

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Apr 08, 2009

FILED
CLERK'S OFFICE

**IN RE: ENVIRONMENTAL PROTECTION AGENCY,
FINAL GENERAL PERMIT: FINAL NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) GENERAL PERMIT FOR DISCHARGES INCIDENTAL
TO THE NORMAL OPERATION OF A VESSEL,
73 FED. REG. 79,473, PUBLISHED ON DECEMBER 29, 2008,
ISSUED ON JANUARY 12, 2009**

National Resources Defense Council, Inc. v. EPA,)
 Second Circuit, No. 09-0244)
Lake Carriers' Association v. Lisa Jackson,)
 Administrator EPA and EPA,)
 D.C. Circuit, No. 09-1010)

MCP No. 103

ORDER DENYING MOTION FOR RECONSIDERATION

Before the entire Panel: Petitioners Northwest Environmental Advocates, People for Puget Sound, and Center for Biological Diversity move for reconsideration of the Panel's February 19, 2009, consolidation order under 28 U.S.C. § 2112(a)(3), arguing that their Ninth Circuit petition¹ was properly filed and served and should have been included in the Environmental Protection Agency's (EPA) notice of multicircuit petitions for review. EPA opposes the motion for reconsideration. Petitioner Lake Carriers' Association asks that, if the Panel grants the motion for reconsideration, the Panel consider whether a January 5, 2009, petition for review filed in the District of Columbia Circuit² was the first and only timely filed petition and, if so, strike EPA's notice of multicircuit petitions for review.

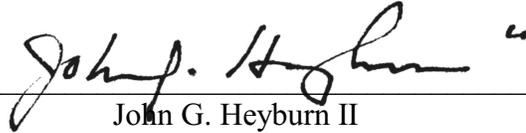
After considering all argument of counsel, we find that movants have not presented any circumstances which justify reconsideration of the Panel's consolidation order.

IT IS THEREFORE ORDERED that the motion for reconsideration is denied.

¹ Northwest Environmental Advocates, Center for Biological Diversity, and People for Puget Sound v. EPA, Ninth Circuit, No. 09-70115.

² Lake Carriers' Association v. Stephen L. Johnson, Administrator EPA and EPA, D.C. Circuit, No. 09-1001.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", written over a horizontal line.

John G. Heyburn II
Chairman

J. Frederick Motz
Kathryn H. Vratil
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.