

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FRIENDS OF THE EARTH,	:		
	:		
Plaintiff,	:		
	:	Civil Action No.:	04-0092 (RMU)
v.	:		
	:	Document No.:	66
UNITED STATES ENVIRONMENTAL	:		
PROTECTION AGENCY <i>et al.</i> ,	:		
	:		
Defendants.	:		

MEMORANDUM OPINION

GRANTING THE DEFENDANTS' CONSENT MOTION TO DISMISS AS MOOT

On January 21, 2004, the plaintiff filed a complaint against the defendants in the above-captioned matter alleging that certain “total maximum daily loads” (“TMDLs”) for pollutants discharged into the Anacostia River violated the Clean Water Act. This court granted the defendants’ motion for summary judgment, and on April 25, 2006, the D.C. Circuit reversed, remanding the case with instructions to vacate the defendants’ approval of the TMDLs. The defendants then approved new TMDLs to conform to the Circuit opinion. Because the TMDLs challenged in the plaintiff’s complaint are no longer in effect, the defendants filed a motion to dismiss the case as moot on June 25, 2008. On July 7, 2008, the plaintiff filed a response stating that it does not object to dismissal “because, as a practical matter, there is no further remedy for this Court to enter.” Accordingly, the court grants the defendants’ consent motion to dismiss the case as moot. An Order consistent with this Memorandum Opinion is separately and contemporaneously issued this 3rd day of November, 2008.

RICARDO M. URBINA
United States District Judge