

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-1188**September Term, 2025****EPA-89FR32532****Filed On:** January 21, 2026

American Water Works Association and
Association of Metropolitan Water Agencies,

Petitioners

v.

Environmental Protection Agency and Lee M.
Zeldin, in his official capacity as
Administrator, United States Environmental
Protection Agency,

Respondents

Concerned Citizens of WMEL Water
Authority Grassroots, et al.,
Intervenors

Consolidated with 24-1191, 24-1192

BEFORE: Millett, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the motion for leave to participate as amicus curiae, the lodged amicus brief, the opposition to the motion, and the reply; the motion for partial vacatur, the responses thereto, and the reply; and the motion for leave to file a revised and expanded brief, the oppositions thereto, and the reply, it is

ORDERED that the motion for leave to participate as amicus curiae be denied as untimely. See Fed. R. App. P. 29(a)(6). It is

FURTHER ORDERED that the motion for partial vacatur be denied. The merits of the parties' positions are not so clear as to warrant summary action. See Cascade Broadcasting Group, Ltd. v. FCC, 822 F.2d 1172, 1174 (D.C. Cir. 1987) (per curiam). It is

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FURTHER ORDERED that the motion for leave to file a revised and expanded intervenor brief be denied. Respondent-intervenors' final brief may continue to adopt respondents' brief and cross-reference any arguments therein. Respondents are directed to file, concurrently with their final brief, a notice informing the court of the portions of that brief, if any, that respondents no longer advance. It is

FURTHER ORDERED, on the court's own motion, that the following revised schedule will now apply for the remainder of briefing in these consolidated cases:

| | |
|------------------------------|-------------------|
| Reply Briefs for Petitioners | February 20, 2026 |
| Deferred Appendix | February 27, 2026 |
| Final Briefs | March 6, 2026 |
| Respondents' Notice | March 6, 2026 |

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Selena R. Gancasz
Deputy Clerk