

US EPA ARCHIVE DOCUMENT

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA WILDLIFE FEDERATION, INC.,
et al.,

Plaintiffs,

v.

CASE NO. 4:08cv324-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

**ORDER EXTENDING THE DEADLINE FOR
PUBLISHING A NOTICE OF RULEMAKING
FOR LAKES AND FLOWING WATERS**

The defendants Environmental Protection Agency and Administrator (collectively “the EPA”) have moved to extend by 30 days—to November 14, 2010—the deadline set out in paragraph 6 of the consent decree entered December 30, 2009, ECF No. 153. The deadline is for publishing a notice of final rulemaking for numeric water quality criteria for lakes and flowing waters. No party has addressed, and this order expresses no opinion on, the question whether an extension to November 14—a Sunday—will have the effect of extending the deadline to November 15.

The plaintiffs have consented to the motion for an extension. Two intervenors—the South Florida Water Management District and the Florida Water Environment Association Utility Council, Inc.—have filed responses in opposition to the motion. But neither asserts the extension is unwarranted. The EPA has shown good grounds for the requested extension. This order grants it.

Instead of asserting that the requested extension is unwarranted, the responding intervenors assert that the requested extension is not long enough, and they assert, in effect, that the consent decree should not have been entered in the first place. The Water Management District also asserts that I have no jurisdiction to grant the extension because an appeal is pending from the consent decree. The assertion that a longer extension is needed, even if true, would not warrant a denial of the 30-day extension the EPA has requested. And the assertion that the requested extension is beyond my jurisdiction is wrong.

The consent decree specifically authorizes an extension request of precisely this kind. *See* Consent Decree, ECF No. 153, at 9-10. The pendency of an appeal does not deprive a district court of jurisdiction to enforce and take action under an injunction. That is all the EPA has requested and this order provides.

Accordingly,

IT IS ORDERED:

The EPA's motion, ECF No. 188, to extend the deadline for publishing a

notice of final rule making for numeric water quality criteria for lakes and flowing waters under paragraph 6 of the consent decree is GRANTED. The deadline is extended to November 14, 2010.

SO ORDERED on October 27, 2010.

s/Robert L. Hinkle
United States District Judge

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