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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NORTHWEST ENVIRONMENTAL)
ADVOCATES,)
)
Plaintiff,)
)
v.)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Defendant,)
and)
)
NORTHWEST PULP & PAPER ASS'N,)
et al.,)
)
Defendant-Intervenors)

No. 2:14-cv-0196-RSM

**ORDER GRANTING STAY PENDING
VOLUNTARY RECONSIDERATION**

The Court, having considered the Joint Motion to Stay the Case Pending Voluntary Reconsideration of Certain Actions, in which the Environmental Protection Agency (EPA) states its intention to reconsider certain actions of either approving certain state water quality standards or determining that certain state provisions are not water quality standards subject to Clean Water Act section 303(c) review and approval, 33 U.S.C. § 1313(c), and for good cause shown, hereby GRANTS that Motion.

Accordingly, IT IS HEREBY ORDERED:

1. This case shall be stayed pending EPA’s administrative reconsideration of the referenced agency actions.
2. Once EPA completes its administrative reconsideration process of the referenced

1 agency actions, by making approval or disapproval decisions, or by making a final determination
2 that such provisions are not water quality standards subject to section 303(c) review, the Parties
3 shall file an appropriate motion or motions seeking dismissal of this case or otherwise explaining
4 why such dismissal is not appropriate.

5 3. For any referenced action subject to reconsideration: (a) for which EPA has not
6 completed its administrative reconsideration, by making approval or disapproval decisions, or by
7 making a final determination that such provisions are not water quality standards subject to
8 section 303(c) review, by October 16, 2021; or (b) for which EPA has by that date completed its
9 administrative reconsideration but the claim in the Amended Complaint pertaining to that action
10 has not been rendered moot, then Plaintiff may by motion request that the Court lift the stay of
11 this case and establish a briefing schedule for the adjudication of the claim corresponding to that
12 action in Plaintiff's First Amended Complaint (Dkt. 54) at Paragraphs 97(b), (c), (d) and (e) of
13 Claim Three, Paragraph 104(a) of Claim Four related to WAC 173-201A-200(1)(c)(i) and WAC
14 173-201A-210(1)(c)(i), and Paragraphs 104(b), (c), (d) and (e) of Claim Four. Each Party
15 reserves the right to argue that any such claim is or is not moot and to defend any such claim to
16 be adjudicated.

17 4. Plaintiff reserves the right to petition the Court for its costs, including reasonable
18 attorneys' fees, associated with these claims. Defendant reserves the right to contest such a
19 request.

20 5. **Plaintiff and Defendant EPA shall file a periodic joint status report with this**
21 **Court every 180 days, stating any relevant changes in the case and explaining whether the**
22 **stay should continue.**

23 Dated this 17 day of October, 2018.

24 

25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE