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Northwest Environmental Advocates v United States Environmental Protection Agency

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- 1. EPA shall grant the Petition for the following pollutants: Arsenic, Cadmium, Copper, Cyanide, Mercury, Selenium, Nickel, Acrolein, and Aluminum.
- 2. EPA shall issue a CWA section 303(c)(4)(B) Necessity Determination for these nine pollutants within nine months of the petition response, no later than June 1, 2023. If EPA finds that no new or revised criteria are necessary under CWA section 303(c)(4)(B) for any one or more of these nine pollutants within nine months of the petition response (and no later than June 1, 2023), then the district court's original December 29, 2021 order and January 19, 2022 judgment will be reinstated—including page 21, lines 17-19 and page 22, lines 6 to 8 of the order—and EPA will be obligated to comply within 180 days of reinstatement.
- 3. EPA will defer a decision on the Petition for three years for the following pollutants: Chromium III, DDT and its metabolites, Endosulfan, Endrin, Tributyltin, Zinc, Lead, and Nonylphenol. EPA shall issue a decision on the Petition for these eight pollutants within three years of the effective date of this Order.
- 4. EPA will deny the Petition for any remaining pollutants covered by the Petition. The January 19, 2022 Judgment (ECF No. 61) is likewise amended to incorporate the terms of this Order.

DATED this 30th day of August, 2022.

The Honorable Marsha J. Pechman United States Senior District Judge

Marshy Helens

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3	Presented by: Elisabeth H. Carter
4	U.S. Department of Justice
5	Environment & Natural Resources Division Environmental Defense Section
6	P.O. Box 7611 Washington, D.C. 20044
7	(202) 598-3141
8	Elisabeth.carter@usdoj.gov
9	Attorney for Defendant
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28	MODIFIED ORDER ON CROSS-MOTIONS FOR

MODIFIED ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT - 3 Case No. 2:20-cv-01362-MJP