

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

GULF RESTORATION NETWORK, et al.,

Plaintiffs,

- V. -

LISA P. JACKSON, Administrator of the United States Environmental Protection Agency, and THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Defendants.

and

NATIONAL ASSOCIATION OF CLEAN WATER
AGENCIES,

Proposed Intervenor/Defendant.

Civil Action
No.: 2:12-cv-00677
Hon. Jay C. Zainey
Magistrate Daniel E.
Knowles, III

**PROPOSED INTERVENOR/DEFENDANT NATIONAL
ASSOCIATION OF CLEAN WATER AGENCIES' UNOPPOSED
MOTION FOR LEAVE TO INTERVENE AS DEFENDANT**

Pursuant to Rules 24(a) and 24(b) of the Federal Rules of Civil Procedure and Local Rule 7.6, the National Association of Clean Water Agencies (“NACWA”) respectfully moves for leave to intervene as a defendant in this action. The evidence and arguments for this Motion are set forth in the accompanying memorandum of law, declaration in support of motion, and complaint in intervention (answer). As set forth in the certification below, there is no opposition to NACWA’s Motion. In support of its motion, NACWA states as follows:

1. If Plaintiffs succeed in this action and EPA develops new water quality standards or establishes new Total Maximum Daily Loads, the requirements of NACWA's

members' National Pollutant Discharge Elimination System permits would change and their operating costs would substantially increase.

2. NACWA satisfies the criteria set forth in Rule 24(a)(2) for interventions as of right, as its motion is timely, it has an interest relating to the property which is the subject matter of the action, disposition of the action may impair or impede its ability to protect its interests, and its interests are not adequately represented by existing parties to the litigation.
3. Alternatively, as NACWA has claims and defenses that share with the main action common questions of law or fact, this Court should exert its discretion to allow NACWA's permissive intervention under NACWA Rule 24(b)(1)(B).

WHEREFORE, NACWA respectfully requests that this Court grant NACWA's motion for leave to intervene in this matter, that its proposed Complaint in Intervention responsive to Plaintiffs' Amended Complaint be filed into the record of this matter, and that this Court grant all relief it deems fair and just.

Dated: May 23, 2012

Respectfully submitted,

/s/ Gregory C. Weiss
Gregory C. Weiss (LA #14488)
Weiss & Eason LLP
128 Century Oak Lane
Mandeville, LA 70471
Telephone: (985) 626-4326
Facsimile: (985) 626-4200
(gcweiss@weiss-eason.com)

Karen M. Hansen, Esq. (*Pro hac vice*
admission pending)

Beveridge & Diamond, P.C.

98 San Jacinto Blvd., Suite 1420

Austin, Texas 78701-4039

Telephone: 512.391.8030

Facsimile: 512.391.8099

khansen@bdlaw.com)

*Counsel for The National Association of
Clean Water Agencies*

Certification Order Local Rule 7.6

Pursuant to Local Rule 7.6, counsel for NACWA has conferred with counsel for all parties to this action having an interest to oppose this motion to intervene. Counsel for Plaintiffs and counsel for all other intervening defendants have indicated that they do not object to NACWA's intervention as defendants in this action. Counsel for the federal defendants (Lisa Jackson and EPA) have indicated that these parties will take no position with regard to NACWA's motion.

Dated: May 23, 2012

Respectfully submitted,

/s/ Gregory C. Weiss
Gregory C. Weiss (LA #14488)
Weiss & Eason LLP
128 Century Oak Lane
Mandeville, LA 70471
Telephone: (985) 626-4326
Facsimile: (985) 626-4200
gcweiss@weiss-eason.com

Karen M. Hansen, Esq. (*Pro hac vice*
admission pending)
Beveridge & Diamond, P.C.
98 San Jacinto Blvd., Suite 1420
Austin, Texas 78701-4039
Telephone: 512.391.8030
Facsimile: 512.391.8099
(khansen@bdlaw.com)

*Counsel for The National Association of
Clean Water Agencies*

CERTIFICATE OF SERVICE

I certify that on May 23, 2012, I caused a copy of the foregoing **Motion for Leave to Intervene** to be served on all parties or their attorneys via the Court's CM/ECF system.

/s/ Gregory C. Weiss
Gregory C. Weiss (LA #14488)
Weiss & Eason LLP
128 Century Oak Lane
Mandeville, LA 70471
Telephone: (985) 626-4326
Facsimile: (985) 626-4200
(gcweiss@weiss-eason.com)

*Counsel for The National Association of
Clean Water Agencies*