

MODIFICATION OF SETTLEMENT AGREEMENT
Fowler et al. v. EPA

WHEREAS, in January 2009, numerous parties (collectively "Plaintiffs") filed suit against the United States Environmental Protection Agency ("EPA;" EPA and Plaintiffs are referred to herein as the "Parties") alleging that EPA failed to comply with the Clean Water Act, the Administrative Procedure Act, and the Chesapeake Bay Agreements with respect to restoring and preserving Chesapeake Bay water quality and living resources; and

WHEREAS, on May 10, 2010, the Parties executed a settlement agreement ("Agreement") resolving this lawsuit; and

WHEREAS, Paragraph IV.A. of the Agreement provides that the Parties may modify any deadline in the Agreement in writing; and

WHEREAS, as further specified in the Agreement, Paragraph III.B.6 provides that EPA will conduct certain biennial reviews beginning in 2011; and

WHEREAS, as further specified in the Agreement, Paragraph III.D.12 provides that EPA will propose a regulation under Section 402(p) of the Clean Water Act by September 30, 2011; and

WHEREAS, the Parties are agreed that these deadlines should be modified,

NOW, THEREFORE, the Parties agree as follows:

1. Paragraph III.B.6. is hereby stricken and replaced with the following text:

Every two years, consistent with the two-year milestone process, EPA will review the progress made by the seven Bay Watershed Jurisdictions with regard to (1) their Watershed Implementation Plan commitments to address program gaps and make reasonable progress towards achieving the pollutant loading reductions identified in the Bay TMDL and (2) their two-year milestone commitments. The first biennial review will be completed in 2012. EPA will complete the 2012 and subsequent biennial reviews by June 30 of the appropriate year. EPA will make the reviews publically available following their release to the Bay Watershed Jurisdictions. On a continuous basis, EPA will also review the timeliness and

content of certain draft NPDES permits in the Bay Watershed as described in Section C. of this Agreement.

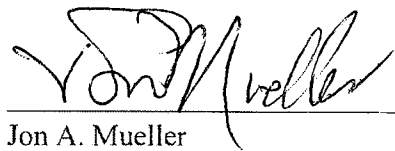
2. Paragraph III.D.12 is hereby modified by replacing "September 30, 2011," with "December 15, 2011."

3. This modification changes only the above-specified text, and does not change any other requirement or term of the Agreement.

4. Each undersigned representative of the Parties certifies that he or she is fully authorized by that Party to enter into and execute the terms of this modification, and to legally bind such Party to this modification.

5. This modification may be executed in any number of counterpart originals, all of which shall collectively constitute one agreement.

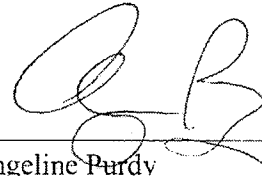
FOR PLAINTIFFS:



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Dated: 9/30/11