

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**FRIENDS OF THE EARTH,** )  
 )  
**Plaintiff,** )  
 )  
 v. )  
 )  
**UNITED STATES ENVIRONMENTAL** )  
**PROTECTION AGENCY, et al.,** )  
 )  
**Defendants.** )

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No. 04-cv-0092 (RMU)

**JOINT MOTION TO STAY PROCEEDINGS**

On April 25, 2006, the Court of Appeals for the D.C. Circuit issued an opinion remanding to this Court, with instructions to vacate, the U.S. Environmental Protection Agency’s (“EPA”) establishment and approval of Total Maximum Daily Loads (“TMDLs”) for certain pollutants discharged into the Anacostia River. *Friends of the Earth, Inc. v. EPA*, 446 F.3d 140, 148 (D.C. Cir. 2006). In doing so, the D.C. Circuit stated that the parties could ask this Court on remand to stay vacatur of EPA’s actions, in order to give the District of Columbia a reasonable opportunity to establish new TMDLs. *Id.* EPA anticipates that it will move for such a stay, but the parties are currently conferring over whether such a motion could be filed jointly. Therefore, Friends of the Earth and EPA hereby move for a stay of all proceedings in this litigation for a period of 30 days, to ensure that the Court will not vacate the existing TMDLs while the parties confer about how to proceed.<sup>1/</sup>

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<sup>1/</sup>Friends of the Earth and EPA notified the District of Columbia Water and Sewer Authority (“WASA”) of their intent to file this motion. Counsel for WASA has been unavailable for several days and was therefore not able to represent whether WASA would oppose this Motion.

Respectfully submitted,

\_\_\_\_\_/s/ by permission \_\_\_\_\_  
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Dated: June 26, 2006

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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|------------------------------------|--|---|
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| <b>FRIENDS OF THE EARTH,</b>       |  | ) |
|                                    |  | ) |
| <b>Plaintiff,</b>                  |  | ) |
|                                    |  | ) |
| <b>v.</b>                          |  | ) |
|                                    |  | ) |
| <b>UNITED STATES ENVIRONMENTAL</b> |  | ) |
| <b>PROTECTION AGENCY, et al.,</b>  |  | ) |
|                                    |  | ) |
| <b>Defendants.</b>                 |  | ) |
| <hr/>                              |  | ) |

No. 04-cv-0092 (RMU)

**[PROPOSED] ORDER GRANTING  
JOINT MOTION TO STAY PROCEEDINGS**

Upon consideration of the parties' Joint Motion to Stay Proceedings, and finding that good cause exists to grant the Motion:

The Joint Motion to Stay Proceedings is hereby GRANTED, and it is ORDERED that all proceedings in this case be stayed until thirty (30) days from the date of this Order.

SO ORDERED.

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| Hon. Ricardo M. Urbina       |
| United States District Judge |

Dated: \_\_\_\_\_, 2006