

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DELAWARE RIVERKEEPER NETWORK)
and MAYA K. VAN ROSSUM, THE)
DELAWARE RIVERKEEPER,) Case No. 2:24-cv-05308
)
Plaintiffs,)
)
v.)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, et al.,)
)
Defendants.)

ORDER

Before this Court is the parties' Joint Motion for Entry of Stipulated Judgment (ECF No.22). The parties, Plaintiffs Delaware Riverkeeper Network and Maya K. van Rossum, the Delaware Riverkeeper, and Defendants the United States Environmental Protection Agency, et al.,² have conferred and agreed on the appropriate resolution of this case. The Court has considered this motion and finds good cause exists to grant the relief requested.

Accordingly, IT IS HEREBY ORDERED:

The relief requested by the referenced motion is GRANTED. The Court enters the following Order adopting the parties' agreement as follows:

1. Judgment is entered in favor of Plaintiffs Delaware Riverkeeper Network and Maya K. van Rossum, the Delaware Riverkeeper.

² EPA Administrator Lee M. Zeldin and EPA Acting Assistant Administrator Peggy S. Browne are automatically substituted for their predecessors in office, Michael S. Regan and Bruno Pigott, respectively, pursuant to Fed. R. Civ. P. 25(d).

1 2. EPA shall sign a final rule establishing revised water quality standards for miles
2 108.4 to 70.0 of the Delaware River on or before September 22, 2025.

3 3. The deadline specified in Paragraph 2 may be extended (a) by written
4 stipulation of Plaintiffs and EPA with notice to the Court, or (b) by the Court upon motion by
5 EPA for good cause shown in accordance with the Federal Rules of Civil Procedure and
6 consideration of any response by Plaintiffs and any reply by EPA.
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8 4. The possibility exists that circumstances outside the reasonable control of EPA
9 could delay EPA's ability to comply with the deadline specified in Paragraph 2. Such
10 situations include, but are not limited to, a government shutdown; catastrophic environmental
11 events requiring immediate and/or time-consuming response by EPA; and extreme weather
12 events. Should a delay occur due to such circumstances, any resulting failure to fulfill the
13 obligation set forth in Paragraph 2 shall not constitute a failure to comply with the terms of this
14 Order, and the deadline specified in Paragraph 2 shall be extended one day for each day of the
15 delay. EPA will provide Plaintiffs with reasonable notice if EPA invokes this Paragraph. Any
16 dispute regarding such invocation shall be resolved in accordance with the dispute resolution
17 process set forth in Paragraphs 6 and 7. Nothing in this Paragraph shall preclude EPA from
18 seeking an additional extension of time pursuant to Paragraph 3.
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21 5. If a lapse in EPA appropriations occurs within one hundred twenty (120) days
22 prior to the deadline specified in Paragraph 2, that deadline shall be extended automatically one
23 day for each day of the lapse in appropriations. Nothing in this Paragraph shall preclude EPA
24 from seeking an additional extension of time pursuant to Paragraph 3.
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26 6. In the event of a dispute between Plaintiffs and EPA concerning the
27 interpretation or implementation of any aspect of this Order, the disputing party shall provide
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1 the other party with a written notice, via electronic mail or other means, outlining the nature of
2 the dispute and requesting informal negotiations. The Parties shall meet and confer in order to
3 attempt to resolve the dispute. If the Parties are unable to resolve the dispute within ten (10)
4 business days after receipt of the notice, either party may petition the Court to resolve the
5 dispute.
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7 7. No motion or other proceeding seeking to enforce this Order shall be properly
8 filed unless the procedure set forth in Paragraph 6 has been followed, and the moving party has
9 provided the other party with written notice received at least ten (10) business days before the
10 filing of such motion or proceeding. This Order shall not, in the first instance, be enforceable
11 through a proceeding for contempt.
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13 8. The deadline for filing a motion for costs of litigation (including attorney fees)
14 for activities performed prior to entry of this Order is hereby extended until one-hundred and
15 twenty (120) days after this Order is entered by the Court. During this period, the Parties shall
16 seek to resolve any claim for costs of litigation (including attorney fees). If they cannot,
17 Plaintiffs will file a motion for costs of litigation (including attorney fees) or a stipulation or
18 motion to extend the deadline to file such a motion. EPA reserves the right to oppose any
19 motion for costs of litigation (including attorney fees) or stipulation or motion to extend the
20 deadline to file such a motion.
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23 9. This Court shall retain jurisdiction over this matter to enforce the terms of this
24 Order and to consider any requests for costs of litigation (including attorney fees).
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26 10. Nothing in this Order shall be construed to limit or modify any discretion
27 accorded EPA by the Clean Water Act or by general principles of administrative law in taking
28 actions pursuant to the subject of this Order, including the discretion to alter, amend, or revise

1 any final action established pursuant to this Order. EPA's obligation to take the action
2 specified in Paragraph 2 does not constitute a limitation or modification of EPA's discretion
3 within the meaning of this Paragraph.
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5 11. Except as expressly provided herein, nothing in this Order shall be construed as
6 an admission of any issue of fact or law or to waive or limit any claim, remedy, or defense, on
7 any grounds, related to any final action EPA takes with respect to the actions addressed in this
8 Order or to confer jurisdiction or venue to review such final action where it would otherwise be
9 lacking.
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11 12. No provision of this Order shall be interpreted as or constitute a commitment or
12 requirement that the United States obligate or pay funds in contravention of the Anti-
13 Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law.
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15 IT IS SO ORDERED on this 43uvday of Lwn{ 2025.
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18 /s/John Milton Younge
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20 UNITED STATES DISTRICT JUDGE
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