

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

ENTERED

APR 30 2002

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Courts
Southern District of West Virginia

OHIO VALLEY ENVIRONMENTAL
COALITION, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 3:02-0059

CHRISTIE WHITMAN, Administrator, United
States Environmental Protection Agency,

Defendant.

ORDER

Now pending is the plaintiffs' motion to impose conditions governing the intervenors. The motion is **GRANTED**.

This action arises from the Environmental Protection Agency's (EPA) November 26, 2001 decision to approve West Virginia's antidegradation implementation procedures as consistent with requirements of the Clean Water Act and its implementing regulations. On April 11, 2002, the court granted motions to intervene by municipal associations whose members are publicly-owned treatment works that discharge treated wastewater to surface waters (the Municipal Associations) and by non-profit organizations which represent trade organizations, businesses, and manufacturers in a variety of industries (the Associations). Plaintiffs now ask the court to attach conditions to the intervenors' participation in this suit to avoid duplicative proceedings.

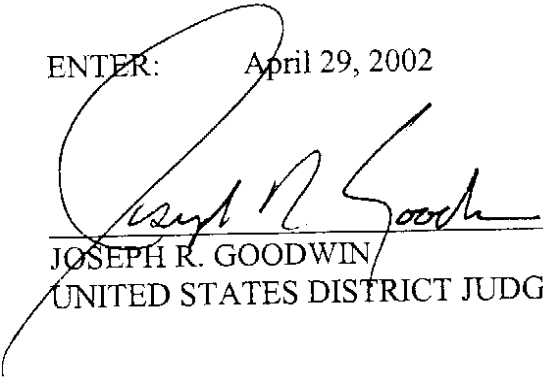
This court has the discretion to impose reasonable conditions on intervenors, even where the intervention is as of right. *Beauregard, Inc. v. Sword Servs. LLC*, 107 F.3d 351, 352 (5th Cir. 1997); *see also* Advisory Committee Note to the 1966 Amendment of *Fed. R. Civ. P.* 24(a). In the interest of facilitating efficient proceedings, the court imposes the following conditions on the intervenors to this action:

1. Approval of any settlement in this matter shall not require the intervenors' consent. *See United States v. Hooker Chems. & Plastics Corp.*, 749 F.2d 968, 993 (2d Cir. 1984).

2. The Municipal Associations and the Associations shall cooperate to avoid duplicative discovery, evidence, argument, pleadings, filings, and memoranda where their legal positions or factual presentation are in accord.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 29, 2002



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE