

response by the Plaintiffs. A modification of deadlines pursuant to subsection (a) of this paragraph shall be noted by the parties on the docket of this case.

8. Any provision of this Consent Decree other than a deadline may be modified by the Court following motion of either Plaintiffs or Defendants for good cause shown pursuant to the Federal Rules of Civil Procedure and upon consideration of any response by the non-moving party.

9. In the event of a dispute between Plaintiffs and Defendants concerning the interpretation or implementation of any aspect of this Consent Decree, the disputing party shall provide the other party with a written notice outlining the nature of the dispute and requesting informal negotiations. The parties shall meet and confer in order to attempt to resolve the dispute. If the parties are unable to resolve the dispute within 14 days after receipt of the notice, either party may petition the Court to resolve the dispute.

10. No motion or other proceeding seeking to enforce this Consent Decree or for contempt of Court shall be properly filed unless Plaintiffs have followed the procedure set forth in paragraph 9 and provided Defendants with written notice received at least 14 days before filing of such motion or proceeding.

11. This Court shall retain jurisdiction over this matter to enforce the terms of this Consent Decree and to consider any requests for costs of litigation, including attorneys' fees.

12. Nothing in the terms of this Consent Decree shall be construed (a) to confer upon this Court jurisdiction to review any final rule or determination issued by EPA pursuant to this Consent Decree; (b) to confer upon this Court jurisdiction to review any issues that are within the exclusive jurisdiction of the United States Courts of Appeals under CWA section 509(b)(1), 33

COUNSEL FOR DEFENDANTS:

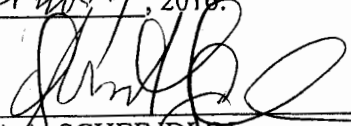
Dated: New York, New York
February 11, 2016

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SO ORDERED on this 16 day of February, 2016.


SHIRA A. SCHEINDLIN
United States District Judge