

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant,

and

NORTHWEST PULP & PAPER ASS'N,
et al.,

Defendant-Intervenors

ORDER GRANTING STAY PENDING VOLUNTARY RECONSIDERATION

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.

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25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE