

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FEB 19 2009

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

**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-103

CONSOLIDATION ORDER

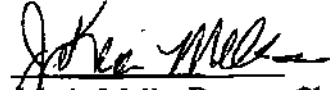
The Environmental Protection Agency published a final general permit on December 29, 2008. On February 19, 2009, the Panel filed pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that permit. The notice included two petitions for review pending in two circuit courts of appeal as follows: Second Circuit and District of Columbia Circuit.¹

The Panel has randomly selected the United States Court of Appeals for the District of Columbia Circuit in which to consolidate these petitions for review.


IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the above-captioned petitions for review are consolidated in the District of Columbia Circuit and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure.

¹Any questions regarding the sufficiency of other petitions for review under rules promulgated by the Environmental Protection Agency are not properly before the Panel or contemplated by 28 U.S.C. § 2112(a)(1) and the rules promulgated thereunder.

FOR THE PANEL:



Jakeia Mells, Deputy Clerk
Random Selector



Denise Morgan Stone, Deputy Clerk
Witness