

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

PENNSYLVANIA MUNICIPAL )  
AUTHORITIES ASSOCIATION, *et al.*, )

Plaintiffs, )

v. )

CHRISTIE TODD WHITMAN, )  
Administrator, U.S. Environmental )  
Protection Agency, *et al.*, )

Defendants )

CASE NUMBER 1: 02CV01361

JUDGE: Henry H. Kennedy

**MOTION TO INTERVENE AS PLAINTIFF OF THE  
ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES**

Pursuant to Rule 24(a) and (b) of the Federal Rules of Civil Procedure and LCvR 7.1(j), the Association of Metropolitan Sewerage Agencies (“AMSA”) hereby moves this Court for an order granting AMSA intervention in this proceeding as a plaintiff.

AMSA members have a vital interest in the subject matter of this proceeding and are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect that interest. AMSA’s interests are distinct from those of the existing Plaintiffs in that AMSA is a national association whose members are located in each state within Regions III, IV and VI of the U.S. Environmental Protection Agency (“EPA”). AMSA members are also located in each of the ten EPA Regions, including those that have not been directly sued in this proceeding but whose policies and application of the law will be affected by its outcome. Many of the Regions’ positions on the issues raised in this proceeding are unclear at this time or have been deliberately held in abeyance pending further clarification from EPA headquarters or the

courts. Accordingly, AMSA is entitled to intervene in this action as a matter of right under Fed. R. Civ. P. 24(a)(2). Alternatively, AMSA respectfully requests that this Court permit AMSA to intervene under Fed. R. Civ. P. 24(b)(2).

In accordance with Fed. R. Civ. P. 24(c) and LCvR 7.1(j), AMSA's proposed Answer to the Complaint is attached hereto.

Pursuant to LCvR 7.1(m), counsel for AMSA conferred with counsel for the existing parties with regard to this motion. Wendy Blake, counsel for Defendant U.S. EPA, indicated that the government takes no position at this time regarding AMSA's motion. The government intends to review the papers filed in connection with AMSA's motion and will state a position at that time. John Hall, counsel for Plaintiffs, indicated that the Plaintiffs do not oppose AMSA's motion. To the best knowledge of the undersigned, separate counsel for EPA Regions III, IV and VI have not yet been assigned or made an appearance in these proceedings.

The grounds for this motion are more fully set forth in the attached memorandum in support.

Dated: August 16, 2002

Respectfully submitted,

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