

ORAL ARGUMENT HEARD EN BANC ON SEPTEMBER 27, 2016**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

 STATE OF WEST VIRGINIA, et al.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,*Respondents.*

No. 15-1363
(and consolidated cases)**OPPOSITION TO EPA’S REQUEST FOR FURTHER ABEYANCE**

For reasons stated in our prior submissions,¹ undersigned respondent-intervenors respectfully oppose EPA’s request in its recent status report (ECF No. 1776963) that these cases be held in abeyance until the completion of rulemaking. If the Court grants additional abeyance, respondent-intervenors request that it be limited to a period not to exceed 60 days and that the agency be required to file status reports every 30 days, consistent with the Court’s prior orders in this case.

¹ Response Opposing Requests for Further Abeyance Combined With Motion to Decide the Merits of Case, ECF 1748706 (Sept. 24, 2018); *see also* ECF No. 1730160 (May 9, 2018); ECF No. 1730134 (May 9, 2018); ECF No. 1713256 (Jan. 17, 2018); ECF No. 1713215 (Jan. 17, 2018); ECF No. 1699441 (Oct. 17, 2018); ECF No. 1699425 (Oct. 17, 2018); ECF No. 1687195 (Aug. 3, 2017); ECF No. 1680025 (June 16, 2017); ECF No. 1675252 (May 15, 2019); ECF No. 1675202 (May 15, 2017); ECF No. 1669770 (April 5, 2017); ECF No. 1669699 (April 5, 2017).

Dated: March 14, 2019

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

The undersigned attorney, Michael J. Myers, hereby certifies:

1. This document complies with the type-volume limitations of Fed. R. App. P. 27(d)(2). According to the word processing system used in this office, this document, exclusive the caption, signature block, and any certificates of counsel, contains 164 words.

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/s/ Michael J. Myers
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposition to EPA's Request for Further Abeyance was filed on March 14, 2019 using the Court's CM/ECF system, and that, therefore, service was accomplished upon counsel of record by the Court's system.

/s/ Michael J. Myers

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