

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1131

September Term 2011

**EPA-76FR15372
EPA-76FR15454**

Filed On: November 28, 2011

National Association of Clean Water
Agencies,

Petitioner

v.

Environmental Protection Agency and Lisa
Perez Jackson, Administrator, EPA,

Respondents

Consolidated with 11-1167, 11-1185

BEFORE: Garland, Brown, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion for leave to intervene out of time, the oppositions thereto, and the reply; the motion for stay, the oppositions thereto, and the replies; and the motion for leave to file a sur-reply, it is

ORDERED that the motion for leave to intervene out of time be granted. Intervenor MaxWest Environmental Systems, Inc., is reminded that “an intervening party may join issue only on a matter that has been brought before the court by another party.” *Beethoven.com LLC v. Librarian of Congress*, 394 F.3d 939, 946 (D.C. Cir. 2005) (internal quotations omitted); D.C. Cir. Rule 28(d)(2). It is

FURTHER ORDERED that the motion for leave to file a sur-reply be denied. The court did not consider any arguments made for the first time in the reply. See *Qwest Services Corp. v. FCC*, 509 F.3d 531, 536 (D.C. Cir. 2007). It is

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FURTHER ORDERED that the motions for stay be denied. Petitioners have not satisfied the stringent requirements for a stay pending court review. See Winter v. Natural Res. Def. Council, 555 U.S. 7, 20 (2008); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2011).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk/LD