

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :  
 :  
v. : Civil No. WMN-08-717  
 :  
POTOMAC NAVIGATION, INC. :

ORDER

In accordance with the foregoing Memorandum and for the reasons stated therein, it is this 3<sup>rd</sup> day of July, 2008, by the United States District Court for the District of Maryland

ORDERED:

(1) That Defendant's Motion to Dismiss Complaint, or in the Alternative, to Consolidate, Paper No. 6, is DENIED;

(2) That Plaintiff's Motion for Preliminary Injunction, Paper No. 2, is GRANTED;

(3) That Potomac Navigation, Inc., is thus enjoined from moving the M/V Sanctuary unless: (i) Potomac has applied for and received permission from the U.S. Coast Guard and EPA to tow the vessel to a shipyard in the United States to have all regulated PCBs removed from the vessel according to the requirements of TSCA and its implementing regulations, (ii) EPA has provided Potomac with written acceptance of a certification by Potomac and its PCB remediation contractor that all regulated PCBs have been removed from the vessel according to the requirements of TSCA and its implementing regulations, (iii)

Potomac applies for and EPA issues an exemption from the applicable PCB-related provisions of TSCA and its implementing regulations, in accordance with the procedures set forth in TSCA and those regulations, or (iv) this Court has ruled on the merits of the causes of action and request for relief set forth in the concurrently filed complaint in this matter; and

(4) That the Clerk of the Court shall transmit copies of the accompanying Memorandum and this Order to all counsel of record.

/s/

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William M. Nickerson  
Senior United States District Judge