND	\$350,000	09/22/95	10/01/95		SOLID WASTE MANAGEMENT ASSISTANCE
95		9	899388-01-0	ENVIRONMENTAL DEFENSE FUND	\$50,000	09/08/95	09/15/95		COOPERATIVE AGREEMENT ON EFFICIENCY AND HABITAT IN AGRICULTURAL REGIONS
95		HQ	824261-01-0	ENVIRONMENTAL DEFENSE FUND	\$550,000	09/21/95	09/30/95		COOPERATIVE AGREEMENT ON EFFICIENCY AND HABITAT IN AGRICULTURAL REGIONS
95		HQ	824339-01-0	ENVIRONMENTAL DEFENSE FUND	\$15,000	09/21/95	07/01/95		REVIEW AND CASE STUDY OF THE ELECTRICAL UTILITY INDUSTRY'S INVESTMENT DECISIONS. This project will use the WASP model used for Integrated Resource Planning.
95		HQ	824395-01-0	ENVIRONMENTAL DEFENSE FUND	\$125,000	07/28/95	08/28/95		EMISSIONS TRADING PROGRAM TO CONTROL ATMOSPHERIC DEPOSITION OF NITROGEN TO THE ESTUARINE BAY. The purpose of this project is to assess the feasibility of an emissions trading program to control air emissions from power plants in the San Joaquin River Delta region.
96		6	896702-01-0	ENVIRONMENTAL DEFENSE FUND	\$70,000	09/26/96	10/01/96		PROJECTS - TECHNICAL TRAINING AND REDUCING AIR EMISSIONS
96		HQ	824989-01-0	ENVIRONMENTAL DEFENSE FUND	\$650,000	09/25/96	10/01/96		DESIGN AND IMPLEMENTATION OF MARKET-BASED TRANSPORTATION REFORMS IN CALIFORNIA AND NEW YORK. This project will develop and implement a program of sound transportation planning, provision, and pricing.
96		HQ	825126-01-0	ENVIRONMENTAL DEFENSE FUND	\$100,000	09/30/96	10/01/96		INCREASING THE SUPPLY OF ENVIRONMENTALLY FRIENDLY PAPER BY IMPLEMENTING THE RECYCLING PROGRAMS BY IMPLEMENTING THE purpose of this project is to get paper purchasers to buy paper made by suppliers that employ environmentally preferable fore

Litigant	FY	Region	Grant#	Recipient	Amount	Award Date	Project Start	Project End	Description
FRIENDS OF THE EARTH	97	HQ	823546-01-0	ENVIRONMENTAL DEFENSE FUND	\$475,000	04/22/97	05/01/97	04/30/00	WASTE PREVENTION PUBLIC EDUCATION CAMPAIGN. This project is to educate and motivate consumers to reduce, reuse, recycle, and buy recycled.
	97	HQ	828142-01-0	ENVIRONMENTAL DEFENSE FUND	\$40,000	09/25/97	10/01/97	09/30/98	A BIFUNCTIONAL PROJECT TO RESTORE WETLANDS IN THE DELTA REGION OF THE CHESAPEAKE BAY. The project is to address the water quality issues that affect the delta region.
	98	6	898165-01-0	ENVIRONMENTAL DEFENSE FUND	\$40,000	09/24/98	10/01/98	09/30/99	AIR POLLUTION CONTROL PROGRAM SUPPORT. EL PASO-JUAREZ PROJECTS
	98	9	899277-01-0	ENVIRONMENTAL DEFENSE FUND	\$10,000	08/20/98	08/20/98	05/30/99	TSCA 109A
FRIENDS OF THE EARTH	92	3	003785-01-0	FRIENDS OF THE EARTH	\$9,862	06/22/92	07/01/92	04/30/94	THE DISTRICT OF COLUMBIA ENVIRONMENTAL EDUCATION RESOURCE GUIDE
	93	HQ	821996-01-0	FRIENDS OF THE EARTH	\$79,000	09/23/93	10/20/93	12/31/96	HALON BANK OUTREACH PROJECT - To promote the use of halon banks in Maryland, Pennsylvania and New Jersey and engage students in ozone protection efforts.
FRIENDS OF THE EARTH	95	HQ	824127-01-0	FRIENDS OF THE EARTH	\$40,000	03/31/95	04/14/95	12/31/96	AN ASSESSMENT OF THE ECONOMIC COSTS OF A MONTICELLO WASTEWATER TREATMENT PLANT IN DEVELOPING COUNTRIES, studying the availability of potential alternatives, and examining potential constraints
	97	HQ	825883-01-0	FRIENDS OF THE EARTH	\$30,000	05/22/97	06/09/97	03/31/99	TO IMPLEMENT A HALON COLLECTION PROGRAM AND TO RAISE PUBLIC AWARENESS ABOUT OZONE DEPLETION -- Halon banks are used to store halon gas from air conditioning units containing halon and arranging for environmentally responsible recycling and reuse of the halon
GENERAL ELECTRIC CO.	89	HQ	815550-01-0	GENERAL ELECTRIC COMPANY RESEARCH & DEVELOP. CENTER	\$171,831	06/20/89	07/17/89	12/31/92	Biological Toxicology of PCBs: Effects of Toxicity to Bacteria: In vitro studies on the biodegradation of non-halogenated PCBs by GSE genetically-engineered bacteria.
GEORGIA ENVIRONMENTAL ORGANIZATION	87	HQ	825842-01-0	GEORGIA ENVIRONMENTAL ORGANIZATION	\$1,850	09/16/87	10/01/87	07/01/89	SUSTAINABLE ENVIRONMENTAL JUSTICE PROJECT-A project to help low-income people understand their environmental and housing complexes. An outreach and education program for low-income people.
HEAL THE BAY	88	4	884463-98-0	GEORGIA ENVIRONMENTAL ORGANIZATION	\$18,000	06/05/88	02/27/88	06/30/88	ENVIRONMENTAL JUSTICE CITY/UNIV. PARTNERSHIP
	88	4	884317-98-0	GEORGIA ENVIRONMENTAL ORGANIZATION	\$10,000	11/14/87	11/15/87	09/15/88	WATER QUALITY PROGRAM - SEC. 104(B)(3)
HEAL THE BAY	93	9	009953-01-0	HEAL THE BAY	\$25,000	08/22/93	06/22/93	06/30/94	SANTA MONICA BAY NATIONAL ESTUARY PROGRAM
	93	9	999938-01-0	HEAL THE BAY	\$205,000	09/28/93	04/01/94	12/31/96	STORM DRAIN POLLUTION PROJECT-SECTION 104(B)(3) OF THE CWA
HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC	95	9	899995-01-0	HEAL THE BAY	\$5,000	09/12/95	09/18/95	12/30/95	WATERSHED MANAGEMENT PROJECT 104(B)(3) OF THE CWA
	88	9	899944-01-0	HEAL THE BAY	\$20,000	08/01/88	08/01/88	03/31/88	SECTION 104(B)(3) BEACH MODEL

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	93		HQ 821559-01-0	HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC	\$0	09/02/93	08/10/93	09/03/94	SITE DEMONSTRATION OF HFD FLAME REACTOR TECHNOLOGY, A HTMR PROCESS - The destruction of organics and the removal of the metals in a recy cable oxide product at a hazardous site.
<b>IDAHO CONSERVATION LEAGUE</b>									
	92		10 890206-92-0	IDAHO CONSERVATION LEAGUE	\$4,809	06/18/92	06/18/92	06/30/93	WATER WATCH PROJECT
<b>LAND AND WATER FUND</b>									
	97		HQ 825777-01-0	LAND AND WATER FUND OF THE ROCKIES	\$80,000	09/18/97	07/01/97	06/30/99	USING RENEWABLE RESOURCES TO REDUCE GHG EMISSIONS FROM HOMERS IN Colorado to purchase wind-generated electricity.0
	92		1 991090-01-0	MAINE ORGANIC FARMERS & GARDENERS	\$5,000	08/23/92	07/01/92	01/31/94	SEED TO TABLE FARM STEWARDSHIP EXHIBITION
<b>MOTHERS &amp; OTHERS FOR A LIVABLE PLANET</b>									
	99		9 899087-01-0	MOTHERS & OTHERS FOR A LIVABLE PLANET	\$25,000	09/03/98	09/08/98	10/31/99	AGRICULTURE INITIATIVE-PROMOTING SUSTAINABLE COTTON PRODUCTION
<b>NATIONAL ASSOCIATION OF HOMEBUILDERS</b>									
	99		HQ 828951-01-0	NATIONAL ASSOCIATION OF HOME BUILDERS RES. CTR.	\$282,522	10/14/98	10/14/98	09/30/00	VENTILATION AND DUCT STUDIES. The objective of this project is to support demonstration/pilot efforts by the recipient in evaluating energy-conserving, indoor-air-quality improving active ventilation, and energy-conserving duct distribution
<b>NATIONAL WILDLIFE FEDERATION</b>									
	94		7 897120-01-0	NATIONAL WILDLIFE FEDERATION	\$16,000	09/30/94	10/01/94	09/30/95	DESIGN AND PRODUCTION OF A SERIES OF PRAIRIE ECOSYSTEM EDUCATIONAL TRUNKS FOR USE IN SCHOOLS
	94		HQ 823016-01-0	NATIONAL WILDLIFE FOUNDATION	\$15,000	09/23/94	10/01/94	03/31/95	LEAD SHOT AND THE UPLAND ENVIRONMENT. A SURVEY OF LEAD SHOT TOXICITY TO BIRDS AND OTHER WILDLIFE TO UPLAND GUNS AND OTHER WILDLIFE
	95		5 895135-01-0	NATIONAL WILDLIFE FEDERATION	\$41,350	09/27/95	09/24/95	06/30/97	MERCURY REDUCTION AND POLLUTION PREVENTION IN HOSPITALS, BUDJET AND PROJECT PERIOD EXTENSION
	96		10 890705-01-0	NATIONAL WILDLIFE FEDERATION	\$19,085	09/17/96	10/01/96	10/31/97	SCHOOL/YARD WILDLIFE HABITAT
	96		HQ 824877-01-0	NATIONAL WILDLIFE FEDERATION	\$15,000	03/13/96	04/01/96	05/31/96	WILDLIFE AND WETLANDS WEEK ON THE AIR -- To provide information on wetlands and waterfowl to elementary classrooms nationwide regarding wetland resources and conservation practices.
	97		5 895598-01-0	NATIONAL WILDLIFE FEDERATION	\$110,000	09/29/97	08/30/97	09/29/98	NGO INVOLVEMENT IN IMPLEMENTING VIRTUAL EDUCATION
	90		9 006519-01-0	NATURAL HERITAGE INSTITUTE	\$92,863	09/28/90	10/01/90	12/31/95	SAN FRANCISCO ESTUARY PROJECT - SECTION 320(G) PRESERVATION AND RESTORATION OF WILDLIFE HABITAT BETWEEN THE MANAGEMENT OF GROUNDWATER
	91		HQ 818038-01-0	NATURAL HERITAGE INSTITUTE	\$76,765	04/08/91	04/22/91	07/01/93	QUALITY
	91		9 895652-01-0	NATURAL HERITAGE INSTITUTE	\$30,000	09/08/91	08/08/91	04/30/98	SECTION 104(B)(9) GEOGRAPHIC INITIATIVE
<b>NATURAL RESOURCES DEFENSE COUNCIL, INC.</b>									
	91		HQ 818137-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$7,300	02/27/91	03/31/91	03/31/92	CONTROL OF URBAN AND AGRICULTURAL RUNOFF-- PUBLIC EDUCATION

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	93	HO	822174-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$550,000	08/12/93	08/13/93	12/31/98	<b>NRCAD COUNCIL CLEAN WATER CAMPAIGN</b> - To raise public awareness abo of the value of clean water and to motivate individuals to take specific actions to protect and restore water resources.
	94	HO	823741-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$19,424	09/30/94	10/01/94	09/30/95	<b>CLEAN AIR NETWORK</b> - Establish a new vehicle for public participation in EPA policy decisions which will engage interested environmental advocacy organizations from around the country in a constructive dialogue on important clean air policy issues.
	94	HO	823820-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$85,000	09/27/94	10/01/94	12/31/98	<b>POLLUTION PREVENTION DEMONSTRATION (PILOT)</b> - A demonstration project for a pollution prevention demonstration project involving a range of stakeholder participants. This project is aimed at identifying, at a specific
	94	HO	823855-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$390,000	09/27/94	10/01/94	09/30/97	<b>PROMOTE ENERGY EFFICIENCY IN RUSSIAN BUILDINGS</b> - Promote energy efficiency in Russian buildings by providing technical assistance and training to improve energy efficiency in buildings, and begin to create an institutional and commercial framework capable of implementing energy efficient
	95	HO	824685-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$141,002	09/21/95	10/01/95	09/30/96	<b>ACCELERATE THE DEPLOYMENT OF ENERGY EFFICIENT TECHNOLOGIES THROUGH MARKET TRANSFORMATION PROGRAMS</b> - The objective of this proposal is to implement projects that will help encourage the development of energy-efficient equipment.
	95	HO	824691-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$50,000	09/27/95	10/01/95	09/30/96	<b>CLEAN AIR NETWORK'S PUBLIC EDUCATION AND POLLUTION ISSUES AWARENESS AND OUTREACH CENTER</b> - The objective of this proposal is to provide technical assistance to organizations in targeted regions of the country and through them inform the public about the health threats
	96	HO	825030-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$40,000	09/27/96	10/01/96	09/30/97	<b>POLLUTION PREVENTION PROJECT</b> - The purpose of this project is to provide technical assistance to Pollution Prevention and
	96	HO	825078-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$729,251	08/28/96	08/01/96	01/31/99	<b>FUNDING TO SUPPORT NRCDS EFFORTS TO ACCELERATE THE DEPLOYMENT OF ENERGY EFFICIENT TECHNOLOGIES THROUGH MARKET TRANSFORMATION PROGRAMS</b> - The objective of this proposal is to provide financial support and implement projects that will help encourage the development of energy-efficient equipment.
	96	HO	825317-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$200,000	09/30/96	10/01/96	11/30/97	<b>NRCOWE ACT NORTHERN MANHATTAN ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION CAMPAIGN</b> - The objective of this proposal is to provide technical assistance and financial support to the Northern Manhattan community.
	97	HO	825764-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$70,000	09/04/97	10/01/97	09/30/98	<b>LIVESTOCK WASTE EDUCATION</b> - The objective for this project is to educate the public about the impacts and possible solutions to pollution from livestock waste.
	97	HO	826018-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$113,418	08/29/97	10/01/97	05/31/99	<b>DEVELOPMENT OF A REGIONAL ENERGY EFFICIENCY STANDARDS PROGRAM FOR THE RUSSIAN FEDERATION</b> - The objective of this project is to develop and promote a model regional energy-efficiency code for buildings in the Russian Federation.

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	98	HQ	828751-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$440,882	08/24/98	09/01/98	08/31/01	ACCELERATE THE DEPLOYMENT OF ENERGY-EFFICIENT TECHNOLOGIES THROUGH MARKET TRANSFORMATION PROGRAMS - The objective of this project is to analyze, support and disseminate information on energy-efficient technologies and the development and purchase of energy-efficient equipment.
	98	HQ	828683-01-0	NATURAL RESOURCES DEFENSE COUNCIL	\$50,000	08/07/98	08/12/98	08/11/01	POLLUTION PREVENTION STRATEGY PROJECT - The objective for this project is to develop collaborative efforts with some of the nation's most significant industrial facilities to deliver grants in environmental protection by reducing the levels of air.
	97		2 8922688-01-0	NEW YORK CITY ENVIR. JUSTICE ALLIANCE	\$21,600	09/28/97	10/01/97	09/30/98	COMMON SENSE INITIATIVE
<b>NEW YORK CITY ENVIRONMENTAL JUSTICE</b>									
<b>NORTH CAROLINA COASTAL FEDERATION</b>									
	94	HQ	823724-01-0	NORTH CAROLINA COASTAL FEDERATION	\$50,000	09/09/94	09/10/94	08/09/95	NATIONAL CONFERENCE INNOVATIONS IN COASTAL MANAGEMENT - The objective of this project is to address the protection of our estuaries, barrier islands, marshes, and coastal forests.
<b>NORTHWEST COALITION FOR ALTERNATIVES</b>									
	98	10	880344-01-0	NORTHWEST COALITION FOR ALTERNATIVES	\$10,000	09/24/98	10/01/98	09/30/99	NATURAL LANDSCAPING TRAINING FOR NORTHWEST SCHOOL DISTRICTS
<b>OKLAHOMA WILDLIFE FEDERATION</b>									
	95	6	895438-01-0	OKLAHOMA WILDLIFE FEDERATION	\$7,000	05/02/95	06/01/95	05/31/98	OKLAHOMA WATER WATCH COMMUNITY OUTREACH PROJECT
<b>PEOPLE FOR PUGET SOUND</b>									
	94	10	890258-01-0	PEOPLE FOR PUGET SOUND	\$10,000	05/10/94	05/10/94	06/30/95	GREEN DUWAMISH WATERSHED ALLIANCE SUPPORT SERVICES OF A BROAD-BASED COALITION OF CITIZEN GROUPS.
	95	10	890442-01-0	PEOPLE FOR PUGET SOUND	\$20,000	07/27/95	08/01/95	01/20/97	COMMUNITY COALITION FOR ENVIRONMENTAL JUSTICE OUTREACH AND EDUCATION
	95	10	890428-01-0	PEOPLE FOR PUGET SOUND	\$4,000	03/23/95	04/01/95	06/30/95	COMMUNITY COALITION FOR ENVIRONMENTAL JUSTICE OUTREACH AND EDUCATION
	95	10	890528-01-0	PEOPLE FOR PUGET SOUND	\$2,225	08/01/95	09/01/95	09/30/95	ANNIVERSARY OF BEST TO RECOGNIZE THE 25TH GREEN DUWAMISH WATERSHED ALLIANCE
<b>SANTA MONICA BAYKEEPER, INC</b>									
	98	9	895001-01-0	SANTA MONICA BAYKEEPER	\$10,000	07/24/98	08/01/98	07/31/99	BEACHKEEPERS STORMWATER POLLUTION EDUCATION AND CITIZEN BEACH MONITORING - ENVIRONMENTAL EDUCATION
<b>SCENIC HUDSON</b>									
	95	2	892372-95-0	SCENIC HUDSON	\$50,000	09/29/95	10/01/95	09/30/98	TECHNICAL ASSISTANCE GRANT - HUDSON RIVER PCBs
<b>SERVICE EMPLOYEES</b>									
	91	HQ	818135-01-0	SERVICE EMPLOYEES INTERNATIONAL UNION	\$60,000	09/10/91	10/01/91	03/30/93	ASBESTOS OPERATIONS AND MAINTENANCE AWARENESS TRAINING PROGRAM.
<b>SIERRA CLUB</b>									
	90	5	895089-01-0	SIERRA CLUB	\$42,829	09/29/90	10/01/90	08/01/92	DECREASE BASED ON FINAL FSR RECONCILIATION
	92	6	006823-01-0	SIERRA CLUB FOUNDATION	\$5,000	09/23/92	06/23/92	06/22/93	ENVIRONMENTAL EDUCATION VIDEO PROJECT

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	93	3	893056-01-0	SIERRA CLUB	\$4,332	06/28/93	07/01/93	11/30/94	REGIONAL PUBLIC EDUCATION PROGRAM IN CONSERVATION & RESTORATION OF BIODIVERSITY TEACHES OUTDOOR EDUCATION SKILLS TO INNER CITY TEACHERS WHO WOULD OTHERWISE LACK OPPORTUNITY
	93	6	896112-01-0	SIERRA CLUB FOUNDATION	\$5,000	06/28/93	08/01/93	07/31/94	TEACHER FACILITATOR TRAINING FOR WETLANDS CURRICULUM
	95	5	895026-01-0	SIERRA CLUB FOUNDATION	\$24,300	04/21/95	06/01/95	05/31/96	TEACHER FACILITATOR TRAINING FOR WETLANDS CURRICULUM
	95	9	895301-01-0	SIERRA CLUB	\$20,000	05/17/95	06/14/95	11/29/96	ENVIRONMENTAL JUSTICE PROGRAM
<b>SOUTHERN ENVIRONMENTAL LAW CENTER</b>									
	90	4	004764-90-0	SOUTHERN ENVIRONMENTAL JUSTICE PROGRAM	\$15,000	02/25/90	03/01/90	12/30/90	Wetlands Law Education Project
<b>SOUTHWEST RESEARCH AND INFORMATION</b>									
	91	HQ	818919-01-0	SOUTHWEST RESEARCH AND INFOR. CENTER	\$200,000	09/30/91	10/01/91	09/30/93	ENVIRONMENTAL MINING NETWORK - To establish and maintain regular communication on mining issues with environmental groups
	91	HQ	819231-01-0	SOUTHWEST RESEARCH & INFORMATION CTR.	\$407,723	09/29/91	10/14/91	01/31/92	CITIZEN PARTICIPATION IN EPA-FUNDED IOGCC REVIEW OF STATE OIL-FIELD WASTE REGULATORY PROGRAMS - environmental training seminars to provide information to citizens groups and environmental organizations in the IOGCC state review process, a rd to provide environmental training seminars to environmental groups and local public interest groups to obtain information related to the environment at effects of mining.
	93	HQ	821521-01-0	SOUTHWEST RESEARCH & INFORMATION CTR.	\$105,000	09/23/93	09/23/93		ENVIRONMENTAL MINING NETWORK - To establish and maintain regular communication on mining issues with environmental groups
	95	HQ	823831-01-0	SOUTHWEST RESEARCH & INFORM. CTR.	\$144,000	03/30/95	04/01/95	03/31/99	CITIZEN PARTICIPATION IN THE REVIEW AND EVALUATION OF STATE OIL-FIELD WASTE REGULATORY PROGRAMS - environmental training seminars to provide information to citizens groups and environmental organizations in the IOGCC state review process.
<b>SUSTAINABLE COTTON PROJECT</b>									
	95	9	899376-01-0	SUSTAINABLE COTTON PROJECT	\$75,000	09/21/95	10/01/95	01/31/97	CLEAN WATER ACT 104(B)(3) AGRICULTURE INITIATIVE AGRICULTURE INITIATIVE-BIOLOGICAL AGRICULTURE SYSTEMS IN COTTON
	97	9	899772-01-0	SUSTAINABLE COTTON PROJECT	\$219,216	09/13/97	08/13/97	06/30/99	AGRICULTURE INITIATIVE-BIOLOGICAL AGRICULTURE SYSTEMS IN COTTON
<b>TEXACO, INC</b>									
	92	HQ	820440-01-0	TEXACO, INC.	\$0	09/07/92	09/10/92	06/30/95	SUPERFUND INNOVATIVE TECHNOLOGY EVALUATION - DEMONSTRATION OF HAZARDOUS WASTE CLEANUP BY SUPERFUND SITES TO demonstrate a high-priority remediation process to verify a high-priority remediation process for the Superfund sites and to provide information for the Superfund sites and to provide information for the Superfund sites
<b>TIDES CENTER AND THE MILITARY</b>									
	93	6	899217-01-0	TIDES CENTER	\$50,000	09/03/93	09/15/93	03/15/97	CITIZENS GUIDE TO THE RIO GRANDE WATERSHED
	94	4	894556-94-0	TIDES CENTER	\$7,000	05/31/94	06/06/94	09/30/96	ENVIRONMENTAL EQUITY PROGRAM
	95	9	895462-01-0	TIDES CENTER	\$0	03/29/95	04/01/95	12/31/96	ENVIRONMENTAL EQUITY PROGRAM
	96	9	895463-01-0	TIDES CENTER	\$3,000	03/29/96	04/01/96	12/31/96	ENVIRONMENTAL EQUITY PROGRAM
	96	9	895574-01-0	TIDES CENTER	\$70,000	09/27/96	09/27/96	10/31/97	TOXIC SUBSTANCES CONTROL ACT - TSCA 10(A)
	97	6	896874-01-0	TIDES CENTER	\$40,000	09/19/97	09/06/97	03/15/99	ENVIRONMENTAL JUSTICE PROGRAM
	97	9	896880-01-0	TIDES CENTER	\$19,500	09/05/97	09/15/97	10/15/98	ENVIRONMENTAL JUSTICE PROGRAM
	97	9	896882-01-0	TIDES CENTER	\$20,000	09/23/97	09/23/97	04/30/99	ENVIRONMENTAL JUSTICE PROGRAM

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98	9	980005-01-0	980005-01-0	TIDES CENTER	\$3,017	07/24/98	08/01/98	07/31/98	ENVIRONMENTAL EDUCATION PROGRAM
98	9	980005-01-0	980005-01-0	TIDES CENTER	\$3,017	07/24/98	08/01/98	07/31/98	ENVIRONMENTAL EDUCATION PROGRAM
98	9	826969-01-0	826969-01-0	TIDES CENTER/CSE	\$75,000	08/08/98	08/01/98	07/31/01	CENTER FOR SMALL BUSINESS AND THE ENVIRONMENT - assistance in the development of the small business advocacy, trade and professional community and that of the collaboration between the leadership of the small business industry and the professional community.
94	9	989127-01-0	989127-01-0	TIDES FOUNDATION	\$133,201	07/22/94	07/22/94	06/30/95	TOXIC SUBSTANCES CONTROL ACT (TSCA)
95	9	989127-02-0	989127-02-0	TIDES FOUNDATION	\$100,000	06/30/95	07/01/95	06/30/97	TOXIC SUBSTANCES CONTROL ACT (TSCA)
95	9	989248-01-0	989248-01-0	TIDES FOUNDATION	\$5,000	04/10/95	04/17/95	06/30/96	ENVIRONMENTAL EDUCATION PROGRAM
95	9	989270-01-0	989270-01-0	TIDES FOUNDATION	\$15,000	04/27/95	04/27/95	10/15/95	SECTION 104(B)(3) - WETLANDS PROTECTION PROGRAM
95	9	824075-01-0	824075-01-0	TIDES FOUNDATION	\$9,494	02/24/95	03/01/95	02/29/96	INVENTORY AND ANALYSIS OF FEDERAL ENERGY EFFICIENCY AND RENEWABLE ENERGY TECHNOLOGY PROGRAMS AND ACTIVITIES - To identify, describe and evaluate the energy efficiency and renewable energy programs and activities of the US Dept. of Energy and to promote the export of energy efficient and renewable energy technologies.
96	10	980282-01-0	980282-01-0	WASHINGTON ENVIRONMENTAL COUNCIL	\$0	08/05/98	10/01/98	12/18/98	WORKING THROUGH TIMBER, FISH & WILDLIFE FORUM TO PROMOTE APPROVED WASHINGTON STATE FOREST PRACTICES
97	3	985711-01-0	985711-01-0	WASHINGTON PARK LEAD COMMITTEE	\$32,650	09/22/97	10/01/97	09/30/00	TAG - ABEX SUPERFUND SITE
95	10	980668-01-0	980668-01-0	WASHINGTON TOXICS COALITION	\$85,570	08/22/92	10/01/92	12/30/95	PROMOTING GROUNDWATER PROTECTION THROUGH PUBLIC SCHOOLS OUTREACH AND COORDINATION
95	10	980587-01-0	980587-01-0	WASHINGTON TOXICS COALITION	\$7,500	09/22/95	10/01/95	09/30/91	REDUCING PESTICIDE EXPOSURE BY PROMOTING ALTERNATIVES
95	10	980588-01-0	980588-01-0	WASHINGTON TOXICS COALITION	\$17,487	09/22/95	10/01/95	04/01/97	ALTERNATIVES
97	10	980669-01-0	980669-01-0	WASHINGTON TOXICS COALITION	\$5,000	09/30/97	10/01/97	09/30/98	OUTREACH FOR IPM IN SCHOOLS
97	10	980070-01-0	980070-01-0	WASHINGTON TOXICS COALITION	\$17,500	09/30/97	10/01/97	12/31/98	FARM IMPROVEMENT CLUBS AND COMMUNITY SUPPORT
91	8	008714-01-0	008714-01-0	WYOMING OUTDOOR COUNCIL	\$10,000	04/19/91	04/19/91	04/19/92	ASSISTS STATE IN DEVELOPMENT OF EDUCATION AND PUBLIC AWARENESS FOR WASTE REDUCTION
91	8	980528-01-0	980528-01-0	WYOMING OUTDOOR COUNCIL	\$10,000	04/19/91	04/19/91	04/19/92	ASSISTS STATE IN DEVELOPMENT OF EDUCATION AND PUBLIC AWARENESS FOR WASTE REDUCTION

**NON-GOVERNMENTAL INDIVIDUALS AND  
ORGANIZATIONS THAT RECEIVED EPA GRANTS FROM  
JANUARY 1, 1989-MARCH 31, 1999  
AND ALSO SUED EPA DURING THAT PERIOD**

**LAWSUIT INFORMATION**

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
<b>ALABAMA RIVERS ALLIANCE, INC.</b>	
No. 97-2518 (N.D. Ala.)	09/22/97
No. 97-0714 (N.D. Ala.) (lead plaintiff is Mudd)	03/21/97
<b>ALASKA CENTER FOR THE ENVIRONMENT</b>	
No. 96-245 (D. Alaska)	07/18/96
No. 95-35109 and 95-35065 (W.D. Wash.)	04/24/90
No. 96-1762 (W.D. Wash.) (lead plaintiff is Alaska Clean Water Alliance)	11/08/96
No. 95-1153 and 95-107 (D. Alaska) (lead plaintiff is Alyeska Seafood, Inc.)	03/21/95
No. 97-60042 (5 <sup>th</sup> Cir.) (lead petitioner is Texas Mid-Continent Oil & Gas)	01/22/97
<b>ALASKA CLEAN WATER ALLIANCE</b>	
No. 96-1762 (W.D. Wash.)	11/08/96
No. 97-60042 (5 <sup>th</sup> Cir.) (lead petitioner is Texas Mid-Continent Oil & Gas)	01/22/97
<b>AMERICAN FOREST AND PAPER ASSOCIATION, INC.</b>	
No. 97-1448 (D.C. Cir.)	07/22/97
No. 97-1210 (D.C. Cir.)	03/31/97
No. 97-1209 (D.C. Cir.)	03/31/97
No. 97-1208 (D.C. Cir.)	03/31/97

<b>CASE NUMBER AND COURT</b>	<b>DATE LAWSUIT WAS FILED</b>
No. 97-1206 (D.C. Cir.)	03/30/97
No. 96-60874 (5 <sup>th</sup> Cir.)	12/21/96
No. 97-9506 (10 <sup>th</sup> Cir.)	03/03/97
No. 97-1212 (D.C. Cir.)	03/31/97
No. 97-1211 (D.C. Cir.)	03/31/97
No. 98-1427 (D.C. Cir.)	09/16/98
No. 99-1053 (D.C. Cir.)	02/16/99
No. 98-1543 (D.C. Cir.)	11/16/98
No. 96-5324 and 93-0694 (D.D.C.)	04/05/93
No. 95-1360 (D.C. Cir.)	07/19/95
No. 93-1347 (D.C. Cir.)	05/24/93
No. 94-1395 (D.C. Cir.)	05/16/94
No.95-1007 (D.D.C.)	05/26/95
No. 95-70025 (9 <sup>th</sup> Cir.)	01/06/95
No. 95-70027 (9 <sup>th</sup> Cir.)	01/06/95
No. 98-1203 and 98-1196 (D.C. Cir.) (lead petitioner is National Association of Manufacturers)	04/10/98
No. 97-1130 (D.C. Cir.) (lead petitioner is American Automobile Manufacturers)	03/13/97
<b>AMERICAN LITTORAL SOCIETY</b>	
No. 98-979 (E.D. Va.) (lead plaintiff is American Canoe Association, Inc.)	07/09/98
No. 96-489 (E.D. Pa.)	01/24/96
No. 96-339 (D.N.J.)	01/24/96
No. 96-5920 (E.D. Pa.)	08/28/96
No. 96-330 (D. Del.)	06/19/96

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 98-927 (D. Md.) (lead plaintiff is Sierra Club)	04/01/98
No. 97-3838 (D. Md.) (lead plaintiff is Sierra Club)	11/13/97
No. 96-5772 and 96-5105 (D.N.J.) (lead plaintiff is Clean Ocean Action)	06/01/93
No. 96-591 (D. Del.)	08/28/96
<b>AMERICAN LUNG ASSOCIATION</b>	
No. 93-1305 (D.C.Cir.) (national association)	05/10/93
No. 94-1284 (D.C.Cir.) (national association)	04/01/94
No. 94-2166 (4 <sup>th</sup> Cir.) (national association)	09/12/94
No. 92-6060 and 91-4144 (E.D.N.Y.) (national association and American Lung Associations of Nassau, Suffolk, Queens, and Brooklyn)	10/21/91
No. 92-5316 (E.D.N.Y.) (national association)	11/12/92
No. 93-643 (D. Ariz.) (national association and American Lung Association of Arizona)	10/13/93
No. 94-2140 (D.D.C.) (national association)	10/05/94
No. 96-1251 (D.C. Cir.) (national association)	07/19/96
No. 96-1388 (D.D.C.) (American Lung Association of Northern Virginia)	06/18/96
No. 96-1856 (D. Ariz.) (American Lung Association of Arizona)	08/13/96
No. 95-4000 (6 <sup>th</sup> Cir.) (lead plaintiff is Citizens for a Better Environment) (American Lung Association of Michigan)	09/18/95
<b>AMERICAN PUBLIC POWER ASSOCIATION</b>	
No. 97-1513 (D.C. Cir.)	08/15/97

<b>CASE NUMBER AND COURT</b>	<b>DATE LAWSUIT WAS FILED</b>
No. 97-1564 (D.C. Cir.)	09/15/97
No. 97-1562 (D.C. Cir.)	09/15/97
No. 98-1394 (D.C. Cir.) (lead petitioner is Edison Electric Institute)	08/21/98
No. 97-1125 (D.C. Cir.) (lead petitioner is Appalachian Power Co.)	03/17/97
<b>AMERICAN RIVERS, INC.</b>	
No. 97-70365 (9 <sup>th</sup> Cir.)	04/04/97
No. 94-70613 (9 <sup>th</sup> Cir.)	09/28/94
No. 96-3208 (E.D. La.) (lead plaintiff is Mississippi River Basin Alliance)	10/02/96
<b>AMERICAN WATER WORKS ASSOCIATION</b>	
No. 96-1208 (D.C. Cir.)	06/21/96
No. 89-1489 (D.C. Cir.)	08/10/89
No. 91-1149 (D.C. Cir.)	03/28/91
No. 97-2111 (D.D.C.) (lead plaintiff is Association of Metropolitan Sewage Authorities)	09/23/97
<b>ANACOSTIA WATERSHED SOCIETY</b>	
No. 98-758 (D.D.C.) (lead plaintiff is Kingman Park Civic Association)	03/25/98
<b>ARIZONA TOXICS INFORMATION</b>	
No. 99-389 (D.D.C.) (lead plaintiff is Greenpeace International)	02/18/99
<b>ATLANTIC STATES LEGAL FOUNDATION</b>	
No. 95-1788 (N.D.N.Y.)	12/15/95
No. 97-378 and 95-9525 (10 <sup>th</sup> Cir.) (lead plaintiff is Maier)	06/02/95

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
<b>BABCOCK &amp; WILCOX</b>	
No. 90-1509 (D.C. Cir.)	10/29/90
<b>CITIZENS FOR A BETTER ENVIRONMENT</b>	
No. 95-4000 (6 <sup>th</sup> Cir.)	09/18/95
No. 91-15108 (N.D. Cal.)	04/17/90
No. 91-70056 (9 <sup>th</sup> Cir.)	01/25/91
No. 90-15455 and 89-2044 (N.D. Cal.)	06/12/89
<b>CITIZENS FOR A HEALTHY BAY</b>	
No. C99-0375Z (W.D. Wash.)	03/17/99
<b>CLEAN OCEAN ACTION</b>	
No. 96-5772 (3 <sup>rd</sup> Cir.) and 96-5105 (D.N.J.)	06/01/93
No. 94-5490 (3 <sup>rd</sup> Cir.) and 94-2614 (D.N.J.)	06/01/94
<b>COLORADO ENVIRONMENTAL ACTION</b>	
No. 97-1841 (D. Colo.)	08/14/97
<b>CONCERNED CITIZENS OF AGRICULTURE STREET</b>	
No. 98-124 (E.D. La.)	01/15/98
<b>CONSERVATION LAW FOUNDATION</b>	
No. 91-1269 and 89-2325 (D. Mass.)	10/17/89
No. 95-1047 and 95-1020 (D.N.H.)	03/26/92
No. 92-1335 (1 <sup>st</sup> Cir.)	03/26/92
No. 94-1062 (D.C. Cir.)	01/28/94
No. 94-1692 (D.C. Cir.)	10/31/94
No. 91-12222 (D. Mass)	08/21/91
No. 92-278 and 92-156 (D.N.H.)	03/26/92
<b>COOK INLET KEEPER</b>	

<b>CASE NUMBER AND COURT</b>	<b>DATE LAWSUIT WAS FILED</b>
No. 97-60042 (5 <sup>th</sup> Cir.) (lead petitioner is Texas Mid-Continent Oil & Gas)	01/22/97
<b>DELAWARE VALLEY CITIZENS COUNCIL FOR CLEAN AIR</b>	
No. 95-3318 (3 <sup>rd</sup> Cir.)	06/30/95
No. 95-3363 (3 <sup>rd</sup> Cir.)	06/30/95
No. 95-3494 (3 <sup>rd</sup> Cir.)	09/14/95
No. 96-3086 (3 <sup>rd</sup> Cir.)	02/09/96
No. 95-1241 (D.C. Cir.)	05/01/95
No. 97-3428 (3 <sup>rd</sup> Cir.)	08/11/97
No. 96-1316 (D.C. Cir.)	09/06/96
No. 95-3318 (D.D.C.)	06/18/96
No. 94-3180 (M.D. Pa.)	04/19/94
No. 96-3086 and 95-2533 (E.D. Pa.)	05/01/95
No. 90-1309 and 89-2592 (E.D. Pa.)	04/17/89
No. 94-1692 (D.C. Cir.) (lead petitioner is Conservation Law Foundation)	10/31/94
<b>EARTH ISLAND INSTITUTE</b>	
No. 96-1457 (D.C. Cir.)	12/02/96
<b>EDISON ELECTRIC INSTITUTE</b>	
No. 95-1378 (D.C. Cir.)	07/26/95
No. 96-1062 (D.C. Cir.)	02/20/96
No. 95-1393 (D.C. Cir.)	08/04/95
No. 8-1394 (D.C. Cir.)	08/021/98
No. 94-2346 (D.D.C.)	10/28/94
No. 91-1586 (D.C. Cir.)	11/27/91
No. 92-1638 (D.C. Cir.)	12/09/92

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 93-1474 (D.C. Cir.)	07/27/93
No. 95-1144 (D.C. Cir.)	03/06/95
No. 97-1125 (D.C. Cir.) (lead petitioner is Appalachian Power Company)	03/17/97
No. 91-2435 (D.D.C.) (lead plaintiff is Gearhart)	09/26/91
<b>ENVIRONMENTAL DEFENSE FUND</b>	
No. 92-2520 and 3-91-00058 (E.D. Va.)	01/29/91
(E.D. Va.) <sup>1</sup>	10/09/90
No. 93-91-00165 (E.D. Va.)	03/29/91
No. 93-0532 (D.D.C.)	03/15/93
No. 95-15574 (N.D. Cal.)	04/30/92
No. 90-1074 (D.C. Cir.)	02/13/90
No. 92-1082 (Cir.) <sup>2</sup>	02/24/92
No. 93-1203 (D.C. Cir.)	03/12/93
No. 94-1044 (D.C. Cir.)	01/21/94
No. 89-0598 (D.D.C.)	03/08/89
No. 91-0429 (D.D.C.)	02/26/91
No. 90-1387 (D.C. Cir.)	07/25/90
No. 91-1296 (D.C. Cir.)	06/24/91
No. 97-1562 and 97-467-5 (E.D.N.C.)	07/22/91
No. 98-1363 (D.C. Cir.)	02/12/99
No. 99-1048 (D.C. Cir.)	02/12/99

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<sup>1</sup> Case number not readily available.

<sup>2</sup> Case number not readily available.

<b>CASE NUMBER AND COURT</b>	<b>DATE LAWSUIT WAS FILED</b>
No. 93-1316 (D.C. Cir.)	05/14/93
No. 93-1830 and 93-1789 (D.C. Cir.) (lead petitioner is American Road & Transportation Builders Association)	11/17/93
<b>FRIENDS OF THE EARTH</b>	
No. 92-1761 (W.D. Wash.)	11/16/92
No. 91-3013 and 91-1109 (4 <sup>th</sup> Cir.)	01/18/91
No. 94-1079 (D.C. Cir.) (lead petitioner is Natural Resources Defense Council)	02/08/94
No. 98-758 (D.D.C.) (lead plaintiff is Kingman Park Civic Association)	03/25/98
No. 97-1518 (D.D.C.) (lead plaintiff is Friends of Mount Aventine)	07/02/97
<b>GENERAL ELECTRIC COMPANY</b>	
No. 95-2818 (7 <sup>th</sup> Cir.)	08/02/95
No. 97-1695 <sup>3</sup>	11/04/97
No. 97-2738 (7 <sup>th</sup> Cir.)	07/11/97
No. 98-60642 (D.C. Cir.)	10/21/98
No. 93-1251 (D.C. Cir.)	04/01/93
No. 95-1165 (D.C. Cir.)	03/16/95
No. 90-1297 (D.C. Cir.)	06/06/90
No. 94-0457 (D.D.C.)	03/08/94
No. 93-1272 (D.C. Cir.)	04/16/93
No. 93-1807 (D.C. Cir.)	11/30/93
No. 94-1274 (D.C. Cir.)	03/29/94

<sup>3</sup> Court not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. (D.C. Cir.) <sup>4</sup>	05/16/94
No. 91-1645 (D.C. Cir.)	12/24/91
No. 94-1163 (1 <sup>st</sup> Cir.)	02/25/94
<b>GEORGIA ENVIRONMENTAL ORGANIZATION</b>	
No. 97-8680 and 96-9327 (N.D. Ga.) (lead plaintiff is Sierra Club)	09/22/94
<b>HEAL THE BAY</b>	
No. 98-4825 (N.D. Cal.)	12/17/98
<b>HORSEHEAD RESOURCE DEVELOPMENT CO.</b>	
No. 96-3475 and 95-1785 (W.D. Pa.)	11/01/95
No. 95-1286 (D.C. Cir.)	06/01/95
No. 90-1413 (D.C. Cir.)	08/06/90
No. 94-1764 (D.C. Cir.)	12/16/94
No. 94-1709 (D.C. Cir.)	11/21/94
No. 91-1221 (D.C. Cir.)	05/14/91
No. 98-1397 (D.C. Cir.) (lead petitioner is Zinc Corporation of America)	08/24/98
No. 91-1538 (D.C. Cir.) (lead petitioner is Steel Manufacturers Association)	11/12/91
<b>IDAHO CONSERVATION LEAGUE</b>	
No. 97-35336 and 96-807 (W.D. Wash.)	05/24/96
No. 96-829 (W.D. Wash.) (lead plaintiff is Idaho Sporting Congress)	05/29/96
<b>LAND AND WATER FUND OF THE ROCKIES</b>	
No. 97-35336 and 96-807 (W.D. Wash.) (lead plaintiff is Idaho Conservation League)	05/24/96

<sup>4</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
<b>MAINE ORGANIC FARMERS &amp; GARDENERS</b>	
No. 99-389 (D.D.C.) (lead plaintiff is Greenpeace International)	02/18/99
<b>MOTHERS AND OTHERS FOR A LIVABLE PLANET</b>	
No. 99-389 (D.D.C.) (lead plaintiff is Greenpeace International)	02/18/99
<b>NATIONAL ASSOCIATION OF HOMEBUILDERS</b>	
No. 97-1588 (D.C. Cir.)	09/16/97
No. 4-99-11 (E.D. Va.)	01/27/99
<b>NATIONAL WILDLIFE FEDERATION</b>	
No. 4-95-131 (W.D. Mich.)	07/19/95
No. 95-1811 (D.D.C.)	09/21/95
No. 95-1363 (D.C. Cir.)	07/19/95
No. 97-1504 (D.D.C.)	07/01/97
No. 93-0331 (D.D.C.)	02/17/93
No. (S.D. Fla.) <sup>5</sup>	01/14/91
No. (S.D. Tex.) <sup>6</sup>	05/09/91
No. 94-3309 (6 <sup>th</sup> Cir.)	03/24/94
No. 96-3208 (E.D. La.) (lead plaintiff is Mississippi River Basin Alliance)	10/02/96
No. 96-1680 (D.D.C.) (lead plaintiff is Sierra Club)	07/18/96
No. 97-60042 (5 <sup>th</sup> Cir.) (lead petitioner is Texas Mid-Continent Oil & Gas)	01/22/97

<sup>5</sup> Case number not readily available.

<sup>6</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
<b>NATURAL HERITAGE INSTITUTE</b>	
No. 97-3997 (N.D. Cal.) (lead plaintiff is Defend the Bay, Inc.)	07/19/96
<b>NATURAL RESOURCES DEFENSE COUNCIL</b>	
No. (D.D.C.) <sup>7</sup>	11/26/90
No. 92-2520 and 3-91-00058 (E.D. Va.)	01/29/91
No. 91-5235 (D.N.J.)	11/25/91
No. 92-122 (N.D. Okla.)	02/10/92
No. 94-8424 (S.D.N.Y.)	11/18/94
No. 95-634 (D.D.C.)	04/03/95
No. 89-2980 (D.D.C.)	10/30/89
No. 90-70671 (9 <sup>th</sup> Cir.)	12/10/90
No. 91-70200 (9 <sup>th</sup> Cir.)	03/27/91
No. 91-1343 (D.C. Cir.)	07/22/91
No. 92-70020 (9 <sup>th</sup> Cir.)	01/03/92
No. (9 <sup>th</sup> Cir.) <sup>8</sup>	01/08/92
No. 92-70543 (9 <sup>th</sup> Cir.)	07/29/92
No. 92-3756 (3 <sup>rd</sup> Cir.)	12/31/92
No. 93-3293 and 93-3066 (3 <sup>rd</sup> Cir.)	02/11/93
No. 93-70313 (9 <sup>th</sup> Cir.)	03/23/93
No. 93-3131 (3 <sup>rd</sup> Cir.)	03/25/93
No. 93-3130 (3 <sup>rd</sup> Cir.)	03/25/93
No. 92-1534 (E.D. Va.)	01/24/92

<sup>7</sup> Case number not readily available.

<sup>8</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 92-1494 (E.D.N.Y.)	03/30/92
No. 92-2225 (D.D.C.)	10/01/92
No. 90-1068 (D.C. Cir.)	02/13/90
No. 90-3439 and 90-2447 (3 <sup>rd</sup> Cir.)	07/17/90
No. 90-1464 (D.C. Cir.)	09/24/90
No. 91-1170 (D.C. Cir.)	04/10/91
No. 91-1294 (D.C. Cir.)	06/21/91
No. 92-1137 (D.C. Cir.)	04/2/92
No. 92-1197 (D.C. Cir.)	05/4/92
No. 92-1353 (D.C. Cir.)	08/11/92
No. 92-1415 (D.C. Cir.)	09/14/92
No. 92-1409 (D.C. Cir.)	09/11/92
No. 92-1535 (D.C. Cir.)	10/9/92
No. 92-1596 (D.C. Cir.)	11/16/92
No. 92-1630 (D.C. Cir.)	12/04/92
No. 93-1204 (D.C. Cir.)	03/12/93
No. (D.C. Cir.) <sup>9</sup>	03/12/93
No. 94-1079 (D.C. Cir.)	02/8/94
No. 94-1398 (D.C. Cir.)	05/18/94
No. 94-1647 (D.C. Cir.)	09/27/94
No. 92-2093 (E.D.N.Y.)	05/29/92
No. 92-2196 (D.D.C.)	09/25/92
No. 93-1946 (D.D.C.)	09/21/93
No. 90-0694 (D.D.C.)	03/26/90

<sup>9</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. (D.D.C.) <sup>10</sup>	03/14/91
No. 91-1105 (D.D.C.)	05/15/91
No. 90-1245 (D.C. Cir.)	05/10/90
No. 90-1322 (D.C. Cir.)	06/27/90
No. 90-1497 (D.C. Cir.)	10/19/90
No. 92-1005 (D.C. Cir.)	01/06/92
No. 92-1371 (D.C. Cir.)	08/18/92
No. 92-1639 (D.C. Cir.)	12/09/92
No. 98-1431 (D.C. Cir.)	09/16/98
No. 98-1363 (D.C. Cir.) (lead petitioner is Environmental Defense Fund)	06/05/98
No. 97-1686 (D.C. Cir.) (lead petitioner is Sierra Club)	07/15/97
No. 96-1316 (D.C. Cir.) (lead petitioner is Delaware Valley Citizens Council)	09/06/96
No. 98-1379 (D.C. Cir.)	06/08/92
No. 92-2369 (D.N.J.)	06/08/92
No. 97-60042 (5 <sup>th</sup> Cir.) (lead petitioner is Texas Mid-Continent Oil & Gas)	01/22/97
<b>NEW YORK CITY ENVIRONMENTAL JUSTICE ALLIANCE</b>	
No. 98-4404 (S.D.N.Y.) (lead plaintiff is South Bronx Coalition for Clean Air, Inc.)	07/20/98
<b>NORTH CAROLINA COASTAL FEDERATION</b>	
No. 97-1562 and 97-467-5 (E.D.N.C.) (lead plaintiff is Environmental Defense Fund)	07/22/91
<b>NORTHWEST COALITION FOR ALTERNATIVES</b>	

<sup>10</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 90-70262 (9th Cir.)	06/5/90
No. 91-70426 (9th Cir.)	07/12/91
No. 97-1135 (W.D. Wash.) (lead plaintiff is Pineros y Campesinos Unidos del Nordeste)	07/10/97
<b>OKLAHOMA WILDLIFE FEDERATION</b>	
No. 99-0020 (N.D. Okla.)	01/07/99
No. 98-145 (N.D. Okla.)	02/23/98
No. 97-1090 (N.D. Okla.) (lead plaintiff is Hayes)	12/11/97
<b>PEOPLE FOR PUGET SOUND</b>	
No. 93-70301 (9 <sup>th</sup> Cir.)	03/19/93
No. C99-0375Z (W.D. Wash.) (lead plaintiff is Citizens for a Healthy Bay)	03/17/99
<b>SANTA MONICA BAYKEEPER</b>	
No. 98-4825 (N.D. Cal.) (lead plaintiff is Heal the Bay)	12/17/98
<b>SCENIC HUDSON</b>	
No. 94-4105 and 93-4011 (2d Cir.)	01/29/93
<b>SERVICE EMPLOYEES INTERNATIONAL UNION</b>	
No. 89-0851 (D.D.C.)	03/31/89
No. 89-1228 (D.C. Cir.)	04/03/89
<b>SIERRA CLUB</b>	
No. 98-1195 (W.D. Mo.) (lead plaintiff is American Canoe Association, Inc.)	11/12/98
No. 96-5920 (E.D. Pa.) (lead plaintiff is American Littoral Society)	08/28/96
No. 96-330 (D. Del.) (lead plaintiff is American Littoral Society)	06/19/96

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 97-1562 and 91-467-5 (E.D.N.C.) (lead plaintiff is Environmental Defense Fund)	07/22/91
No. 96-245 (D. Alaska) (lead plaintiff is Alaska Center for the Environment)	07/18/96
No. 99-30 (N.D. Iowa)	02/25/99
No. 99-114 (E.D. Ark.)	02/18/99
No. 96-527 (E.D. La.)	02/12/96
No. 98-927 (D. Md.)	04/01/98
No. 97-3838 (D. Md.)	11/13/97
No. 97-3683 (N.D. Ga.)	12/11/97
No. 98-71120 and 98-60804 (9 <sup>th</sup> Cir.)	09/24/98
No. 99-60015 (5 <sup>th</sup> Cir.)	02/08/99
No. 96-70223 (9 <sup>th</sup> Cir.)	03/27/96
No. 98-1270 (D.C. Cir.)	06/09/98
No. 95-9541 (10 <sup>th</sup> Cir.)	09/15/95
No. 96-1007 (D.C. Cir.)	1/12/96
No. 95-1562 (D.C. Cir.)	11/03/95
No. 97-1686 (D.C. Cir.)	07/15/97
No. 97-2119 (4 <sup>th</sup> Cir.)	08/22/97
No. 98-1610 (D.D.C.)	06/24/98
No. 98-2733 (D.D.C.)	11/12/98
No. 95-1747 (D.D.C.)	09/13/95
No. 96-672 (S.D. Ala.)	07/16/96
No. 99-388 (D.D.C.)	02/18/99
No. 96-436 (D.D.C.)	03/07/96
No. 96-1680 (D.D.C.)	07/18/96

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 97-675 (D.D.C.)	04/04/97
No. 96-2431 (D. Md.) (lead plaintiff is Audubon Naturalist Society)	10/31/95
No. 95-24901 (D. Kan.) (lead plaintiff is Kansas Natural Resources Council)	10/31/95
No. 98-1379 (D.C. Cir.) (lead plaintiff is Natural Resources Defense Council)	08/18/98
No. 98-1431 (D.C. Cir.) (lead petitioner is Natural Resources Defense Council)	09/16/98
No. 97-3004 (D.D.C.)	12/16/97
No. 97-3888 (N.D. Cal.)	10/23/97
No. 98-5366 and 97-1984 (D.D.C.)	08/29/97
No. 98-1564 (D.C. Cir)	11/30/98
No. (N.D. Ga.) <sup>11</sup>	04/24/91
No. 4-92-970 (D. Minn.)	10/07/92
No. 90-1674 (D. Ariz.)	10/29/90
No. 97-8680 (N.D. Ga.)	09/22/94
No. 93-2644 (D.D.C.)	12/30/93
No. F:94-CV-2501 (N.D. Ga.)	09/22/94
No. 89-2064 (N.D. Cal.)	06/13/89
No. 89-3408 (D.D.C.)	12/20/89
No. 91-10898 (D. Mass.)	03/25/91
No. 92-1749 (D.D.C.)	07/27/92
No. 93-5245 and 93-0124 (D.D.C.)	01/19/93
No. 92-2282 (1 <sup>st</sup> Cir.)	11/05/92

<sup>11</sup> Case number not readily available.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
No. 93-0125 (D.D.C.)	01/19/93
No. 93-0284 (E.D.N.Y.)	01/21/93
No. 93-0197 (D.D.C.)	02/01/93
No. 93-0564 (D.D.C.)	03/19/93
No. 94-0553 (D.D.C.)	03/17/94
No. 94-0954 (D.D.C.)	04/29/94
No. 95-0627 (D.D.C.)	03/21/95
No. 93-2167 (D.D.C.)	10/21/93
No. 92-1003 (D.C. Cir.)	01/06/92
No. 94-1692 (D.C. Cir.) (lead petitioner is Conservation Law Foundation)	10/31/94
No. 96-1316 (D.C. Cir.) (lead petitioner is Delaware Valley Citizens Council)	09/06/96
No. 95-15574 and 92-1636 (N.D. Cal.) (lead plaintiff is Environmental Defense Fund)	04/30/92
No. 92-2227 and 91-10898 (D. Mass.)	03/25/91
No. 98-927 (D. Md.)	04/01/91
No. 94-920 (S.D. Cal.)(San Diego chapter)	06/09/94
<b>SOUTHERN ENVIRONMENTAL LAW CENTER<sup>12</sup></b>	
No. 97-1562 and 91-467-5 (E.D.N.C.) (lead plaintiff is Environmental Defense Fund)	07/22/91
<b>SOUTHWEST RESEARCH AND INFORMATION CENTER</b>	
No. 98-1323 (D.C. Cir.)	06/17/98
No. 96-1109 and 96-1108 (D.C. Cir.) (lead plaintiff is State of New Mexico)	04/08/96

<sup>12</sup> We are uncertain whether Southern Environmental Law Center is the same entity as grantee Southern Environmental. In the interest of inclusiveness, however, we have included Southern Environmental Law Center on this list.

CASE NUMBER AND COURT	DATE LAWSUIT WAS FILED
<b>SUSTAINABLE COTTON PROJECT</b>	
No. 99-389 (D.D.C.) (lead plaintiff is Greenpeace International)	02/18/99
<b>TEXACO INC.</b>	
No. 98-1428 (D.C. Cir.)	09/16/98
No. 94-1143 (D.C. Cir.)	02/25/94
No. 94-1686 (D.C. Cir.)	10/25/94
No. 92-9569 (10 <sup>th</sup> Cir.) (Texaco Exploration & Production, Inc.)	11/23/92
No. 90-1321 (D.C. Cir.) (Texaco Refining)	06/27/90
<b>TIDES CENTER</b>	
No. 97-1342 (D.C. Cir.)	04/30/97
<b>TIDES FOUNDATION</b>	
No. 94-2663 (D.D.C.)	12/12/94
<b>WASHINGTON ENVIRONMENTAL COUNCIL</b>	
No. C99-0375Z (W.D. Wash.) (lead plaintiff is Citizens for a Healthy Bay)	03/17/99
<b>WASHINGTON PARK LEAD COMMITTEE</b>	
No. 2-98-421 (E.D. Va.)	04/17/98
<b>WASHINGTON TOXICS COALITION</b>	
No. 98-1564 (D.C. Cir.) (lead petitioner is Sierra Club)	11/30/98
No. C99-0375Z (W.D. Wash.) (lead plaintiff is Citizens for a Healthy Bay)	03/17/99
<b>WYOMING OUTDOOR COUNCIL</b>	
No. 97-140 and 96-2831 (D. Colo.)	12/09/96

**CONSENT ORDERS RESOLVING DEFENSIVE JUDICIAL LITIGATION  
BETWEEN EPA AND OTHER PARTIES  
January 1, 1989 - March 31, 1999<sup>1</sup>**

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Alabama Rivers Alliance v. Henkinson, No. CV-97-S-2518-M (N.D.Ala.) and Edward Mudd, II v. Henkinson, No. CV-97-S-0714-M (N.D.Ala.)	Alabama Rivers Association, Edward Mudd II, Ouida Fritsch, and the Homewood Citizens Association	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to establish TMDLs for all water quality limited segments on Alabama's 1996 CWA § 303(d) list by 2005 if Alabama does not do so.	Parties to the consent order
American Littoral Society v. EPA, No. 96-489 (E.D.Pa.)	American Littoral Society and Public Interest Research Group of Pennsylvania	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed, among other things, to establish TMDLs for Pennsylvania waters not meeting water quality standards by 2009 if Pennsylvania does not do so.	Parties to the consent order and State of Pennsylvania (non-party)

<sup>1</sup> Abbreviations: CAA – Clean Air Act; CWA – Clean Water Act; CERCLA – Comprehensive Environmental Response, Compensation and Liability Act (“Superfund”); TSCA – Toxic Substances Control Act. Case numbers indicate the year in which the case was filed (e.g., a case with the number 92-1234 would have been filed in 1992).

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES IN PRESENT NEGOTIATIONS
American Littoral Society v. EPA, No. 96-591 (SLR) (D.Del.)	American Littoral Society and Sierra Club	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed, among other things, to establish TMDLs for Delaware waters not meeting water quality standards by 2006 if Delaware does not do so.	Parties to the consent order and State of Delaware (non-party)
American Lung Association of Arizona v. Browner, No. Civ. 96-1836 PHX ROS (D. Ariz.)	American Lung Association of Arizona, Carolyn Aspegren, and William Grimm	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to a schedule for issuance of a FIP for Phoenix, Arizona ozone nonattainment area for reductions of volatile organic compounds (VOCs) under CAA § 182(b)(1).	Parties to the consent order
American Lung Association of Northern Virginia v. Browner, Civ. No. 1:96 CVO 1388 (and consolidated cases Civ. No. 1:96 CVO 1392 and Civ. No. 1:96 CVO 1393) (D.D.C.)	American Lung Association, Urban Protectors, Sierra Club, Friends of the Earth, Delaware Valley Citizens Council for Clean Air, Chester Residents Concerned for Quality Living, Communities Organized to Improve Life, Odette McDonald, and Katherine Nueslein	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to a schedule regarding issuance of a FIP for ozone nonattainment areas in Washington, D.C., Baltimore, MD, and Philadelphia, PA for reductions of volatile organic compounds (VOCs) under CAA § 182(b)(1).	Parties to the consent order
American Lung Association v. Browner, No. 92-5316 (E.D.N.Y.)	American Lung Association (ALA); ALA of Nassau (NY), Queens (NY), and Brooklyn (NY); States of Maine and New Jersey; Paul Henry, Roberto Cabballeri, Alexandra Cabballeri, and Howard Hills	Failure to review criteria under CAA § 108 and national ambient air quality standard (NAAQS) by statutory deadline (CAA § 109(d)).	EPA agreed to a schedule for review of NAAQS for sulfur oxides.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Atlantic States Legal Foundation v. EPA, No. 95-CV-1788 (N.D.N.Y.)	Atlantic States Legal Foundation	Failure to promulgate regulations identifying dangerous levels of lead in paint, dust and soil by statutory deadline (TSCA § 403).	EPA agreed to schedule for promulgating regulations identifying dangerous levels of lead.	Parties to the consent order
Brewster v. Reilly, No. 90-6367-HO (D.Or.)	William L. Brewster	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Parties to the consent order
Bull Run Coalition v. EPA, No. 88-6097 (D.Or.)	Bull Run Coalition, Citizens Interested in Bull Run, Inc., Frank Gearhart, Joseph L. Miller, Kathy Williams, Lucia N. Skov, Vera Defoe, Mark Wigg, Samuel E. Sargent, Frances Price Cook, and William L. Brewster	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Bull Run Coalition
Bull Run Coalition v. EPA, No. 88-6444 (D.Or.)	Bull Run Coalition, Citizens Interested in Bull Run, Inc., Frank Gearhart, Joseph L. Miller, Kathy Williams, Lucia N. Skov, Mark Wigg, Samuel E. Sargent, Frances Price Cook, William L. Brewster, Cherie Holenstein, Ralph Frohwerk, Georgia Frohwerk, and Margaret H. Thomas	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Bull Run Coalition

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Citizens for Balanced Transportation v. EPA, No. 97-9530 (10 <sup>th</sup> Cir.)	Citizens for Balanced Transportation, Bob Yuhnke, and Earth Law	Failure to take action on submission of state implementation plan (SIP) by statutory deadline (CAA § 110 (k)).	EPA agreed to a schedule regarding action on SIP measures for carbon monoxide (CO) and particulate matter (PM-10), for Denver.	Parties to consent order and Colorado Air Quality Control Commission (non-party).
Citizens Interested in Bull Run, Inc. v. EPA, No. CIV 92-1587 (D.Or.)	Citizens Interested in Bull Run, Inc.	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Parties to consent order
Citizens Interested in Bull Run, Inc. v. Reilly, No 92-6258 (D.Or.)	Citizens Interested in Bull Run, Inc.	Failure to promulgate regulations requiring federal agencies to conform their procurement regulations with Title VI of the CAA by statutory deadline (CAA § 613).	EPA agreed to a schedule for issuing regulations requiring federal agencies to conform their procurement regulations with Title VI of the CAA.	Parties to the consent order
Citizens to Preserve the Ojai v. EPA, No. CV 88-0982 HLH (C.D.Cal.)	Citizens to Preserve the Ojai	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to schedules regarding issuance of a FIP for ozone for the Ventura Air Quality Management District.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Clinton County Commissioners v. EPA, No. 4:CV-96-00181 (M.D. Pa.)	Clinton County Commissioners and Arrest the Incinerator Remediation, Inc.	Response action at Drake Chemical Superfund Site violated CERCLA and RCRA and threatened human health and the environment.	EPA agreed to discontinue soil excavation and incinerator test operations at Drake Chemical Superfund Site until further risk analysis was completed by EPA and the court issued a ruling with respect to plaintiffs' February 1996 motion for a preliminary injunction.	Parties to the consent order
Clinton County Commissioners v. EPA, No. 4:CV-96-00181 (M.D. Pa.)	Clinton County Commissioners and Arrest the Incinerator Remediation, Inc.	Response action at Drake Chemical Superfund Site violated CERCLA and RCRA and threatened human health and the environment.	Upon plaintiffs' motion for injunctive relief pending appeal, EPA agreed not to commence full-scale operation of the incinerator before May 15, 1997 or before Court of Appeals for the Third Circuit issued decision (in exchange for plaintiffs' agreement that EPA could proceed with test operations).	Parties to the consent order
Coalition for Clean Air, Inc. v. EPA, No. CV 88-4414 HLH (C.D. Cal.)	Coalition for Clean Air, Inc., and Sierra Club	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to schedules regarding issuance of FIPs for carbon monoxide (CO) and ozone for the South Coast Air Quality Management District.	Parties to the consent order
Coalition for Clean Air, Inc. v. EPA, No. 97-6916 (C.D. Cal.)	Coalition for Clean Air, Inc., Natural Resources Defense Council, Inc., and Communities for a Better Environment	Failure to fulfill commitment in State implementation plan (SIP) approval.	EPA agreed to a schedule to conclude the public consultative process on the California ozone SIP.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Cook v. Reilly, No. 89-6307E (D.Or.)	Frances P. Cook and Citizens Interested in Bull Run, Inc.	Failure to issue standards of performance for stationary source by statutory deadline (CAA § 111).	EPA agreed to a schedule for regulation of emissions of volatile organic compounds (VOCs) from dry cleaners under CAA § 111.	Parties to the consent order
Cronin v. Browner, No. 93-0314 (AGS) (S.D. N.Y.)	John J. Cronin, the Hudson Riverkeeper, Cynthia E. Poter, the Delaware Riverkeeper, The Hudson Riverkeeper Fund, Inc., The New York Coastal Fishermen's Association, Inc., The American Littoral Society, Inc., Michael Lozeau, the San Francisco BayKeeper, BJ Cummings, the Puget Soundkeeper, Terrance E. Backer, the Soundkeeper, The Long Island Williner, the Baykeeper for the New York and New Jersey Harbor Estuary, Joseph E. Payne, the Casco BayKeeper, Terrance Tamminen, the Santa Monica BayKeeper, John Torgan, the Narragansett BayKeeper, Save the Bay, Inc.	Failure to promulgate regulations for cooling water intake structures by statutory deadline (CWA §§ 301(b), 306, and 316(b)).	EPA agreed to propose regulations under CWA § 316(b) by July 2, 1999 and take final action by August 13, 2001.	Parties to the consent order
Defend the Bay, Inc. v. Marcus, No. 97-3997 MMC (N.D.Cal.)	Defend the Bay, Inc.	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to establish TMDLs for Newport Bay, California by 2001 if California does not do so.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Defenders of Wildlife v. Browner, No. CIV 93-234 TUC ACM (D.Ariz.)	Defenders of Wildlife, George Marsik, Jerry Van Gasse, and James Singluff	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)); failure to promulgate water quality standards for Arizona by statutory deadline (CWA § 303(c)).	EPA agreed to take final action on water quality standards submitted by Arizona under CWA § 303(c); EPA agreed to establish TMDLs for mercury in certain waters in Arizona by 2001 if Arizona does not do so.	Parties to the consent order
DiSimone v. Browner, No. 97-1987 (D.Ariz.)	Barry DiSimone and Donald Steuter (represented by Arizona Center for Law in the Public Interest)	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to a schedule for rulemaking to implement the FIP for carbon monoxide in Phoenix, Arizona	Parties to the consent order
Donison v. Browner, No. CIV 92-6280-HO (D.Or.)	Clare Donison, Ralph Frowerk, Frank Gearhart, Kathy Williams, and Citizens Interested in Bull Run, Inc.	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations under SDWA.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
<p>Environmental Technology Council v. Browner, Nos. 94-2119 and 94-2346 (D.D.C.)</p>	<p>Environmental Technology Council and Edison Electric Institute</p>	<p>Failure to revise regulations governing mixtures and treatment residues of hazardous waste (FY 1996 Omnibus Budget Act).</p>	<p>EPA agreed to a rulemaking schedule regarding revisions to a specific section of the regulatory definition of hazardous waste, including possible exemptions from hazardous waste regulation.</p>	<p>Parties to the consent order; Chemical Manufacturers Association (intervenor), the American Forest and Paper Association (intervenor), the Chamber of Commerce of the United States (intervenor), the American Iron and Steel Institute (intervenor), the American Petroleum Institute (intervenor), and The Fertilizer Institute (intervenor)</p>

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES IN PRESENT IN NEGOTIATIONS
Environmental Defense Fund v. Browner, No. 89-0598 (D.D.C.)	Environmental Defense Fund	Failure to determine whether certain hazardous wastes should be listed as hazardous wastes by statutory deadlines (RCRA § 3001(e)); failure to promulgate toxicity characteristic by statutory deadline (§ 3001(g)).	Required EPA to complete several RCRA rulemakings required by statute by various dates, including determining whether certain solid wastes should be listed as hazardous wastes and producing studies of certain wastes.	Parties to the consent order
Environmental Defense Fund v. EPA, No. 91-0429 (D.D.C.)	Environmental Defense Fund	Failure to determine whether mining wastes should be regulated under RCRA Subtitle C by statutory deadline (RCRA § 3001(b)).	Required EPA to issue regulatory determination under RCRA § 3001(b) regarding status of mineral processing wastes under Subtitle C of RCRA by May 20, 1991.	Parties to the consent order
Environmental Defense Fund v. EPA, No. 92-1636 (N.D.Cal.)	Environmental Defense Fund, Sierra Club, and Carla Baird	Failure to promulgate conformity rule by statutory deadline (CAA § 176(c)(4)(A)).	EPA agreed to a schedule for issuance of conformity rules under CAA § 176(c)(4).	Parties to the consent order
Environmental Defense Fund v. Reilly, No. 85-9507 (S.D.N.Y.)	Environmental Defense Fund, Natural Resources Defense Council, Inc., National Parks and Conservation Association, and States of New York, Connecticut, Massachusetts, New Hampshire, Minnesota, and Rhode Island	Failure to review criteria under CAA § 108 and national ambient air quality standard (NAAQS) by statutory deadline (CAA § 109(d)).	EPA agreed to a schedule to review the secondary NAAQS for sulfur oxides under CAA § 109(d).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES IN PRESENT IN NEGOTIATIONS
Forest Guardians v. EPA, Civ. No. 96-0826 LH (D.N.M.)	Forest Guardians and Southwest Environmental Center	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to establish TMDLs for all water quality limited segments on New Mexico's 1998 CWA § 303(d) list by 2006 if New Mexico does not do so.	Parties to the consent order
Frohwerk v. Reilly, No. CIV 91-6549-TC (D.Or.)	Ralph Frowerk, Citizens Interested in Bull Run, Inc., Frank Gearhart, Joseph Miller and Kathy Williams	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Parties to the consent order
Frohwerk v. Reilly, No. CIV 90-6363-JO (D.Or.)	Ralph Frowerk, Frank Gearhart, Kathy Williams, William L. Brewster and Citizens Interested in Bull Run, Inc.	Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).	EPA agreed to schedules for issuing drinking water regulations.	Parties to the consent order
Gearhart v. Browner, Civil No. 89-6266-HO (D.Or.)	Frank Gearhart, Citizens Interested in Bull Run, Inc., Kathy Williams, Frances Price Cook, Natural Resources Defense Council, Inc. (Intervenor), and Association of Municipal Sewage Authorities (AMSA) (Intervenor)	Failure to promulgate regulations for sewage sludge by statutory deadline (CWA § 405(d)).	EPA agreed to issue sewage sludge regulations under CWA § 405 by various deadlines.	Natural Resources Defense Council, Inc. and all plaintiffs
Gearhart v. Reilly, No. 91-2435 (D.D.C.)	Bull Run Coalition, Frank Gearhart, and Edison Electric Institute	Failure to make determination on whether fossil fuel combustion wastes should be regulated under RCRA Subtitle C by statutory deadline (RCRA § 3001(b)).	Required EPA to issue regulatory determinations under RCRA § 3001(b) regarding the status under of fossil fuel combustion wastes under Subtitle C of RCRA by various dates.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Golden Gate Audubon Society v. Browner, No. CIV-5-93 646 LKK PAN (E.D.Cal.)	Golden Gate Audubon Society, Marin Audubon Society, Santa Clara Audubon Society, Ohlone Audubon Society, Mount Diablo Audubon Society, Sequoia Audubon Society, Madrone Audubon Society, Point Reyes Bird Observatory, Environmental Defense Fund, Natural Resources Defense Council, Inc., The Bay Institute, Save San Francisco Bay Association, Pacific Coast Fisheries Associations, California Native Plant Society, Citizens for a Better Environment, United Anglers of California, Sierra Club, and Streamrinders Chapter of the Izaak Walton League	Failure to propose and promulgate water quality standards by statutory deadline (CWA § 303(g)).	EPA agreed to propose and promulgate water quality standards for the San Francisco Bay Delta by December 1993, and December 1994, respectively.	Sierra Club Legal Defense Fund represented plaintiffs
Heal the Bay, Inc. v. Carol Browner, No. C98-4825 (SBA) (N.D.Cal.)	Heal the Bay, Inc., Santa Monica BayKeeper, Inc., and Terry Tamminen	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to backstop development of TMDLs for the Los Angeles region of California by 2012.	Natural Resources Defense Council, Inc., Heal the Bay, Inc., and Santa Monica BayKeeper, Inc.
Institute for Energy and Environmental Research v. EPA, No. 93-2266 (D.D.C.)	Not known. In process of obtaining consent decree from DOJ archives	Failure to act on petition to add substance to list of class I substances by statutory deadline (CAA § 602(c)(3)).	EPA agreed to a schedule to take action on a petition to list certain hydrochlorofluorocarbons (HCFCs) as class I ozone depleting substances under CAA § 602(c).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Kansas Natural Resource Council, Inc. v. Browner, No. 95-2490-1WL (D.Kan.)	Kansas Natural Resource Council, Sierra Club, and State of Kansas (intervenor/ defendant)	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed, among other things, to establish TMDLs for Kansas waters not meeting water quality standards by 2006 if Kansas does not do so.	Parties to the consent order
Legal Environmental Assistance Foundation v. Browner, No. CV-96-ETC-2454-S (N.D.Ala.)	Legal Environmental Assistance Foundation	Failure to promulgate water quality standards by statutory deadline (CWA § 303(c)).	EPA agreed to either propose water quality standards for Alabama or withdraw outstanding disapprovals of Alabama water quality standards by February 1998.	Parties to the consent order
Legal Environmental Assistance Foundation v. Browner, Civ. No. 92-40252-WS (N.D.Fla.)	Legal Environmental Assistance Foundation	Failure to promulgate water quality standards by statutory deadline (CWA § 303(c)).	EPA agreed to promulgate revised water quality standards for Florida within 22 months unless Florida adopts revised standards addressing EPA's previous disapproval.	Parties to the consent order
Maryland Environmental Interest Group v. Reilly, No. 92-1225 (D.D.C.)	Maryland Environmental Interest Group, Lisa Satterfield, and Sierra Club	Failure to promulgate regulations regarding the use and disposal of certain class I substances during the servicing of refrigeration systems by statutory deadline (CAA § 608(a)(1)).	EPA agreed to a schedule for issuing final rule on use and disposal of Class I substances during servicing of refrigeration systems under CAA § 608(a)(1).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
<p>Miller v. EPA, No. 89-6328 (and consolidated cases Frohwerk v. EPA, No. 90-6363, Citizens Interested in Bull Run, No. 92-1587, Frohwerk v. EPA, No. 91-6549, and Donison v. EPA, No. 92-6280) (D.Or.)</p>	<p>Joseph L. Miller, Ralph Frohwerk, Citizens Interested in Bull Run, Inc., Kathy Williams, and Clare Donison</p>	<p>Failure to promulgate drinking water regulations by statutory deadline (SDWA § 1412(b)).</p>	<p>EPA agreed to schedules for issuing drinking water regulations.</p>	<p>Parties to consent order</p>
<p>National Wildlife Federation v. Browner, No. 97-1504-HHK (D.D.C.)</p>	<p>National Wildlife Federation, Great Lakes Water Quality Coalition, and State of New York (defendant)</p>	<p>Failure to promulgate by statutory deadline federal water quality standards for Great Lakes States that failed to make timely submissions of state water quality programs (CWA § 118(c)(3)).</p>	<p>EPA agreed to promulgate federal water quality standards for Great Lakes States that did not make timely submissions of State programs under CWA § 118.</p>	<p>Parties to the consent order</p>
<p>National Wildlife Federation v. Browner, No. 92-2338-CCR (D.D.C.)</p>	<p>National Wildlife Federation</p>	<p>Failure to issue water quality guidance for the Great Lakes System by statutory deadline (CWA § 118(c)(2)).</p>	<p>EPA agreed to promulgate Great Lakes Water Quality Initiative Guidance under CWA § 118 by March 13, 1995.</p>	<p>Parties to the consent order</p>

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Natural Resources Defense Council, Inc. v. Browner, No. 95-634 (PLF) (D.D.C.)	Natural Resources Defense Council, Inc.	Failure to promulgate regulations for storm water discharges by statutory deadline (CWA § 402(p)(6)).	EPA agreed to propose (by December 1997) and take final action (by October 1999) on rulemaking for regulation of storm water discharges under CWA § 402(p)(6) ("Phase 2").	Parties to the consent order
Natural Resources Defense Council, Inc. v. EPA, No. 92-2093 (E.D.N.Y.) and Sierra Club v. EPA, No. 93-0284 (E.D.N.Y.)	Natural Resources Defense Council, Inc. and Sierra Club	Failure to promulgate new source performance standards for solid waste incinerators by statutory deadline (CAA § 129(a)(1)(A)).	EPA agreed to a schedule regarding issuance of standards of performance for municipal solid waste and medical waste incinerators under CAA § 129.	Parties to the consent order
Natural Resources Defense Council, Inc. v. EPA, No. 90-0694 (D.D.C.)	Natural Resources Defense Council, Inc., Hazardous Waste Treatment Council, and Association of Petroleum Refiners	Failure to determine whether used oil should be listed as a hazardous waste by statutory deadline (RCRA § 3012(b)).	EPA agreed to determine whether non-recycled used oil should be listed as a hazardous waste by May 1, 1992.	Parties to the consent order
Natural Resources Defense Council, Inc. v. EPA, No. 92-2369 (D.N.J.)	Natural Resources Defense Council, Inc. and New Jersey Public Interest Research Group	Failure to comply with mandatory duty to issue national toxics water quality standards rule by statutory deadline (CWA § 303(c)).	Agreement on attorneys fees and dismissal of underlying action challenging national toxics water quality standards rule.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Natural Resources Defense Council, Inc. v. EPA, No. 93-1946 (D.D.C.)	Natural Resources Defense Council, Inc.	Failure to act on petition to add substance to list of Class I substances by statutory deadline (CAA § 602(c)(3)); failure to promulgate regulations to phase out production of Class I substances by statutory deadline (CAA § 604(c)).	EPA agreed to a schedule to take action on a petition to add methyl bromide to list of Class I substances, and accelerate phase out of certain chlorofluorocarbons (CFCs) under CAA §§ 601 and 604.	Parties to the consent order
Natural Resources Defense Council, Inc. v. Reilly, No. 88-3199 (D.D.C.)	Natural Resources Defense Council, Inc.	Failure to promulgate revisions to CERCLA National Contingency Plan (NCP) by statutory deadline (CERCLA § 105(b)).	EPA agreed to promulgate revisions to the CERCLA NCP Plan by February 5, 1990.	Parties to the consent order
Natural Resources Defense Council, Inc. v. Reilly, No. 92-1137 (consolidated with Nos. 92-1142, 92-1157, 92-1222, 92-1260, and 92-1243) (D.C. Cir.)	Natural Resources Defense Council, Inc.	Petitioner sought review of EPA decision not to require on-board vapor recovery for autos under CAA § 202(a)(6). On remand to EPA, petitioners sought a schedule for Agency action consistent with D.C. Circuit's opinion.	EPA agreed to a schedule after remand in NRDC v. Reilly, 983 F.2d 259 (D.C. Cir. 1993), concerning onboard vapor recovery for cars under CAA § 202(a)(6).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
<p><u>Natural Resources Defense Council, Inc. v. Browner</u>, No. 89-2980 (D.D.C.)</p>	<p>Natural Resources Defense Council, Inc., Public Citizen, Inc., American Forest &amp; Paper Association (intervenor), and Chemical Manufacturers Association (intervenor)</p>	<p>Failure to promulgate effluent guidelines by statutory deadline (CWA §§ 301(b), 306(b) and 307(b)).</p>	<p>EPA agreed to propose and take final action with respect to effluent guidelines for 12 point source categories, ending in 2003; EPA agreed to conduct studies for 11 point source categories; EPA agreed to provide plaintiffs with a semi-annual status report. Consent order entered in 1992, amended in 1997 and thereafter.</p>	<p>Parties to the consent order</p>
<p><u>Nelson v. Reilly</u>, No. 92-6260 (D.Or.)</p>	<p>Nelson, Gearhart, Kelly, and Citizens for Bull Run, Inc.</p>	<p>Failure to revise certification test procedures for light-duty trucks and vehicles by statutory deadline (CAA § 206(a)(4)(A)).</p>	<p>EPA agreed to a schedule regarding issuance of certification test procedures under CAA § 206(a)(4)(A).</p>	<p>Parties to the consent order</p>
<p><u>Northwest Environmental Advocates v. EPA</u>, No. C91-427 (W.D.Wash.)</p>	<p>Northwest Environmental Advocates and Northwest Environmental Defense Center</p>	<p>Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).</p>	<p>EPA agreed to establish 38 TMDLs in 5 years if Washington does not do so.</p>	<p>Parties to the consent order and State of Washington (non-party)</p>
<p><u>Northwest Environmental Advocates v. EPA</u>, No. C94-1668R (W.D.Wash.)</p>	<p>Northwest Environmental Advocates and Northwest Environmental Defense Center</p>	<p>Failure to approve or disapprove Oregon's list of water quality limited waters by statutory deadline (CWA § 303(d)).</p>	<p>EPA agreed to exercise all reasonable diligence to see that Oregon's 1994 CWA § 303(d) list was submitted before September 30, 1995 and approved no later than November 30, 1995.</p>	<p>Parties to the consent order</p>

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Ober v. Browner, No. CIV 94-1318 PHX PGR (D. Ariz.)	Edward Ober and Robin Silver (represented by Arizona Center for Law in the Public Interest)	Failure to promulgate Federal implementation plan (FIP) for non-attainment area by statutory deadline (CAA § 179(d)).	EPA agreed to a schedule regarding issuance of a FIP for particulate matter (PM-10), for the Phoenix, Arizona area.	Parties to the consent order
Ohio Valley Environmental Coalition, Inc., West Virginia Highlands Conservancy, Inc., Rogenia Fout, Brownner, Nos. 2-95-0529, 2-96-0091 (S.D. W. Va.)	Ohio Valley Environmental Coalition, Inc., West Virginia Highlands Conservancy, Inc., Rogenia Fout, Thomas E. Keating, and Bill Ragette	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed, among other things, to establish TMDLs for West Virginia waters not meeting water quality standards by 2006 if West Virginia does not do so.	Parties to the consent order; West Virginia Chamber of Commerce, West Virginia Coal Association, West Virginia Farm Bureau, West Virginia Forestry Association, West Virginia Mining and Reclamation Association (intervenor)
Oregon Natural Resources Council, Inc. v. Browner, No. 93-79 (D.Or.)	Oregon Natural Resources Council	Failure to promulgate rule establishing specifications for detergent additives for gasoline by statutory deadline (CAA § 211(f)).	EPA agreed to a schedule for issuing rules on detergent additives for gasoline under CAA § 211(f).	Parties to the consent order
Oregon Natural Resources Council, Inc. v. Reilly, No. 91-6529 (D.Or.)	Oregon Natural Resources Council and individual citizen plaintiffs	Failure to review criteria under CAA § 108 and national ambient air quality standard (NAAQS) by statutory deadline (CAA § 109(d)).	EPA agreed to a schedule for review of NAAQS for NO <sub>x</sub> under CAA § 109(d).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
<p>Pacific Coast Federation of Fishermen's Associations v. Marcus, No. 95-4474 MHP (N.D.Cal.)</p>	<p>Pacific Coast Federation of Fishermen's Association, Golden Gate Fishermen's Association, Sierra Club, Environmental Protection Information Center, Coast Action Group, Friends of the Garcia California Trout, Klamath Forest Alliance, Mendocino Environmental Center, Willits Environmental Center, California Wilderness Coalition, Friends of the Navarro, South Fork Mountain Defense Committee, Northcoast Environmental Center</p>	<p>Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).</p>	<p>EPA agreed to establish TMDLs for certain waters in Northern California not meeting water quality standards by 2008 if California does not do so.</p>	<p>Parties to the consent order</p>
<p>Sierra Club v. Browner, No. 96-1747 (consolidated with No. 95-465) (D.D.C.)</p>	<p>Sierra Club</p>	<p>Failure to take various actions concerning air toxics by statutory deadlines in CAA § 112; failure to promulgate emissions standards for locomotives by statutory deadline (CAA § 213(a)(5)).</p>	<p>EPA agreed to a schedule to take various actions regarding air toxins under CAA §§ 112(c)(3), (c)(6), and (k)(3), and 2020(2). EPA agreed to a schedule for issuing rules on locomotives under CAA § 213(a)(5).</p>	<p>Parties to the consent order, American Petroleum Institute, American Automobile Manufacturers Association, and International Automobile Manufacturers (interveners)</p>

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Sierra Club v. Browner, No. 93-0124 (consolidated with Nos. 93-0125, 93-0197, and 93-0564) (D.D.C.)	Sierra Club and Natural Resources Defense Council, Inc.	Failure to take actions by statutory deadlines under a variety of different CAA provisions.	EPA agreed to a schedule for miscellaneous CAA actions.	Parties to the consent order
Sierra Club v. Browner, No. 93-2644 (NHJ) (D.D.C.)	Sierra Club	Failure to promulgate regulations for Class V underground injection wells by statutory deadline (SDWA § 1421(a)).	EPA agreed to schedules for issuing study and proposed and final rulemaking determinations for Class V underground injection wells.	Parties to the consent order (represented by Earth Justice)
Sierra Club v. Browner, No. 95-627 (D.D.C.)	Sierra Club	Failure to promulgate regulations regarding the use and disposal of certain class I and class II substances by statutory deadline (CAA § 608(a)(2)).	EPA agreed to a schedule to issue regulations pertaining to halons and methyl bromide under CAA § 608(a)(2).	Parties to the consent order
Sierra Club v. Browner, No. 95-627 (D.D.C.)	Sierra Club	Failure to issue guidance concerning physical and operational changes at major sources of hazardous air pollutants (HAPs) by statutory deadline (CAA § 122(g)(1)(B)).	EPA agreed to a schedule to issue guidance concerning construction of major sources of HAPs under CAA § 112(g).	Parties to the consent order
Sierra Club v. Browner, No. 95-627 (D.D.C.)	Sierra Club	Failure to submit study on mercury emissions to Congress by statutory deadline (CAA § 112(n)(1)(B)); failure to promulgate emission standards for hazardous air pollutants for source category by statutory deadline (CAA § 112(e)).	EPA agreed to a schedule for study on mercury under CAA § 112(n)(1)(B), and to promulgate standards for certain categories of sources under CAA § 112(d).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Sierra Club v. Browner, No. 96-1680 (D.C. Cir.)	Sierra Club, National Wildlife Federation, and Chesapeake Bay Foundation	Failure to submit report to Congress concerning atmospheric deposition to the Great Waters by statutory deadline (CAA § 112(m)(5)); failure to promulgate regulations to prevent harmful atmospheric deposition to the Great Waters by statutory deadline (CAA § 112(m)(6)).	EPA agreed to a schedule for actions concerning atmospheric deposition to the Great Waters under CAA §§ 112(m)(5) and 112 (m)(6).	Parties to the consent order
Sierra Club v. Browner, No. 97-0675 (D.D.C.)	Sierra Club	Failure to submit report to Congress on residual risk by statutory deadline (CAA § 112(f)(1)); failure to promulgate regulations for solid waste incinerators by statutory deadline (CAA § 129(a)(1)(D)).	EPA agreed to a schedule for report to Congress on residual risk under CAA § 112(f)(1), and promulgation of regulations for solid waste incinerators under CAA § 129(a)(1)(D).	Parties to the consent order
Sierra Club v. Browner, No. 97-1984 PLF (D.D.C.)	Sierra Club	Failure to promulgate best available control regulations for emissions of volatile organic compounds (VOCs) from consumer and commercial products by statutory deadline (CAA § 183(e)(3)).	EPA agreed to a schedule for issuing rules on consumer/commercial products under CAA § 183(e).	Parties to the consent order (represented by Earth Justice)
Sierra Club v. Browner, No. 97-3004 (D.D.C.)	Sierra Club	Failure to submit report to Congress concerning the results of Phase II study of certain light-duty vehicles and trucks by statutory deadline (CAA § 202(I)(2)(B)).	EPA agreed to a schedule for Tier 2 study concerning light-duty vehicles and trucks under CAA § 202(I).	Parties to the consent order and American Automobile Manufacturers Association

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Sierra Club v. EPA, No. 94-0553; Sierra Club v. EPA, No. 94-0954 (D.D.C.)	Sierra Club	Failure to take actions by statutory deadlines under a variety of different CAA provisions.	EPA agreed to a schedule for miscellaneous CAA actions.	Parties to the consent order
Sierra Club v. EPA, No. 97-3888 (N.D.Cal.)	Sierra Club	Failure to act on submission of state implementation plan (SIP) by statutory deadline(CAA § 110(k)).	EPA agreed to a schedule for action on SIP in San Francisco Bay Area under CAA § 110.	Parties to the consent order
Sierra Club v. Hankinson, No. 1:94-CV-2501-MHS (N.D.Ga.)	Sierra Club, Georgia Environmental Organization, Inc., Coosa River Basin Initiative, Inc., Trout Unlimited, and Ogeechee River Valley Association, Inc.	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)); failure to disapprove State's list of impaired waters.	EPA agreed, among other things, to establish TMDLs for Georgia waters not meeting water quality standards by 2005 if Georgia does not do so.	Parties to the consent order
Sierra Club v. Hankinson, No. 97-CV-3683 (N.D.Ga.)	Sierra Club	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to establish TMDLs for all water quality limited segments on Mississippi's 1996 CWA § 303(d) list by 2009 if Mississippi does not do so.	Parties to the consent order
State of Connecticut v. Browner, No. 98-1376 (S.D.N.Y.)	States of Connecticut, Massachusetts, Maine, Pennsylvania, New Hampshire, New York, Rhode Island, and Vermont	Failure to act on petitions to make finding that major sources emit or would emit prohibited pollutants by statutory deadline (CAA § 126).	EPA agreed to a schedule to act on petitions submitted under CAA § 126.	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
<i>Tides Foundation v. EPA</i> , No. 94-2663 (D.D.C.)	Tides Foundation	Failure to promulgate regulations governing military munitions which are hazardous wastes by statutory deadline (RCRA § 3004(y)).	Required EPA to promulgate regulations under RCRA, § 3004(y) by February 1997 identifying when military munitions are hazardous wastes and establishing standards for their transportation and storage.	Parties to the consent order (represented by the Military Toxics Project)
<i>Ward v. Browner</i> , No. Civ. 97-1418 PHX ROS (D.Ariz.)	LaYonda Ward and Carolyn Aspegren	Failure to promulgate designation of attainment and non-attainment areas by statutory deadline (CAA § 107(d)).	EPA agreed to a schedule regarding determination of attainment for ozone for the Phoenix, Arizona area.	Parties to the consent order
<i>Washington Legal Foundation v. EPA</i> , No. 95-2396 (D.D.C.)	Washington Legal Foundation; Senators Craig and Nickles; Representatives Boehner, Barton, Livingston, Barr, Chenoweth, Kling, and Norwood	Failure to submit reports to Congress on costs and benefits of CAA compliance by statutory deadlines (CAA § 312(d) and (e)).	EPA agreed to a schedule to provide reports to Congress on costs and benefits under CAA § 312.	Parties to the consent order
<i>Waxman v. Reilly</i> , No. 92-1320 (D.D.C.); <i>Sierra Club v. Reilly</i> , No. 92-1749 (D.D.C.)	Representative Waxman, Public Citizen, and Sierra Club	Failure to take actions by statutory deadlines under a variety of different CAA provisions.	EPA agreed to a schedule for miscellaneous actions under CAA Titles I, II, IV and VI.	Parties to the consent order
<i>Williams v. Reilly</i> , No. 89-6265-E (D.Or.)	Kathy Williams, Citizens Interested In Bull Run, Inc., Frank Gearhart, Samuel E. Sargent, and Frances Price Cook	Failure to promulgate regulations establishing permit application requirements for stormwater discharges by statutory deadline (CWA § 402(p)(4)).	EPA agreed to issue final NPDES storm water (Phase I) application regulations by March, 1990 (later amended to October 31, 1990).	Parties to the consent order

CASE	PARTIES TO CONSENT ORDER (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT AGAINST EPA	DESCRIPTION OF CONSENT ORDER	PARTIES PRESENT IN NEGOTIATIONS
Williams v. Reilly, No. 90-6255-JO (D.Or.)	Kathy Williams, William Brewster, Ralph Frohwerk, and Georgia Bunn	Failure to promulgate emission standards for hazardous air pollutants for source category by statutory deadline (CAA § 112(e)).	EPA agreed to a schedule to issue regulations controlling air emissions from organic solvent cleaners under CAA § 112.	Parties to the consent order

**SETTLEMENT AGREEMENTS AND SIMILAR AGREEMENTS RESOLVING DEFENSIVE  
JUDICIAL LITIGATION BETWEEN EPA AND OTHER PARTIES  
January 1, 1989 - March 31, 1999<sup>1</sup>**

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>A&amp;W Smelter and Refiners, Inc. v. Clinton</u> , No. C-96-137451 (N.D. Cal.)	A&W Smelter and Refiners, Inc.	EPA unlawfully refused to reimburse plaintiff for clean-up performed under CERCLA administrative order.	EPA agreed to pay plaintiff \$188,700.	Parties to the settlement agreement
<u>Alabama Rivers Alliance v. Hankinson</u> , No. CV-97-S-2518-M (D.Ala.) and <u>Mudd v. Hankinson</u> , No. CV-97-S-0714-M (D.Ala.)	Alabama Rivers Alliance, Edward Mudd II, Ouida Fritschi, and the Homewood Citizens Association	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to consider specified information in evaluating Alabama's 1998 CWA § 303(d) list; review Alabama's continuing planning process (CWA § 303(e)); propose additions to annual work plans; evaluate Alabama's monitoring program; send CWA § 303(d) lists and TMDLs to U.S. Fish & Wildlife Service and National Marine & Fisheries Service for comment; and undertake a study of a specific water body in Alabama.	Parties to the settlement agreement

<sup>1</sup> Abbreviations: CAA – Clean Air Act; CWA – Clean Water Act; CERCLA – Comprehensive Environmental Response, Compensation and Liability Act ("Superfund"); TSCA – Toxic Substances Control Act; NEPA – National Environmental Policy Act; ESA – Endangered Species Act; SMCRA – Surface Mining Control and Reclamation Act; APA – Administrative Procedure Act. Case numbers indicate the year in which the case was filed (e.g., a case with the number 92-1234 would have been filed in 1992).

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Alaska Miners Association, Inc. v. EPA, No. 97-70379 (9 <sup>th</sup> Cir.)	Alaska Miners Association, Inc.	EPA's NPDES general permits for placer mining in Alaska were unlawful.	EPA agreed to propose amendment to the placer mining general permits to conform to recent revisions to EPA's human health criteria for arsenic.	Parties to the settlement agreement
Alcoa Generating Corporation v. EPA, No. 95-1292 (D.C. Cir.)	Alcoa Generating Corporation	EPA's acid rain opt-in rule was arbitrary and capricious.	EPA agreed to propose revisions to the acid rain opt-in rule.	Parties to the settlement agreement
American Cyanamid Company v. EPA, No. 94-1367 (8 <sup>th</sup> Cir.)	American Cyanamid Company	EPA effluent guidelines for wastewater from pesticides manufacturing were arbitrary and capricious.	EPA agreed to propose revisions to the CWA effluent guidelines for pesticides manufacturing wastewater.	Parties to the settlement agreement
American Forest & Paper Association v. EPA, consolidated case No. 93-0694 RMU (D.D.C.)	American Forest & Paper Association and General Electric Co.	PCBs criteria in National Toxics Rule were arbitrary and capricious.	EPA agreed to propose and promulgate an amendment to the PCBs criteria in National Toxics Rule.	General Electric Co.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
American Forest & Paper Association v. EPA, consolidated case No. 93-0694 RMU (D.D.C.)	American Forest & Paper Association, American Auto Manufacturers Association, National Association of Metal Finishers, North California Water Association, Santa Ana River Dischargers Association, Arkansas Environmental Federation, Camden Company Municipal Utilities Authority, and Gloucester Company Utilities Authority	Metals criteria in EPA National Toxics Rule were arbitrary and capricious.	EPA agreed to issue interim final rule amending metals criteria in National Toxics Rule.	Parties to the settlement agreement
American Littoral Society v. EPA, No. 96-489 (E.D.Pa.)	American Littoral Society and Public Interest Research Group of Pennsylvania	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to undertake a variety of activities in support of Pennsylvania's efforts to identify and establish TMDLs for impaired waters.	Parties to the settlement agreement and State of Pennsylvania (non-party)
American Littoral Society v. EPA, No. 96-591 (SLR) (D.Del.)	American Littoral Society and Sierra Club	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to undertake a variety of activities in support of Delaware's efforts to identify and establish TMDLs for impaired waters.	Parties to the settlement agreement and State of Delaware (non-party)

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
American Lung Association v. Browner, No. 96-1751 (D.C. Cir.)	Petitioners: American Lung Association, Raymond Woodruff, Paul Walters, Environmental Defense Fund Intervenor: National Manufacturers Association, American Petroleum Institute, American Forest Products Association, and Utility Air Regulatory Group	Failure to revise national ambient air quality standard (NAAQS) for SO <sub>2</sub> and set short-term SO <sub>2</sub> standard in contravention of CAA §§ 108 and 109.	Court remand of EPA decision not to revise standard. Agreement by American Lung Association not to seek rehearing in exchange for schedule for responding to remand.	American Lung Association, Environmental Defense Fund, Paul Walters, and Raymond Woodruff. EPA also met independently with intervenor prior to finalization.
American Mining Congress v. EPA, Nos. 90-1058, 90-1063, 90-1068, and 90-1074 (D.C. Cir.)	American Mining Congress, Homestake Mining Co., Environmental Defense Fund, and Natural Resources Defense Council, Inc.	Information not readily available.	EPA agreed to steps to implement a memorandum of understanding relating to rescission of EPA standards for radionuclide emissions from certain uranium mill tailings piles.	Parties to the settlement agreement
American Paper Institute v. Reilly, No. 90-1364 (D.C. Cir.); American Paper Institute v. Reilly, No. 89-1428 and consolidated case (D.C. Cir.); and American Paper Institute v. Reilly, No. 89-2030 (D.D.C.)	American Paper Institute, National Forest Products Association, Alabama Power Co., and Utility Air Regulatory Group.	EPA made substantive and procedural errors in issuing guidance on "top-down" best available control technology (BACT) under the CAA.	EPA agreed to publish a proposed rule proposing to revise or clarify the regulations for determining BACT.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>American Petroleum Institute v. EPA</u> , No. 95-1098 (D.C. Cir.)	American Petroleum Institute	EPA's rule establishing the maximum available control technology (MACT) for gasoline distribution was arbitrary and capricious.	EPA agreed to propose changes to the emissions estimation formulas in the MACT standard for gasoline distribution.	Parties to the settlement agreement
<u>American Petroleum Institute v. EPA</u> , No. 88-1606 (D.C. Cir.)	Environmental Technology Council and Environmental Defense Fund	Exemption from Subtitle C of recycling involving land application of hazardous waste violated RCRA.	EPA agreed to propose notification requirement for all persons using hazardous waste in a manner constituting disposal.	Environmental Technology Council
<u>American Petroleum Institute v. EPA</u> , No. 92-5253 (5 <sup>th</sup> Cir.)	American Petroleum Institute	EPA's general permit provided inadequate notice of model to be used to predict dilution values for produced water discharges.	EPA agreed to conduct rulemaking on the CORMIX Model used to predict dilution values for produced water discharges from offshore oil and gas facilities.	Parties to the settlement agreement
<u>American Petroleum Institute v. EPA</u> , No. 90-1238 (D.C. Cir.)	American Petroleum Institute	EPA's rule establishing a national emission standard for hazardous air pollutant (NESHAP) for benzene waste was arbitrary and capricious.	EPA agreed to propose amendments to the benzene waste NESHAP.	Parties to the settlement agreement
<u>American Petroleum Institute v. EPA</u> , No. 94-1050 (D.C. Cir.)	American Petroleum Institute	EPA's test rule under TSCA § 4 did not satisfy the statutory standard for requiring testing.	EPA issued a Federal Register notice clarifying an earlier EPA Federal Register notice. The notice stated that only manufactures and processors of TMB as an isolated product and not persons who manufacture or process the chemical as part of complex or mixtures or substances were subject to the testing requirements.	Parties to the settlement agreement; Exxon, Shell Oil, and Amoco

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>American Petroleum Institute v. EPA</u> , No. 94-1273 and No. 94-1276 (D.C. Cir.)	American Petroleum Institute and Institute of Makers of Explosives	EPA's rule concerning the listing of flammables and explosives was arbitrary and capricious.	EPA agreed to propose to delist explosives and to clarify rule provisions related to flammables.	Parties to the settlement agreement, but separately as to respective issues
<u>American Petroleum Institute v. EPA</u> , No. 94-1138 (D.C. Cir.) (consolidated with No. 94-1143)	American Petroleum Institute and Star Texaco Inc., Enterprises	Whether EPA's rules for reformulated and conventional gasoline were arbitrary and capricious, an abuse of discretion and not in accordance with the CAA concerning requirements applicable to refiners.	EPA agreed to propose revisions to its reformulated and conventional gasoline regulations concerning confidentiality of business information.	Parties to the settlement agreement.
<u>American Rivers v. Endlex</u> , No. 94-70613 (9 <sup>th</sup> Cir.)	American Rivers, Northern Alaska Environmental Center, and Trustees for Alaska	EPA's NPDES general permits for placer mining in Alaska were unlawful.	EPA agreed to propose amendments to its NPDES general permits for placer mining in Alaska and agreed to conduct further studies on the nature of the effluent.	Parties to the settlement agreement and Sierra Club Legal Defense Fund
<u>Anchorage Water &amp; Wastewater Utility v. EPA</u> , No. 94-70913 (9 <sup>th</sup> Cir.)	Anchorage Water & Wastewater Utility, City and Borough of Sitka, City of Ketchikan, and City of Haines	EPA's CWA permit application regulations were arbitrary and capricious.	EPA agreed to conduct rulemaking on whether to delete, modify, or retain a sentence in a challenged permit application regulation for POTWs discharging into marine waters.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>Appalachian Power Company v. EPA</u> , No. 93-1631 (D.C. Cir.)	Utility Air Regulatory Group members <sup>2</sup>	EPA's treatment of nearby background sources in modeling for new source review purposes was improper.	EPA agreed to issue specified guidance on interpretation of EPA's Modeling Guidelines (Appendix W of 40 CFR Part 51) and to propose to incorporate that guidance into the Modeling Guidelines.	Parties to the settlement agreement
<u>Armco, Inc. v. Clinton and U.S. v. Federated Metals</u> (consolidated), No. 96-C-376 (D.Utah)	Armco, Inc., ARCO, Bethlehem Steel Corp., Chaparral Steel Corp., Marathon Steel Corp., Nucor Corp., Tamco Steel, and Federated Metals Corp.	EPA clean-up order issued under CERCLA § 106(b) was arbitrary and capricious; recipients of order were not liable for clean-up costs.	Private parties agreed to withdraw their claims for reimbursement of costs incurred in conducting a CERCLA removal action at the Micronutrients Site in exchange for the U.S. withdrawing its claim for recovery of response costs at the same site.	Parties to the settlement agreement
<u>Atlantic Richfield Co. v. EPA</u> , No. 89-1747 (D.C. Cir.)	Atlantic Richfield Co.	EPA guidance on clean-up of lead contamination was actually a rule, and EPA violated the APA in issuing it without going through APA procedures.	EPA agreed to meet with ARCO in developing revised CERCLA lead cleanup guidance.	Party to settlement agreement
<u>Babcock and Wilcox Co. v. EPA</u> , No. 90-1509 (D.C. Cir.)	Babcock and Wilcox Co.	Information not readily available.	EPA agreed to propose changes to the new source performance standard (NSPS) for small industrial boilers.	Parties to the settlement agreement

<sup>2</sup> See attachment.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Basic Acrylic Monomer Manufacturers v. EPA, No. 93-1179 (D.C. Cir.)	Basic Acrylic Monomer Manufacturers	EPA's early reduction rule under CAA § 112(i)(5) was arbitrary and capricious.	EPA agreed to propose revisions to the early reduction rule.	Parties to the settlement agreement
Beazer East v. EPA, No. 98-1391 (D.C. Cir.)	Beazer East	Soil treatment standards under RCRA were insufficiently flexible for wood preservers.	EPA agreed to issue letter interpreting Area of Contamination Policy as it applies to wood preserving sites.	Parties to settlement agreement
Biolab, Inc. v. EPA, No. 198CV01113 (D.D.C.)	Biolab, Inc.	EPA had acted unlawfully in issuing a stop sale use removal order (SSURO) against petitioner's swimming pool products.	The agreement resolved an EPA enforcement action against Biolab based on its sale and distribution of unregistered pesticide products and Biolab's subsequent lawsuit against EPA seeking a temporary restraining order.	Parties to the settlement agreement
Bizub v. U.S. Environmental Protection Agency, No. 89-5050AMW (D.N.J.)	Andrew Bizub	EPA had exceeded its authority in including a special condition in a wastewater treatment works construction grant prohibiting sewer system connections involving new construction in wetlands, and that the denial of a connection to his property constituted a taking.	EPA agreed to allow Bizub to fill his wetland to the extent authorized by the national permit under CWA § 404.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p><u>Bragg v. Robertson</u>, Civil Action No. 2:98-0636 (S.D.W.Va.)</p>	<p>Patricia Bragg, James Weekley, Sibby Weekley, the West Virginia Highlands Conservancy, Harry Hatfield, Carlos Gore, Linda Gore, Cheryl Price, Jerry Methena, U.S. Army Corps of Engineers, West Virginia Division of Environmental Protection</p>	<p>Authorization of mountaintop removal operations by West Virginia and Corps of Engineers violated SMCRA, CWA, and NEPA.</p>	<p>The Corps of Engineers, EPA, Fish &amp; Wildlife Service, Office of Surface Mining, and West Virginia agreed to establish procedures for more effective regulation of mountaintop removal operations in West Virginia.</p>	<p>Parties to the settlement agreement</p>
<p><u>Brunlin Corporation v. EPA</u>, No. IP95-260-C (S.D.Ind.)</p>	<p>Brunlin Corporation</p>	<p>EPA had acted unlawfully in issuing a stop sale use removal order (SSURO) against petitioner's disinfectant products.</p>	<p>The agreement resolved an EPA enforcement action against Brunlin based on its sale and distribution of ineffectacious or misbranded pesticide products and Brunlin's subsequent lawsuit against EPA seeking a temporary restraining order.</p>	<p>Parties to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p><u>Cement Kiln Recycling Coalition v. EPA</u>, No. 1-98CV00171 (D.D.C.)</p>	<p>Cement Kiln Recycling Coalition</p>	<p>The following elements of EPA's EPCRA § 313 regulations were arbitrary and capricious: (1) EPA's definition of "treatment for destruction", (2) EPA's interpretation of the de minimi exemption to EPCRA reporting requirements, and (3) EPA's interpretation of "processing" as applied to energy recovery.</p>	<p>EPA agreed to issue a Federal Register notice clarifying that EPA's reference to 5,000 Btu/chemical/lb in (1) the definition of "treatment for destruction" in the final Toxic Release Inventory (TRI) industry expansion rule (62 Fed. Reg. 23834 (May 1, 1998)), (2) the preamble to the rule, and (3) other guidance is not intended to function as a regulatory floor for determining the heating value at which energy may be recovered.</p> <p>EPA agreed to clarify that EPA does not consider distribution of toxic chemicals to plaintiff's facilities for "combustion for energy recovery" or for "treatment for destruction" to constitute "processing" of the TRI chemical.</p>	<p>Parties to settlement agreement</p>
<p><u>Central Louisiana Electric Co. v. EPA</u>, No. 93-1330 (D.C. Cir.)</p>	<p>Central Louisiana Electric Company (CLC)</p>	<p>EPA's CAA allowance allocation rule was arbitrary and capricious.</p>	<p>EPA agreed to propose to adjust CLC's baseline due to outage caused by accident.</p>	<p>Parties to the settlement agreement</p>
<p><u>Chemical Manufacturers Association v. EPA</u>, No. 90-1460 (D.C. Cir.)</p>	<p>Chemical Manufacturers Association</p>	<p>EPA's policy on concerning responsible parties performing risk assessments at CERCLA sites was a rule promulgated without notice and opportunity for comment.</p>	<p>EPA agreed to reassess a policy regarding performance of risk assessments by potentially responsible parties at Superfund sites.</p>	<p>Party to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>Chemical Manufacturers Association v. EPA</u> , No. 96-1031 (D.C. Cir.)	Chemical Manufacturers Association	EPA's rule establishing a national emission standard for hazardous air pollutant (NESHAP) for wood furniture was arbitrary and capricious.	EPA agreed to propose revisions to wood furniture NESHAP.	Parties to the settlement agreement
<u>Chemical Manufacturers Association v. EPA</u> , Nos. 94-1463 and 94-1465 (D.C. Cir.)	Chemical Manufacturers Association and Dow Chemical	EPA's rule establishing a national emission standard for hazardous air pollutant (NESHAP) for hazardous organodics was arbitrary and capricious.	EPA agreed to propose changes to the hazardous organodics NESHAP rule.	Parties to the settlement agreement
<u>Chemical Manufacturers Association v. Browner</u> , No. 93-1444 (D.C. Cir.)	Chemical Manufacturers Association	EPA's refrigerant recycling regulations under CAA § 608 were arbitrary and capricious.	EPA agreed to propose changes to the refrigerant recycling regulations.	Parties to the settlement agreement
<u>Chemical Manufacturers Association v. EPA</u> , No. 93-5381 (5 <sup>th</sup> Cir.)	Chemical Manufacturers Association	EPA's test rule under TSCA § 4 did not satisfy the statutory standard for requiring testing.	EPA agreed to withdraw testing requirements for 10 chemicals because industry agreed to test 7 of the original 10 chemicals under an enforceable consent agreement and EPA believed such testing would substantially achieve the goals contemplated by the rule (60 Fed. Reg. 4514).	Chemical Manufacturers Association, Union Carbide, Eastman Chemical, Shell Oil, Union Carbide, BASF, BP Chemicals, Exxon, Hoechst Celanese, ARCO Chemical, GE Plastics, Dupont, and Rhone-Poulenc.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Chemical Waste Management, Inc. v. EPA <sup>3</sup>	Chemical Waste Management, Inc.	Portions of EPA's financial responsibility regulations for hazardous waste facilities were arbitrary and capricious.	EPA agreed to clarify certain liability provisions of its financial assurance regulations and to propose several changes to the regulations	Party to the settlement agreement
Chemical Waste Management, Inc. v. EPA, No. 95-00928 (D.D.C.)	Chemical Waste Management, Inc., and Chemical Waste Management of Indiana, Inc.	EPA improperly withheld approval of permit modification for landfill expansion.	EPA agreed to allow facility to receive waste in a particular landfill unit under specified conditions pending final resolution of permit issues.	Party to settlement agreement
Chemical Waste Management, Inc. v. EPA, No. 88-1581 et al. (D.C. Cir.)	Chemical Waste Management, Inc., American Iron and Steel Institute, Chemical Manufacturers Association, America Wood Preservers Institute, National Solid Waste Management Association, Inc., Monsanto Co., The Dow Chemical Co., Browning Ferris Industries, Inc., and American Mining Congress	Treatment standards for process wastes were inappropriate for leachate derived from the disposal of these wastes.	EPA agreed to propose separate land disposal restriction treatment standards for multi-source leachate.	Chemical Waste Management, Inc.

<sup>3</sup> Case number not readily available.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Chrome Coalition v. EPA, No. 90-1138 (D.C. Cir.)	Chrome Coalition	EPA's interpretation of how the export notification requirement in TSCA § 12(b) applies to hexavalent chromium chemicals was overbroad.	EPA agreed to amend regulation banning use of hexavalent chromium chemicals in comfort cooling towers (40 CFR § 749.68) to clarify that only hexavalent chromium chemicals that can be used for water treatment are the subjects of the regulation. Without the amendment, export notification under TSCA § 12(b) would be required for all hexavalent chromium chemicals, regardless of use.	Parties to the settlement agreement
City of Reynoldsburg v. Browner, No. C2-92-882 (S.D. Ohio)	City of Reynoldsburg	State refused to certify, and EPA failed to approve, area-wide pollution management plans.	Joint motion for voluntary dismissal predicated on EPA's statement that, if an area-wide plan were submitted to EPA Region 5, EPA Region 5 would review it (as required by CWA § 208).	Parties to the settlement agreement
Colorado Paint Co. v. U.S., No. 91-1622L (Ct.Cl.)	Colorado Paint Co.	EPA had taken property in violation of the Fifth Amendment.	Payment of \$840,000 by U.S.; conveyance of title to approximately 57 acres to U.S.	Parties to the settlement agreement
Columbia River Crab Fisherman's Association v. Calderon, No. 98-0359L (W.D. Wash.)	U.S. Army Corps of Engineers, Columbia River Crab Fisherman's Association, Pacific Coast Federation of Fishermen's Associations, and Institute for Fisheries Resources	Corps of Engineers expansion of ocean dumping sites for dredged material was arbitrary and capricious (EPA concurred in expansion).	Corps of Engineers agreed to restrictions and limitations on use of sites for ocean dumping of dredged material. EPA made no commitments but was released from suit.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Commonwealth of Pennsylvania v. Browner, No. 97-3173 (3 <sup>rd</sup> Cir.)	Commonwealth of Pennsylvania	Challenge to EPA conditional approval of Pennsylvania inspection/maintenance state implementation plan (SIP).	EPA agreed to act on various submitted revisions to SIP.	Parties to the settlement agreement.
Conoco, Inc., and Sun Refining and Marketing Co. v. EPA, No. 91-1266 (D.C. Cir.); Conoco, Inc., and Sun Refining and Marketing Co. v. EPA, No. CV-91-113-BLG-RAW (D.Mont.)	Conoco, Inc. and Sun Refining and Marketing Co.	EPA's rule establishing a national emission standard for hazardous air pollutant (NESHAP) for benzene waste was arbitrary and capricious.	EPA agreed to propose amendments to the benzene waste NESHAP.	Parties to the settlement agreement
Crippel et al. v. U.S., Nos. 91-1262L, 91-1505L, 91-1509L, and 91-1508L (consolidated) (Ct.Cl.)	Approximately 40 private individuals and Marrero Land & Improvement Assoc.	EPA had taken property in violation of the Fifth Amendment.	Payment of \$8.25 million by U.S.; conveyance of title to approximately 2255 acres of wetlands in Louisiana to U.S.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p>Delaware Valley Citizens' Council for Clean Air v. Browner, No. 95CV-2333 (E.D. Pa.)</p>	<p>Delaware Valley Citizens' Council for Clean Air, Bicycle Coalition of the Delaware Valley, Clean Water Action, Group Against Smog and Pollution, New Jersey Public Interest Research Group, Louise Pangborn, Pennsylvania Environmental Network, Pennsylvania Public Interest Research Group, Elaine Radcliffe, Quaker City Wheelmen, and South Philadelphia Environmental Action Coalition</p>	<p>Failure to act on various state implementation plan (SIP) submissions and to promulgate Federal implementation plans (FIPs) for Philadelphia ozone nonattainment area.</p>	<p>Settlement of SIP action deadlines and FIP claims.</p>	<p>Parties to the settlement agreement</p>
<p>Dow Chemical Company v. EPA, No. 94-____ (D.C. Cir.)</p>	<p>Dow Chemical Company and Pittsburgh Plate Glass</p>	<p>EPA's test rule under TSCA § 4 did not satisfy the statutory standard for requiring testing.</p>	<p>EPA agreed to amend test rule by rescinding the 90-day subchronic testing requirement for 1,2,2,2 tetrachloroethane and the 90-day and 14-day testing requirements for 1,1-dichloroethane (60 Fed. Reg. 48902) because the Agency had received data adequate to meet the data needs for which the test rule was promulgated.</p>	<p>American Petroleum Institute</p>

<sup>4</sup> Case number not readily available.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Duke Power Co. v. EPA, Nos. 93-1343 and No. 1344 (D.C. Cir.)	Duke Power Co. and Union Electric Co.	EPA's acid rain allowance rule was arbitrary and capricious.	EPA agreed to propose revisions to the acid rain allowance rule to change the allocation of early reduction credits.	Parties to the settlement agreement
Edison Electric Institute v. EPA, No. 96-1062 and consolidated cases (D.D.C.)	Edison Electric Institute, Western Coalition of Arid States, and Lone Star Steel Company	EPA's test methods to measure whole effluent toxicity were not reliable.	EPA agreed to conduct additional studies to evaluate the performance of analytic test methods to measure whole effluent toxicity, and to conduct additional rulemaking to ratify, or withdraw each method, and to prepare additional guidance regarding analytic variability.	Parties to the settlement agreement
Edison Electric Institute v. EPA, No. 93-1474 (D.C. Cir.)	Edison Electric Institute, American Public Power Association, National Rural Electric Cooperative Association, and Utility Solid Waste Activities Group	EPA improperly issued rule as technical corrections, in violation of APA.	EPA agreed to propose a clarification of the applicability of the used oil management standards to used oil containing PCBs and to issue an interpretative letter regarding the burning of materials contaminated with used oil.	Parties to the settlement agreement
Edison Electric Institute v. EPA, No. 96-1062 and consolidated cases (D.D.C.)	City of San Bernardino, City of Washington, and United Water Florida	EPA's test methods to measure whole effluent toxicity were not reliable.	EPA agreed to prepare and issue guidance documents regarding implementation of whole effluent toxicity control provisions.	Parties to the settlement agreement
Edison Electric Institute v. EPA, No. 96-1062 and consolidated cases (D.D.C.)	Lone Star Steel Company	EPA's test methods were not reliable when pathogenic organisms were present in test samples.	EPA agreed to conduct additional rulemaking regarding conduct of the whole effluent toxicity testing procedures when pathogenic organisms may be present in the test sample.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>Environmental Defense Fund v. EPA</u> , No. 97-1673 (D.C. Cir.)	Environmental Defense Fund	Challenge to third set of transportation conformity rules.	EPA agreed to reconsider minor issues.	Parties to the settlement agreement
<u>Environmental Defense Fund v. EPA</u> , No. 94-1044 (D.C. Cir.)	Environmental Defense Fund, Sierra Club, Natural Resources Defense Council, Conservation Law Foundation, Oregon Environmental Council, Delaware Valley Citizens Council for Clear Air, and Institute for Transportation and the Environment	Challenge to second set of transportation conformity rules.	EPA agreed not to process conformity NOx waivers until after reconsideration of NOx aspect of conformity rules.	Environmental Defense Fund and Sierra Club
<u>Environmental Council of Sacramento v. EPA</u> , No. 87-0420 (E.D. Cal.)	Environmental Council of Sacramento and Sierra Club	Failure to promulgate federal implementation plan (FIP) for Sacramento ozone nonattainment area.	Settlement obligates EPA to promulgate ozone FIP for Sacramento.	Parties to the settlement agreement
<u>Environmental Defense Fund v. Browner</u> , No. 93-1203, 93-1204, 93-1205, 93-1206, 93-1207, 93-1214 (D.C. Cir.)	Environmental Defense Fund, Natural Resources Defense Council, Utility Air Regulatory Group, Dayton Power and Light, State of New York Adirondack Council, Ohio Edison Company, New England Power Co., and Clean Air Capital Markets Corp.	EPA's acid rain core rules were arbitrary and capricious.	EPA agreed to propose revisions to the substitution unit provisions of the acid rain core rules. A second settlement, in August 1994, included EPA agreement to further amend the substitution provisions. A third settlement, in January 1995, included EPA agreement to amend utilization provisions of the core rules. A fourth settlement, in April 1995, included EPA agreement to revise the monitoring provisions of the acid rain core rules.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Environmental Defense Fund v. Hankinson, No. 91-467-Civ.5 D (E.D. N.C.)	Environmental Defense Fund and Weyerhaeuser	EPA failed to regulate Weyerhaeuser's silviculture activity on North Carolina site.	EPA agreed to issue guidance on applicability of CWA to certain silvicultural activities.	Parties to the settlement agreement
Florida Biodiversity Project v. Kennedy, No. 95-50-CIV-FTM-24(D) (M.D.Fla.)	Florida Biodiversity Project, Fish and Wildlife Service, National Park Service, and U.S. Army Corps of Engineers	No specific allegations against EPA. National Park Service violated CWA, NEPA, ESA, and National Park Service organic statute by allowing use of Big Cypress National Preserve by off-road vehicles.	National Park Service agreed to develop, in consultation with EPA and the Corps of Engineers, a management plan for the park.	Parties to the settlement agreement
FMC Corp. v. EPA, No. 90-1087 (D.C. Cir.)	FMC Corp.	Information not readily available.	EPA agreed to propose amendments to the national emission standard for hazardous air pollutants (NESHAP) for radionuclides to provide for alternative compliance option.	Parties to the settlement agreement
Forest Guardians v. Browner, No. CV 97-0091 LH/DJS (D.N.M.)	Forest Guardians	EPA's approval of New Mexico's anti-degradation policy was arbitrary and capricious.	EPA agreed to pay specified attorneys' fees.	Parties to the settlement agreement
Forest Guardians v. EPA, Civ. No. 96-0826 LH (D.N.M.)	Forest Guardians and Southwest Environmental Center	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to develop or approve TMDLs for specified water quality standards on New Mexico's 1996 CWA § 303(d) list between 2006 and 2016.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Friends of the Crystal River v. EPA, No. 1-92-CV-325 (W.D.Mich.)	Friends of the Crystal River	EPA improperly withdrew objections to CWA § 404 permit for golf course.	EPA agreed to pay specified attorneys' fees.	Parties to the settlement agreement
General Electric Co. v. EPA, No. 94-1274 (D.C. Cir.)	General Electric Co.	EPA failed to comply with statutory listing criteria under CAA § 112(c) as to toxic substances.	EPA agreed to modify listing of HCL solutions and publish interpretive guidance.	Parties to the settlement agreement
General Motors Corp. v. Browner, No. 97-3976 (6 <sup>th</sup> Cir.)	General Motors Corp.	EPA lacked authority to require corrective action at facilities where all regulated units had closed.	EPA agreed to modify the company's RCRA permit to revise its corrective action obligations.	Parties to the settlement agreement
Geneva Steel Company v. Browner, No. 94-9554 (10 <sup>th</sup> Cir.)	Geneva Steel Company	EPA unreasonably requested the company to perform stack test using an improper testing protocol.	EPA agreed that it did not interpret certain language in the preamble of the Utah County PM10 state implementation plan (SIP) approval as precluding Utah from submitting SIP updates to EPA more often than once a year.	Parties to the settlement agreement
Group Against Smog and Pollution ("GASP") v. Browner, No. CIV 96-322 (W.D. Pa.)	GASP, U.S. Steel Group/USX Corp., Allegheny County Health Department, and Pennsylvania Department of Environmental Protection	Failure to determine whether the Liberty Borough, Pennsylvania PM-10 nonattainment area attained PM-10 national ambient air quality standard (NAAQS) by applicable attainment date.	EPA agreed to a methodology and time frame for determining the attainment status for the Liberty Borough PM-10 nonattainment area, and agreed to a deadline by which to take final action on the area's PM-10 state implementation plan (SIP).	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Halogenated Solvents Industry Alliance, Inc. v. EPA, No. 96-1036 (D.C. Cir.)	Halogenated Solvents Industry Alliance, Inc.	EPA's rule establishing a national emission standard for hazardous air pollutants (NESHAP) for wood furniture was arbitrary and capricious.	EPA agreed to propose revisions to wood furniture NESHAP.	Parties to the settlement agreement
Heal the Bay, Inc., v. Browner, No. C98-4825 (SBA) (N.D. Cal.)	Heal the Bay, Inc., Santa Monica BayKeeper, Inc. and Terry Tamminen	Failure to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to issue CWA § 303(d) listing guidance, if necessary, provide plaintiffs with copies of approved TMDLs; report on the monitoring program in the Los Angeles region; review the State's continuing planning process (CWA § 303(e)); review the State's basin plan; and review up to 2 TMDL implementation plans.	Natural Resources Defense Council, Inc., Heal the Bay, Inc., and Santa Monica BayKeeper, Inc.
Hilton Davis Chemical Company v. EPA, No. 94-3414 (6 <sup>th</sup> Cir.)	Hilton Davis Chemical Company	EPA's treatment of nearly background sources in modeling for new source review purposes was improper.	EPA agreed not to bring enforcement action against Hilton Chemical Co. for failure to conduct testing according to the time frame of a request for information under CAA § 114.	Parties to the settlement agreement
Horsehead Resource Development Co. v. EPA, No. 91-1221 (D.C. Cir.)	Solite Corp., RSR Corp., and Marine Shale Processors, Inc.	Lead emission standard is overly stringent for light weight aggregate kilns.	EPA agreed to consider whether to apply something other than derived-from rule to assess wastes generated when industrial furnaces burn hazardous waste fuel while processing normal raw materials.	Solite Corp.

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<u>Horsehead Resource Development v. EPA</u> , No. 91-1221 (D.C. Cir.)	Citizens for a Safe Environment, Saucan Association for a Viable Environment, Citizens Aware and United for a Safe Environment, Clean Water Fund of North Carolina, Environmental Technology Council, Sierra Club, National Solid Waste Management Association, and Natural Resources Defense Council, Inc.	EPA's emission standards for hazardous waste combustion units were insufficiently stringent.	EPA agreed to propose technology-based standards for hazardous waste combustion units and to issue final standards addressing air emissions from these units by a given date.	Environmental Technology Council
<u>Idaho Conservation League v. Browner</u> , Civ. No. 96-807 (W.D. Wash.)	Idaho Conservation League and Inland Empire Public Lands Council	EPA failed to review Idaho water quality standards or to promulgate water quality standards where we had disapproved them.	EPA agreed to pay specified attorneys' fees.	Parties to the settlement agreement
<u>International Fabricare Institute v. EPA</u> , No. 93-1773 (D.C. Cir.)	International Fabricare Institute	EPA's rule establishing a national emission standard for hazardous air pollutant (NESHAP) for dry cleaning was arbitrary and capricious.	EPA agreed to propose revisions to the dry cleaning NESHAP.	Parties to the settlement agreement
<u>International Fabricare Institute v. US EPA</u> , No. 89-1683 (D.C. Cir.)	International Fabricare Institute	EPA had erroneously referred to perchloroethylene as a Group B2 carcinogen in two Federal Register notices.	EPA agreed to delete perchloroethylene from the substances referred to in two prior Federal Register notices as a Group B2 carcinogen, pending the completion of Agency deliberations on the classification of the chemical.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Legal Environmental Assistance Foundation v. EPA, No. 95-3014 (11 <sup>th</sup> Cir.)	Legal Environmental Assistance Foundation and Florida Departmental Environmental Protection	EPA's denial of petition seeking revocation of Florida's underground injection control program was arbitrary and capricious.	EPA agreed, among other things, to a schedule and process for reviewing Florida's revised underground injection control program application.	Parties to the settlement agreement
Libbey-Owens-Ford Co. v. EPA, No. 95-1141 (D.C. Cir.)	Libbey-Owens-Ford	EPA's rules establishing maximum available control technology (MACT) for industrial process cooling towers was arbitrary and capricious.	EPA agreed to propose a revision to the MACT standard for industrial process cooling towers.	Parties to the settlement agreement
Manasota-88, Inc. v. Tidwell, No. 88-425-Civ-T-15-A (M.D. Fla.)	Manasota-88, Inc.	EPA failed to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to take certain oversight steps in connection with Florida's TMDL program, and to pay specified attorneys' fees.	Parties to the settlement agreement
Matteson Warehouses, Inc. v. U.S., No. 91-1531L (Ct.Cl.)	Matteson Warehouses, Inc.	EPA had taken property in violation of the Fifth Amendment.	Payment of \$225,000 by U.S.; conveyance of title to four acres to U.S.	Parties to the settlement agreement
Mayor and City Council of Baltimore v. Browner, Nos. 94-2547 and 95-1007 (4 <sup>th</sup> Cir.)	City of Baltimore	EPA exceeded its authority in disallowing costs under Baltimore's wastewater treatment works construction grants, and in seeking interest on the disallowance.	Parties agreed to a grant close-out protocol that offset disallowed costs of wastewater treatment construction with other allowable grant costs incurred by Baltimore.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Millard v. U.S. No. 95-649L (Ct.Cl.)	Stephen H. Millard	EPA had taken property in violation of the Fifth Amendment.	Payment of \$53,000 by U.S. in exchange for an easement.	Parties to the settlement agreement
Mudd v. Reilly, No. CV-91-P-1392-S (N.D.Ala.)	Edward Mudd	EPA failed to consult with the Fish & Wildlife Service under the ESA in connection with implementation of Alabama's CWA programs.	EPA agreed to initiate formal consultation with the Fish & Wildlife Service regarding Alabama water quality standards acted on by EPA in 1991.	Parties to the settlement agreement (with input from State of Alabama)
National Coalition Against Misuse of Pesticides v. Browner, No. 93-0087-LJO (D.D.C.)	National Coalition Against Misuse of Pesticides	EPA violated its regulations when it granted two emergency exemptions.	EPA agreed to establish a public docket for pesticide emergency exemption applications and resolved plaintiffs' challenge to two emergency exemptions issued under FIFRA § 18.	Parties to the settlement agreement and Public Citizen
National Roofing Contractors Association v. EPA, No. 91-1055 (D.C. Cir.)	National Roofing Contractors Association and North East Roofing Contractors Association	Information not readily available.	EPA agreed to publish an interpretive rule clarifying EPA rule establishing rule establishing a national emission standard for hazardous air pollutants (NESHAP) for asbestos.	Parties to the settlement agreement
National Tank Truck Carriers, Inc. v. EPA, No. 94-1323 (D.C. Cir.)	National Tank Truck Carriers, Inc.	Whether EPA's rules for reformulated gasoline were arbitrary and capricious, an abuse of discretion and not in accordance with the Clean Air Act concerning the requirements applicable to tank truck carriers.	EPA agreed to propose revisions to its gasoline regulations concerning affirmative defenses available to tank truck carriers.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Natural Resources Defense Council, Inc. v. EPA, No. 94-1079 (D.C. Cir.)	Natural Resources Defense Council, Inc.	EPA's methyl bromide rule was arbitrary and capricious.	EPA agreed to issue a notice of clarification that products "manufactured with" methyl bromide are subject to EPA's labeling rule for products manufactured with certain ozone depleting substances.	Parties to the settlement agreement. Alliance for Responsible Atmospheric Policy, intervenor, was consulted.
Natural Resources Defense Council, Inc. v. EPA, No. 92-1415 (D.C. Cir.)	Natural Resources Defense Council, Inc.	EPA's failure to list electric utilities on the CAA § 112(c) source category list was arbitrary and capricious.	In October 1994 settlement, EPA agreed to complete the report under CAA § 112(n)(1)(A) and determine whether to regulate utility units under CAA § 112. The settlement was amended several times to allow EPA more time to act. In April 1998 the settlement was again amended and EPA agreed to publish an analysis of SO <sub>2</sub> , NOx, CO <sub>2</sub> , and mercury reductions and costs. In November 1998 the date for the regulatory determination was extended to 2000.	Parties to the settlement agreement. Earth Justice Legal Defense Fund was involved in the 1998 settlement discussions because of a parallel D.C. District Court case.
Natural Resources Defense Council, Inc. v. EPA, Civ. No. 92-1415 (D.D.C.)	Natural Resources Defense Council, Inc.	EPA's failure to list electric utilities on the CAA § 112(c) source category list was arbitrary and capricious.	EPA agreed to propose and take final action on rulemaking to approve a more sensitive analytical method to measure mercury in aqueous samples. In exchange, NRDC agreed to extend EPA's deadline for final action on a CAA determination regarding electric utilities.	Parties to the settlement agreement
Natural Resources Defense Council v. Browner, No. 89-2980 (D.C. Cir.)	Natural Resources Defense Council, Inc. and Public Citizen	EPA failed to meet statutory deadline for issuing an effluent guideline.	EPA agreed to issue a rule establishing a national emission standard for hazardous air pollutants (NESHAP) for the pharmaceutical industry, on the same schedule as the effluent guideline.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p><u>Natural Resources Defense Council, Inc. v. Browner</u>, Civ. No. 95-634 (PELF) (D.D.C.)</p>	<p>Natural Resources Defense Council, Inc.</p>	<p>EPA failed to conduct rulemaking in response to judicial remand in <i>NRDC v. EPA</i>, 966 F.2d 1292 (9<sup>th</sup> Cir. 1992).</p>	<p>EPA agreed to propose and take final action on regulations in response to a judicial remand.</p>	<p>Parties to the settlement agreement</p>
<p><u>Natural Resources Defense Council, Inc. v. Browner</u>, No. 89-2980 (D.D.C.)</p>	<p>Natural Resources Defense Council, Inc. and Public Citizen, Inc., American Forest &amp; Paper Association and Chemical Manufacturers Association (intervener)</p>	<p>EPA failed to carry out its duties under (1) CWA § 304(m) to review and revise CWA effluent guidelines and (2) RCRA § 3018(b) to implement recommendations of the domestic sewage study.</p>	<p>EPA agreed to take final action on a rule for the pharmaceutical manufacturing industry under both its CWA and CAA authorities and to report on its progress; EPA agreed to address certain topics in its study of feedlots, urban storm water, and airport de-icing (those studies were required by the consent decree). EPA agreed to work with the Effluent Guidelines Task Force to address the problem of identifying, and integrating, into rulemakings, information reflecting changes in the universe of facilities and process operations; EPA agreed to provide plaintiffs with 30 days notice if it could not take the actions specified in the settlement agreement. The settlement agreement was executed on January 31, 1997.</p>	<p>Parties to the settlement agreement</p>
<p><u>Natural Resources Defense Council, Inc. v. EPA</u>, No. 90-0694-SS (D.D.C.)</p>	<p>Natural Resources Defense Council, Inc., Hazardous Waste Treatment Council, and Association of Petroleum Refiners</p>	<p>EPA failed to determine whether to list used oil as a hazardous waste, as required by RCRA § 3014(b).</p>	<p>EPA agreed to make a listing determination for recycled used oil by May 1992.</p>	<p>Parties to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p><u>Neuse River Foundation, Inc. v. Browner</u>, No. 4:96-CV-188-BO(3) (E.D.N.C.)</p>	<p>Neuse River Foundation, Inc.</p>	<p>EPA failed to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).</p>	<p>In a letter EPA agreed to provide assistance to North Carolina and to propose a TMDL by January 15, 1999 for the Neuse River basin if North Carolina failed to do so.</p>	<p>Parties to the litigation; minor early participation by Southern Environmental Law Center</p>
<p><u>Nickel Development Institute, v. EPA</u>, No. 92-1407 (D.D.C.) and <u>Specialty Steel Industry of the United States v. Browner</u>, No. 92-1410 (D.D.C.)</p>	<p>Nickel Development Institute, Nickel Producers Environmental Research Association, Inc., Chemical Manufacturers Association, National Association of Metal Finishers, Inco United States, Inc., The International Metals Reclamation Co., and Specialty Steel Industry of the U.S.</p>	<p>Derivation of nickel maximum contaminant level (MCL) and maximum contaminant level goal (MCLG) was arbitrary and capricious</p>	<p>By exchange of letters, EPA agreed to request voluntary remand of nickel MCL and MCLG.</p>	<p>Parties to the settlement agreement</p>
<p><u>North Carolina Wildlife Federation v. Tulloch</u>, No. C90-713-CIV-5-BO (E.D.N.C.)</p>	<p>North Carolina Wildlife Federation, National Wildlife Federation, and U.S. Army Corps of Engineers</p>	<p>EPA and Corps of Engineers failed to regulate discharges associated with developing a wetland.</p>	<p>EPA and the Corps of Engineers agreed to propose regulations modifying the definition of "discharge of dredged material."</p>	<p>Parties to the settlement agreement</p>
<p><u>Northwest Environmental Advocates v. Browner</u>, No. C91-427 (W.D. Wash.)</p>	<p>Northwest Environmental Advocates and Northwest Environmental Defense Center</p>	<p>EPA failed to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).</p>	<p>EPA agreed to develop or approve TMDLs for all water quality limited segments on Washington's 1998 CWA § 303(d) list by June 30, 2013.</p>	<p>Parties to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Ohio Valley Environmental Coalition, Inc. v. Browner, Nos. 2-95-0529 and 2-96-0091 (S.D. W. Va.)	Ohio Valley Environmental Coalition, Inc., West Virginia Highlands Conservancy, Inc., Regenia Fott, Thomas E. Keating, and Bill Ragette	EPA failed to comply with mandatory duties, including establishment of total maximum daily loads (TMDLs) by statutory deadline (CWA § 303(d)).	EPA agreed to undertake a variety of activities in support of West Virginia's efforts to identify and establish TMDLs for impaired waters.	Parties to the settlement agreement; West Virginia Chamber of Commerce, West Virginia Coal Association, West Virginia Farm Bureau, West Virginia Forestry Association, and West Virginia Mining and Reclamation Association (intervenor)
Portneuf Environmental Council v. Browner, No. CIV 97-05450-E-BLW (D. Idaho)	Portneuf Environmental Council	EPA failed to determine whether the Power-Bannock, Idaho, PM-10 nonattainment area attained the PM-10 national ambient air quality standard (NAAQS) by applicable attainment date.	EPA reserved regulatory discretion regarding taking final action on nonattainment finding and revising the nonattainment designation for the Power-Bannock Counties PM-10 area, and agreed to dates by which to propose and promulgate a Federal Implementation Plan (FIP) for the tribal portion of the nonattainment area.	Parties to the settlement agreement
Raymond Proffit Foundation v. EPA, No. 95-0861 (E.D. Pa.)	Proffit Foundation	EPA failed to promulgate water quality standards to replace disapproved water quality standards.	EPA agreed to pay specified attorneys' fees.	Parties to the settlement agreement
Safe Buildings Alliance v. EPA, No. 91-1034 (D.C. Cir.)	Safe Buildings Alliance	Information not readily available.	EPA agreed to publish a notice of clarification of the national emission standard for hazardous air pollutant (NESHAP) for asbestos.	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p>Scenic Hudson, Inc. v. EPA, Nos. 93-4011 and 94-4105 (2<sup>nd</sup> Cir.)</p>	<p>Scenic Hudson, Inc. and Environmental Defense Fund</p>	<p>Challenge to 2 related actions (i) excluding Putnam &amp; Northern Orange Counties from the NYC ozone nonattainment area, and (ii) affirming those exclusions, but designating Northern Orange County as nonattainment area (part of the Poughkeepsie area).</p>	<p>Under the agreement, litigants dismissed their challenges if EPA completed a rulemaking on a specified schedule covering whether to reclassify ("bump up") the Poughkeepsie area to moderate.</p>	<p>Parties to the settlement agreement.</p>
<p>Scogin v. U.S., No. 93-204L (Ct.Cl.)</p>	<p>V.I. Scogin</p>	<p>EPA had taken property in violation of the Fifth Amendment.</p>	<p>Payment of \$15,000 by U.S.</p>	<p>Parties to the settlement agreement</p>
<p>Service Employees International Union v. EPA, Nos. 89-0851 (D.D.C.) and 89-1228 (D.C. Cir.)</p>	<p>Service Employees International Union and Occupational Safety and Health Administration</p>	<p>EPA should be required to promulgate regulations providing for inspection and control of asbestos containing material in non-school public and commercial buildings.</p>	<p>EPA agreed to use TSCA to ensure that workers in public and commercial buildings that are not covered by OSHA's rulemaking are equally protected from asbestos exposure.</p>	<p>Parties to the settlement agreement and American Federation of State, County and Municipal Employees</p>
<p>Sierra Club v. Browner, No. 93-0124 (consolidated with Nos. 93-0125, 93-0197, and 93-0564) (D.C. Cir.)</p>	<p>Sierra Club</p>	<p>EPA failed to take actions under several statutory deadlines under a variety of different CAA provisions.</p>	<p>EPA agreed to issue guidance to states on State Implementation Plan (SIP) credits for certain California emissions regulations of lawn and garden equipment.</p>	<p>Parties to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
<p><i>Society of the Plastics Industry, Inc. v. EPA</i>, No. 96-1038 (D.C. Cir.)</p>	<p>Society of the Plastics Industry, Inc.</p>	<p>EPA's national emission standard for hazardous air pollutants (NESHAP) for wood furniture was arbitrary and capricious.</p>	<p>EPA agreed to propose revisions to wood furniture NESHAP.</p>	<p>Parties to the settlement agreement</p>
<p><i>Southern Illinois Power Cooperative v. EPA</i>, No. 93-2263 (7<sup>th</sup> Cir.)</p>	<p>Southern Illinois Power Cooperative</p>	<p>EPA's acid rain allowance rule was arbitrary and capricious.</p>	<p>EPA agreed to propose revisions to the definition of "customer" in the case of a power cooperative.</p>	<p>Parties to the settlement agreement</p>
<p><i>Steel Manufacturers Association v. EPA</i>, No. 91-1556 (D.C. Cir.)</p>	<p>Environmental Technology Council and Environmental Defense Fund</p>	<p>EPA was arbitrary and capricious in regulating electric arc furnace dust placed directly on the land less stringently than electric arc furnace dust disposed in a hazardous waste landfill.</p>	<p>EPA agreed to consider whether to prohibit non-encapsulated uses of slag derived from treating electric arc furnace dust.</p>	<p>Parties to the settlement agreement</p>
<p><i>The Fertilizer Institute v. EPA</i>, No. 92-1320 (D.C. Cir.)</p>	<p>The Fertilizer Institute (TFI)</p>	<p>Information not readily available.</p>	<p>EPA agreed to make a final determination whether to grant TFI's petition for reconsideration of amendments to the rule establishing a national emission standard for hazardous air pollutants (NESHAP) for phosphogypsum.</p>	<p>Parties to the settlement agreement</p>

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Union Carbide Corporation v. USA, No. 91-11360 (Cl. Ct.)	Union Carbide Corporation	EPA's failure to accept pesticides in a timely manner resulted in Union Carbide expenditures for which Union Carbide was entitled to reimbursement.	EPA agreed to pay Union Carbide \$450,000 to settle the company's claim for costs related to storage of suspended and canceled pesticides prior to EPA taking possession of them for disposal. Under pre-1988 FIFRA, EPA was required to dispose of suspended and canceled pesticides such as those stored by Union Carbide. Union Carbide's claim was based on a 1984 administrative settlement and a 1987 settlement agreement in Union Carbide Corporation v. Thomas, No. 87-0174-CV-SI-6 (W.D.Mo.), in which EPA agreed to take the pesticides.	
Union Carbide Corp. v. EPA, No. 96-1413 and consolidated cases (D.C. Cir.)	Dow Chemical	EPA's rule establishing maximum available control technology (MACT) for the polymers and resins industry was arbitrary and capricious.	EPA agreed to propose amendments to MACT for the polymers and resins industry (P&R I).	Parties to the settlement agreement
United Farmworkers of America v. EPA, No. CV 01562 (D.D.C.)	United Farmworkers of America	Failure to hold a hearing before amending existing stocks order (FIFRA § 6)	EPA agreed to provide public notice before modifying some existing stocks provision.	Parties to the settlement agreement
Wellman Inc. v. EPA, No. 96-1419 and consolidated cases (D.C. Cir.)	Dow Chemical	EPA's rule establishing maximum available control technology (MACT) for the polymers and resins industry was arbitrary and capricious.	EPA agreed to propose amendments to MACT for the polymers and resins industry (P&R IV).	Parties to the settlement agreement

CASE	PARTIES TO SETTLEMENT AGREEMENT (OTHER THAN EPA)	ALLEGATIONS IN COMPLAINT OR PETITION FOR REVIEW	DESCRIPTION OF SETTLEMENT AGREEMENT	PARTIES PRESENT IN NEGOTIATIONS
Western States Petroleum Association v. EPA, No. 95-70034 (9 <sup>th</sup> Cir.)	Western States Petroleum Association and State of Washington	EPA had acted inconsistently in addressing states' treatment of insignificant emissions units through its rulemakings on CAA Title V programs.	EPA agreed that portion of EPA's November 9, 1994 interim approval of Washington State's Title V program would be vacated and remanded to EPA for further proceedings.	Parties to the settlement agreement

## UTILITY AIR REGULATORY GROUP MEMBERS

Alabama Power Company	Illinois Power Company	Virginia Power
Appalachian Power Company	Indiana Michigan Power Company	West Penn Power Company
Baltimore Gas and Electric Company	Jacksonville Electric Authority	Wisconsin Electric Power Company
Boston Edison Company	Kansas City Power & Light Company	Wisconsin Public Service Corporation
Centerior Energy Corporation	Kentucky Power Company	Edison Electric Institute
Cleveland Electric Illuminating Company	Kentucky Utilities Company	National Rural Electric Cooperative Association
Toledo Edison Company	Long Island Lighting Company	American Public Power Association
Central and South West Services, Inc.	Louisville Gas and Electric Company	Public Service Electric and Gas Company
Central Power and Light Company	Madison Gas and Electric Company	
Public Service company of Oklahoma	Midwest Power Systems, Inc.	
Southwestern Electric Power Company	Minnesota Power Company	
West Texas Utilities Company	Mississippi Power Company	
Central Hudson Gas & Electric Corporation	Monongahela Power Company	
Central Illinois Light Company	Montaup Electric Company	
Central Illinois Public Service Company	New England Power Company	
The Cincinnati Gas & Electric Company	Northern Indiana Public Service Company	
Columbus Southern Power Company	Oglethorpe Power Corporation	
Commonwealth Edison Company	Ohio Edison Company	
Consolidated Edison Company of New York, Inc.	Pennsylvania Power Company	
Consumers Power Company	New York State Electric & Gas Corporation	
The Dayton Power and Light Company	Ohio Valley Electric Corporation	
Delmarva Power & Light Company	Oklahoma Gas and Electric Company	
Duke Power Company	PacifiCorp Electric Operations	
Duquesne Light Company	Pennsylvania Power & Light Company	
Florida Power & Light Company	Philadelphia Electric Company	
Florida Power Corporation	The Potomac Edison Company	
Georgia Power Company	Potomac Electric Power Company	
Gulf Power Company	PSI Energy, Inc.	
Public Service Company of New Mexico	Tampa Electric Company	
Tucson Electric Power Company	Salt River Project	
Savannah Electric and Power Company		
South Carolina Electric & Gas Company		
Union Electric		

## STATEMENT BY ANNE J. UDALL, VICE-CHAIR, MORRIS K. UDALL FOUNDATION

Mr. Chairman and Members of the Committee: I am pleased and honored to be nominated for another term on the Board of Trustees of the Morris K. Udall Foundation. Since the Foundation's beginning 4 years ago, I have had the privilege of serving on the Foundation as the vice-chair. In the past 4 years we have proudly carried on the vision of a man who has been a great public servant.

Today is particularly poignant for me as his colleagues and my family will honor Dad at a memorial service he loved, the U.S. Congress.

There has been much that has been said about Dad over the years, but President Clinton summed up his contributions to our country when awarding Dad the Medal of Freedom:

His landmark achievements, such as reforming campaign finance, preserving our forests, safeguarding the Alaskan Wilderness and defending the rights of Native Americans, were important indeed. But he distinguished himself above all as a man to whom others—leaders—would turn for judgment, skill and wisdom. Mo Udall is truly a man for all seasons and a role model for what is best in American democracy.

Senators will recall that the Udall Foundation is both similar to and different from its predecessors in the Federal family: the Truman, Madison, and Goldwater Foundations. We are similar in that we are educational entities that award college scholarships, fellowships and internships, to further public goals. The Udall Foundation's focuses are the environment and Native American affairs.

We differ in that our Foundation was given a broader mandate than the others. Congress also told us to do policy work in the areas of Native American health care and environmental conflict resolution, to hold annual conferences on important national issues and to work with the Udall Center at the University of Arizona to general new research in our fields.

The Foundation, in carrying on Dad's legacy, is dedicated to civility integrity, and consensus. Since our establishment, we have accomplished the following:

- The Foundation has awarded 220 scholarships to college juniors and seniors—planning careers in the environment or Native American health care. Interest in Udall scholarships has grown rapidly, and today more than 1,430 colleges and universities participate. The demand is such that the Board would like to raise the annual number of awards from 75 to 100 and the stipend from \$5,000 to \$7,500.

- We have initiated the first Native American Congressional internship program. This year we graduated and sent back to their tribes the third class of Udall interns with an enriched knowledge of Congress and the executive branch. Congressional interns, all of whom are college graduates, are split evenly between Republican and Democratic offices; three slots have been made available at the White House. Interns are lodged at George Washington University and are provided a per diem and, upon successful completion of the program, a stipend of \$1,200. The program also provides regular counseling, travel to historical sites, and special meetings with national leaders. The evidence, thus far suggests that our graduates are having a dramatic impact on their tribes.

- The Foundation has begun a program to support top doctoral candidates in their dissertation years. Last year, we began authorizing the gift of \$24,000 each to two of the Nation's leading graduate students after a national competition. This year was judged a success, yielding two potentially publishable theses covering new ground in environmental research. The Board has decided to continue the program this year and expand it over time as our financial resources grow.

- We have sponsored two widely reported national conferences on environmental issues, and a third conference last October on Native American health care.

- The Foundation has conducted extensive preliminary planning for a program that will begin this year called "Parks in Focus." The cooperation with the Boys and Girls Clubs, the National Park Service and two private concerns, Cannon and Kodak, we will take inner-city children into our national parks for long weekends. They will be given cameras and will engage in photography contests. Their photos then will be displayed in their schools. This effort with grade school children will supplement our educational programs which focus on college and graduate students.

- Finally, we have undertaken a searching analysis of the methods of environmental conflict resolution and its possible use by Federal agencies. The Foundation's efforts included convening a large national conference on the subject and conducting simulations to test negotiating methods.

- This research led to a request by Senator John McCain that the Foundation undertake a formal role as the Federal mediator in environmental disputes. In consultation with the White House, Senator McCain introduced S. 399, which was subsequently approved by the final Senate and House and signed by President Clinton in January of this year. The law creates within the Udall Foundation a new Federal entity known as the U.S. Institute for Environmental Conflict Resolution.

- The institute will be located with the Foundation in Tucson, providing a neutral site within the Federal establishment but outside the "Beltway" where public and private interests can seek common ground and settle environmental disputes. The Institute is intended to give yet another boost to the growing environmental conflict resolution movement to move away from a period of confrontation and litigation to a new area where we follow Mo Udall's lead and strive for consensus.

I am hopeful that the Committee can see the great work the Foundation has undertaken and is continuing to pursue. For me personally, as Mo's daughter and as an American who is committed to public service in my own life, serving on the Board of Trustees has been a very special honor for me. Over the past several years,

as Dad struggled daily with the trials of Parkinson's disease, I have had a great deal of pride and satisfaction knowing that in some small way I was able to carry on his great work I would very much appreciate the opportunity to continue to serve on the Board of Trustees of the Morris K. Udall Foundation.

**UNITED STATES SENATE  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES**

Name: UDALL ANNE JEANNETTE  
(Last) (First) (Middle)

Position to which nominated: BOARD OF TRUSTEES, MORRIS K. UDALL FOUNDATION

Date of Nomination: \_\_\_\_\_

Date of birth: 7 5 54 Place of birth: TUCSON, ARIZONA  
(Day) (Month) (Year)

Marital status: ♂ ♀ Full name of spouse: \_\_\_\_\_

Name and ages of children: N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>see attached resume</u>			
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Employment record:  
List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.  
see attached resume

**Employment record—continued**

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**Honors and awards:**

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

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**Memberships:**

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
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**Qualifications:**

State fully your qualifications to serve in the position to which you have been named.

My qualifications include strong educational background,

Qualifications—continued

Knowledge of Ho idall's vision & beliefs, & previous  
experience on the Foundation's Board.

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Future  
employment  
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

No; not necessary

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2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

N/A

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3. Has anybody made a commitment to you for a job after you leave government?

No

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4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

YES

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(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

N/A

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(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

**Financial Statement**

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

NONE

2. Are any assets pledged?

NO

3. Are you currently a party to any legal action?

NO

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

YES

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Twenty years ago, I made an error in not reporting an IRA account. I paid a small amount (less than \$100) in taxes owed.

**Potential conflicts of interest:**

1. Describe any financial or deferred compensation agreements or other continuing of interest dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

NONE

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

NONE

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

NONE

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

Critical Thinking: Carnegie Middle School Project. Texas Education Association, September 7, 1994.

Gifted and Talented Academy: Introduction to Gifted; Presentation Skills. Region 13, Austin, Texas, September 21, 1994. Included two presentations.

Integrating Multiple Intelligences In Your Classroom. Featured presenter, Texas Association for Gifted and Talented, Annual Conference, Fort Worth, Texas, November 16, 1994.

Thematic Instruction and Multiple Intelligences: The Perfect Mix. New Ways of Learning: Spotlight on the Multiple Intelligences Conference, Tucson, Arizona, January 28, 1995.

The Changing Faces of Gifted. Keynote address, 19th annual Northern Virginia Conference on Gifted/Talented Education, March, 1996.

Beyond the "Seven and Die" Syndrome. Keynote address, Zephyr Conference on New Ways of Learning, July, 1996.

#### HONORS

1973 to 1974	Student Fellow, Vassar College
Fall, 1979	Academic Scholarship, University of New Mexico
1980 to 1981	Graduate Fellowship, College of Education, University of New Mexico
January, 1981	Nominated for a scholarship from the American Association of University Women
1983 to 1987	Member of Editorial Board, <u>Current Issues in Gifted Education</u> , Aspen Publications
1982 to 1983	Member of Arizona State Department of Education

**Political affiliation  
and activities:**

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years.

No contributions of over \$1,000

Am currently registered in an INDEPENDENT  
in NC

**Published  
writings:**

List the titles, publishers and dates of any books, articles, or reports you have written.  
(Please list first any publications and/or speeches that involve environmental or related matters.)

listed on resume

**Additional  
Matters:**

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

NONE

Additional matters—continued.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

YES

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No

**AFFIDAVIT**

Anne J. Udell ) as, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 1<sup>st</sup> day of March, 1999

Phillip J. Groutel  
Notary Public

ANNE JEANNETTE UDALL  
 3502 Fernmoss Ct.  
 Charlotte, N.C. 28269  
 704-597-1660

## EDUCATION

University of Arizona, Tucson, Arizona  
 Ph.D. in Special Education, 1987  
 Areas of concentration: Gifted, Learning  
 Disabilities, Evaluation, Educational Psychology

Arizona Teaching Certificates in Learning  
 Disabilities (K-12), Secondary Social Studies,  
 Endorsement in Gifted Education, K-12; North  
 Carolina Teaching Certificates in Secondary Social  
 Studies, Learning Disabilities (K-12), Gifted (K-  
 12), Curriculum Specialist.

University of New Mexico, Albuquerque, New Mexico  
 M. A. in Special Education, 1981  
 Areas of concentration: Learning Disabilities,  
 Gifted.

B. A. in Secondary Education, 1979  
 Minor: Social Studies

New Mexico Teaching Certificates in Learning  
 Disabilities, Gifted, and Secondary Social  
 Studies.

University of Lancaster, Lancaster England.  
 1974-1975  
 Major: Comparative Religion  
 Minor: History

Vassar College, Poughkeepsia, New York. 1972-1974  
 Major: Comparative Religion  
 Minor: History

International Baccalaureate Program was added to my job responsibilities listed above. The system-wide coordination of the 11 pre-IB and IB schools in CMS was the major responsibility.

- January, 1992 to December, 1993 **Coordinator, Program for the Gifted.** Charlotte-Mecklenberg Schools, Charlotte, North Carolina. Overall responsibility was the coordination of a comprehensive gifted program for a large school district with over 75,000 students. Specific responsibilities are listed above.
- 1991 to January, 1992 **Critical Thinking Resource Specialist, Staff Development Department.** Tucson Unified School District, Tucson, Arizona. Previous position expanded to district level position. Responsibilities include district-wide training in higher level thinking skills, development of a teacher cadre of teacher trainers, mentor program for new teachers, supervision of GESA training, and other duties as they relate to the district staff development goals.
- 1988 to 1991 **Critical Thinking Resource Specialist, Carrillo Intermediate Magnet School.** Tucson Unified School District. Similar duties to the previous job; however, delivery model was modified so that the specialist now works within the regular classroom with the teacher. Peer coaching and team teaching are utilized strategies.
- 1987 to 1988 **Critical Thinking Resource Specialist, Carrillo Intermediate Magnet School.** Tucson Unified School District, Tucson, Arizona. Primary responsibilities included teaching 4th, 5th, and 6th graders higher level thinking skills 90 minutes a week in a lab setting. Program was developed and implemented by myself and school staff.
- 1987 to 1989 **Adjunct Professor.** Department of Special Education, University of Arizona, Tucson, Arizona. Primary responsibilities includes the teaching of a graduate course on gifted minorities for the Department of Special Education.
- 1985 to 1987 **Learning Disabled/Gifted Teacher and Teacher of**

the Gifted. Tucson Unified School District, Tucson, Arizona. In addition to the duties began in 1981, new responsibilities in 1985 included the development of and teaching in a new program for gifted minority students in an urban magnet elementary school.

1986, 1987,  
1988, 1992  
summers

Assistant Director and Visiting Instructor. Summer Enrichment Program, University of Virginia, Charlottesville, Virginia. Primary responsibilities included supervising intern teachers in the summer program for gifted students and teaching a graduate class in curriculum development for the gifted. Dr. Carolyn Callahan was my immediate supervisor.

1981 to 1985

Learning Disabled/Gifted Teacher and Evaluator. Tucson Unified School District, Tucson, Arizona. Primary responsibilities include: locating learning disabled, gifted children in the school district; the establishment of a program for elementary-age gifted, learning disabled students; teaching the classroom; and working district-wide with individual teachers of learning disabled, gifted children on their special education needs.

1983 summer

Graduate Assistant. Department of Special Education, University of Arizona, Tucson, Arizona. Worked under Dr. Sid Bijou and Dr. John Umbreit. Assisted in an experimental research project that attempted to teach retarded adults more effective communication skills.

1982 summer

Summer Intern. University for Youth Program, University of Denver, Denver, Colorado. Assisted in the administration of the summer youth program for gifted students, under Dr. Eli Katz. Was also responsible for a summer-end evaluation of the program.

1981 to 1982

Graduate Assistant. Department of Special Education, University of Arizona, Tucson, Arizona. Worked for Dr. June Maker on a bilingual gifted education grant. Responsibilities included answering general correspondence and organizing a regional conference on "Gifted Minorities."

- 1981 summer Teacher and Assistant Director. University of New Mexico, Summer Enrichment Program, Tres Lagunas Guest Ranch, Pecos, New Mexico. Taught one week sessions on environmental education for the six week summer program. The last two weeks of the program included the additional responsibilities of supervising the counselors and general administration of the camp program.
- 1980 to 1981 Research Assistant. Dr. June Maker, Department of Special Education, University of New Mexico, Albuquerque, New Mexico. Assisted in the publication of two textbooks, Curriculum Development for the Gifted, and Teaching-Learning Models for the Gifted, Pro-Ed Publications. Primary responsibilities included research, editing, and manuscript preparation.
- 1980 to 1981 Graduate Fellowship. Department of Special Education, University of New Mexico, Albuquerque, New Mexico. One of five Masters students awarded the fellowship. Responsibilities included supervision of student teachers in the Albuquerque Public Schools.
- 1979 to 1980 Research Assistant. Dr. Deborah D. Smith, Department of Special Education, University of New Mexico, Albuquerque, New Mexico. Assisted in the publication of the textbooks Teaching the Learning Disabled, Prentice-Hall, 1981. Primary responsibilities included research, preparation of references, editing, general manuscript preparation, and reading galley proofs.
- 1976 to 1979 Senior Housemother and Teaching Assistant. Cedar House Residential School, Kirkby Lonsdale, England. Cedar House is a residential school for severely disturbed children, ages 8-14. Worked in

#### PROFESSIONAL ORGANIZATIONS

- 1992 to present NCAGT--North Carolina Association for the Gifted and Talented
- 1981 to 1992 AAGT--Arizona Association for the Gifted and

Talented  
 Member, Board of Directors, 1982-85  
 Vice-President, Membership and Nominations, 1982-83  
 Co-chairperson, AAGT 10th Annual State Conference  
 Chairperson, AAGT Regional Mini-Conferences, 1984, 1986  
 Elected member of the AAGT Honor Board, 1989-90

1979 to 1988    CEC--Council for Exceptional Children  
 Division member of Children with Learning Disabilities (DCLD)

1979 to 1988    TAG--The Association for the Gifted  
 National Chairperson, Graduate Student Committee, 1982-1985.

1981 to present    NAGC--National Association for Gifted Children  
 Member, Curriculum Committee, 1988-1989.  
 Member, Task Force on Relationship between Gifted Education and Regular Education

1988 to present    ASCD--Association for Supervision and Curriculum Development

1988 to present    AERA--American Educational Research Association

1988 to present    NSDC--National Staff Development Council

#### SELECTED PRESENTATIONS

"Locating Potentially Gifted Hispanic Students for Programs." Thirty-fifth Annual Convention of the National Association for Gifted Children (NAGC), Orlando, Florida, November, 1988.

"Gifted Minority Students: Leaders of the Future." 19th Annual Bilingual-Bicultural Education Conference, National Association for Bilingual Education, Tucson, Arizona, April 21-25, 1990.

"Unseen and Underserved: The Gifted Handicapped."  
 Southeast Texas Regional Gifted Consortium Fourth  
 Annual "Celebrate Giftedness" Conference,  
 Beaumont, Texas, October 19, 1990.

"Creating the Thoughtful Classroom." State of  
 Texas Education Agency, Regional Conference,  
 Austin, Texas, February 12th-14th, 1991.

"Promising and Successful Practices for Gifted  
 Minority Students." Panel Discussion,  
 Participant, State of Texas Education Agency,  
 Regional Conference, Austin, Texas, February 12th-  
 14th, 1991.

"Differentiated Curriculum for Gifted Learners."  
 Thirty-eighth Annual Convention of the National  
 Association for Gifted Children (NAGC), Kansas  
 City, Missouri, November, 1991.

"Curriculum Scope and Sequence for Gifted  
 Learners." Thirty-eighth Annual Convention of the  
 National Association for Gifted Children (NAGC),  
 Kansas City, Missouri, November, 1991.

"Giving Students A Clear Picture: Using Metaphors  
 With Teaching and Planning." 19th Annual Arizona  
 Association for Gifted and Talented Conference,  
 Phoenix, Arizona, October 9, 1992.

"A Metropolitan School District Focus on Minority  
 Gifted." 40th Annual Conference, National  
 Association for Gifted Children, Atlanta, Georgia,  
 November 6, 1993.

"Multiple Intelligences: How Are My Students  
 Smart?" North Carolina Reading Association,  
 Charlotte, North Carolina, February 25, 1994.

"Implementing a Multiple Intelligences Approach to  
 Gifted Education." North Carolina Association for  
 Gifted and Talented, Charlotte, North Carolina,  
 March, 1994.

"School Reform and Gifted Education: One  
 District's Story." 41st Annual Conference,

National Association for Gifted Children, Salt Lake City, November, 1994.

"Multiple Intelligence is an Endangered Species Being Trivialized: What are the Applications Within the Curriculum?" Major School Systems Meeting, May 11 and 12, 1995, Atlanta, Georgia.

#### WORKSHOPS

Using the Hilda Taba Teaching Strategies to Teach Higher Level Thinking. Broward County School District, Ft. Lauderdale, Florida, November 4, 1990. A day workshop focused on the Hilda Taba Teaching Strategies.

Developing Curriculum Units for Publication and/or Use in the Classroom. Tucson, Arizona, June 9, 1990. A half-day workshop for teachers on how to develop effective curriculum units for use with gifted students.

Thinking Is Not A Spectator Sport: Creating the Thoughtful Classroom. Edinburg, Texas, October 24th and 25th, 1991. An all day workshop with 125 teachers on the planning and teaching of higher level thinking lessons.

Thinking Is Not A Spectator Sport: Creating the Thoughtful Classroom. Tyler, Texas, October, 26th, 1991. An all day workshop with 125 teachers on the planning and teaching of higher level thinking lessons.

Identifying and Serving Gifted Minority Students. Houston Independent School District, Houston, Texas, February 8th, 1992. An all day workshop for 350 educators from the Houston Public Schools.

"Teaching Thinking Skills to the Gifted: Recognizing the Dangers and Seizing the Opportunities." Keynote Address, State of Texas Education Agency, Institute on Developing Critical

Thinking in Gifted Students, Austin, Texas, February 16th-18th, 1992.

Meeting the Challenge of Serving Bilingual Gifted Students. State of Texas Education Agency, Institute on Developing Critical Thinking in Gifted Students, Austin, Texas, February 16th-18th, 1992.

Integrating Interdisciplinary Content for Gifted Secondary Students. Region 2 Service Center, Corpus Christi, Texas, April 30th, 1992. A full day workshop with secondary teachers on interdisciplinary curriculum.

Interdisciplinary Curriculum. Third Annual Conference-by-the Sea, Corpus Christi, Texas, May 2, 1992.

Bilingual Gifted. Sixth Conference on the Disadvantaged Gifted and Talented, National State Leadership Training Institute, New Orleans, May 2, 1992. Featured speaker.

Different Ways of Knowing: Multiple Intelligences and the Gifted Child; Classroom Learning and Brain Functioning: Making the Two Compatible. Texas Education Association Annual Conference on the Gifted and Talented, Austin, Texas, February 22-23, 1993.

Dissolving Boundaries: Interdisciplinary Curriculum. Region 20 Service Center, Austin, Texas, April 21-22, 1993.

Expanding the Vision. American Library Association Annual Conference, New Orleans, June 24-25, 1993.

Brain Compatible Learning and Integrated Curriculum. Tucson Unified School District week-long institute, Santa Fe, New Mexico, June 13-16, 1994.

Keynote Address: "Little Tries." Texas Education Association, Middle School Conference, Austin, Texas, July, 1994.

Task Force on a state handbook for teachers of the gifted

1985 Recipient, John C. Gowan Graduate Student Scholarship, National Association for Gifted Children

November, 1986 Arizona Association for Gifted Children Kudos Award for outstanding service to Arizona's gifted children

May, 1988 Nominated as an Outstanding Teacher of the Gifted, University of Arizona

1986 to 1988 Member Arizona State Task Force on Gifted Concerns

1989 to 1990 Elected to the Arizona Association for Gifted and Talented Honor Board

1990 Tucson Association for Bilingual Education, Certificate of Recognition for an Outstanding Teacher

Nominated to the Editorial Advisory Board, Roeper Review: A Journal on Gifted Education. Not elected, so now serve as a contributing editor

1993 Appointed to the North Carolina State Department Task Force on Gifted Education

## PUBLICATIONS

High, M. H., & Udall, A. J. (1983). Teacher rating of students in relation to ethnicity of students and school ethnic balance. Journal for the Education of the Gifted, 6, 154-166.

Udall, A. J., & Maker, C. J. (1983). A pilot program for learning disabled, gifted students. In L. Fox (Ed.), The learning disabled gifted child. Baltimore: John Hopkins.

Maker, C. J., & Udall, A. J. (1984). The gifted learning disabled child (CEC Fact Sheet). Reston, VA: The Council for Exceptional Children.

OFFICE OF HON. JIM KOLBE,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, March 1, 1999.

Hon. JOHN CHAFEE, *Chairman*,  
*Committee on Environment and Public Works*,  
Washington, DC.

DEAR MR. CHAIRMAN: It gives me great pleasure to relay my support for the re-nomination of Anne Udall as Vice Chairwoman of the Morris K. Udall Foundation Board of Trustees.

I have known Anne for years, and she has done a remarkable job as a trustee for the Foundation. She is a sincere, dedicated and committed member of this organization. The struggle to resolve environmental issues seems to be a never-ending task. Nevertheless, people like Anne Udall have taken it upon themselves to solve these problems by bringing all parties together to communicate their needs and values so that, in the end, everyone walks away a winner.

I appreciate your committee's work in this area. Under your guidance, the Senate Environment and Public Works Committee has shown the fairness and thoughtfulness, which we all strive to achieve.

Sincerely,

JIM KOLBE,  
*Member of Congress.*

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