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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

FRANK GEARHART, CITIZENS )  
INTERESTED IN BULL RUN, INC., an )  
Oregon Corporation, KATHY WILLIAMS, )  
FRANCES PRICE COOK, ) Civil No. 89-6266-HO  
 )  
Plaintiffs, )

Joint Notice of Termination  
of Consent Decree

	)	JOINT NOTICE OF
	)	TERMINATION OF
v.	)	CONSENT DECREE
	)	
MICHAEL LEVITT	)	
Administrator, United States Environmental	)	
Protection Agency,	)	
	)	
<u>Defendant.</u>	)	

Plaintiffs, Intervenors and Defendant<sup>1</sup> (collectively, “the parties”) hereby provide notice that the Consent Decree entered and modified by the Court is terminated, and the the Court no longer retains jurisdiction over this case. The parties state further:

1. On September 5, 1990, this Court entered a Consent Decree in this case. The Consent Decree subsequently was modified on several occasions.
2. This Court most recently modified the Consent Decree on April 9, 2002, pursuant to its Order Extending Consent Decree Deadlines (“Order”). The Order generally extended to October 17, 2003 the time for EPA to sign a notice for publication in the Federal Register taking final action on the land application portion of the proposed “Round Two” sewage sludge regulations pursuant to 33 U.S.C. § 1345(d)(2)(B)(ii).
3. When the Court modified the Consent Decree in the Order, EPA’s only remaining obligations under the Consent Decree were to sign a notice for publication in the Federal Register taking final action on the land application

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<sup>1</sup> Pursuant to Fed.R.Civ.P. 25(d)(1), Michael Levitt, the current Administrator of EPA, is substituted as a defendant.

portion of the proposed “Round Two” sewage sludge regulations and to send quarterly reports to the other parties regarding EPA’s progress toward taking that final action.

4. EPA met the October 17, 2003 deadline and EPA’s “Standards for the Use and Disposal of Sewage Sludge: Decision Not to Regulate Dioxins in Land-Applied Sewage Sludge” was published in the Federal Register on October 24, 2003. 68 Fed. Reg. 61084 (Oct. 24, 2003).

5. Paragraph 6 of the Consent Decree provides that “[t]he Court shall retain jurisdiction over this case pending performance of the terms of the Consent Decree.”

6. As discussed above, EPA has performed all of its obligations under the terms of the Consent Decree.

7. Accordingly, the Consent Decree is terminated and this Court no longer retains jurisdiction over this case. A proposed order is attached.

Respectfully submitted,

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