

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
J. Frederick Motz  
United States District Court  
District of Maryland

Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Kathryn H. Vratil  
United States District Court  
District of Kansas

David R. Hansen  
United States Court of Appeals  
Eighth Circuit

W. Royal Furgeson, Jr.  
United States District Court  
Northern District of Texas

Frank C. Damrell, Jr.  
United States District Court  
Eastern District of California

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

April 8, 2009

**TO INVOLVED COUNSEL**

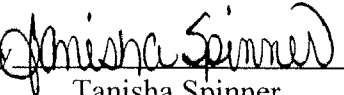
Re: Environmental Protection Agency, Final General Permit: Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel, 73 Fed. Reg. 79,743, Published on December 29, 2008, Issued on January 12, 2009

Dear Counsel:

For your information, I am enclosing a copy of an order filed today by the Panel in the above-captioned matter.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By   
Tanisha Spinner  
Deputy Clerk

Enclosure

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 petition<sup>1</sup> 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 Circuit<sup>2</sup> 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.

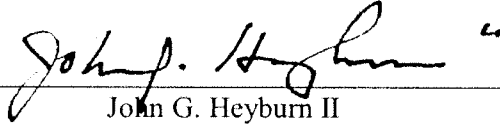
IT IS THEREFORE ORDERED that the motion for reconsideration is denied.

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

<sup>2</sup> 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.