

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

MURRAY ENERGY CORPORATION, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No. 5:14-CV-00039
v.)	Judge Bailey
)	
SCOTT PRUITT, Administrator,)	
United States Environmental Protection Agency,)	
acting in his official capacity, ¹)	
)	
Defendant.)	

**EPA’S FILING IN COMPLIANCE WITH THIS COURT’S
JANUARY 11, 2017 ORDER**

INTRODUCTION

On January 11, 2017, this Court ordered the United States Environmental Protection Agency (“EPA”) to (1) “[p]repare and submit a § 321(a) evaluation of the coal industry and other entities affected by the rules and regulations affecting the coal mining and power generating industries . . . by no later than July 1, 2017,” and to (2) “submit evidence . . . that EPA has adopted measures to continuously evaluate the loss and shifts in employment which may result from its administration and enforcement of the Clean Air Act[.]” by no later than December 31, 2017. Final Order, ECF No. 314 at 26–27. In addition, this Court ordered EPA “[t]o submit a comprehensive filing detailing the actions the agency is taking to comply with § 321(a) and this Court’s orders within 60 days.” *Id.* at 27 (hereinafter “Compliance Filing”). On February 16, 2017, the parties filed an expedited joint motion to extend the deadlines in the Final Order.

¹ Pursuant to Fed. R. Civ. P. 25(d), Administrator Scott Pruitt “is automatically substituted as a party” because he is the successor to former Administrator Gina McCarthy, who was named in Plaintiffs’ Complaint. Catherine McCabe served as Acting Administrator immediately prior to Administrator Pruitt’s confirmation.

Expedited Joint Motion to Extend Deadlines in the January 11 Final Order, ECF No. 326. On February 23, 2017, this Court granted the parties' request to extend the deadline for the Compliance Filing until May 13, 2017,² and otherwise denied the expedited joint motion. Order Granting in Part and Denying in Part the Expedited Joint Motion to Extend Deadlines in the January 11 Final Order, ECF No. 327.

EPA has appealed all aspects of the Final Order, and the Fourth Circuit took the case under submission on May 9, 2017. *Murray Energy Corp. v. EPA*, Lead Case No. 16-2432 (4th Cir.). Subject to the reservations and objections presented to the Fourth Circuit, EPA submits this Compliance Filing to comply with the Final Order.

As explained above, this Court required that the Compliance Filing “detail[] the actions the agency is taking to comply with § 321(a) and this Court’s orders.” ECF No. 314 at 27. EPA understands this direction to mean that the Agency must explain its plans to comply with this Court’s July and December deadlines. The evaluation due by July 1, 2017, has two major subcomponents—a retrospective evaluation of actual “coal mines and coal-fired power generators that have closed or reduced employment since January 2009,” *id.* at 26 ¶ 1(a)(iii), and an evaluation of “facilities that are at risk of closure or reductions in employment because of EPA’s regulations and enforcement actions” and associated impacts on communities, families, and subpopulations, *id.* at 26–27 ¶¶ 1(a)(i)–(ii) & (iv).

In the Final Order, this Court provided additional interpretation of the statute, stating that Section 321(a) “requires EPA to answer the particular question of whether the EPA is contributing to specific worker dislocations and plant and mine closures,” and that, “[t]o comply

² May 13, 2017 was a Saturday.

with § 321(a), EPA must both ‘track and monitor the effects of the Clean Air Act and its implementing regulations on employment,’ and evaluate ‘the cause of specific job dislocations.’” *Id.* at 8–9 (internal citation omitted). This Court concluded that EPA could employ existing methodologies and analytical tools to achieve compliance, describing with favor a voluntary program jointly administered by EPA and the Department of Labor during the 1970s and early 1980s called the Economic Dislocation Early Warning System (“EDEWS”). *Id.* at 9.

The EDEWS³ was an information collection and reporting effort in which EPA regional offices maintained contacts with federal, state, and local environmental enforcement offices, and invited individual firms to contact EPA directly when they closed or planned to close a plant and environmental regulations were alleged to be a significant factor in the decision. EPA headquarters consolidated the information collected by the regional offices and communicated it to the Secretary of Labor in a quarterly report. The quarterly reports presented details on the previous quarter’s actual and threatened plant closures, including the name and location of each plant, the industry, the actual or threatened date of dislocation, the jobs lost or threatened and total employment, a description of the environmental regulation or enforcement action at issue, and any unique circumstances involved. EPA did not include in the EDEWS plant closures or employment reductions affecting fewer than 25 employees, but otherwise included all plants that firms alleged would have remained unthreatened had it not been for the imposition of environmental regulations, regardless of the number and significance of other financial factors that may have entered into the closure decision. EPA cautioned, however, that many of the plants included in the EDEWS reports likely would have closed in the near term even in the absence of

³ *Hearings before the Subcomms. of the S. Comm. on Appropriations on H.R. 9375*, 95th Cong. 501–03 (1978) (describing “The Origin & Operation of the Economic Dislocation Early Warning System”), <https://babel.hathitrust.org/cgi/pt?id=uc1.b4682130;view=1up;seq=509>.

environmental regulations. EPA also explained that economic impacts were difficult to quantify because many dislocated workers are rehired by the same firm, while some displaced labor shifted into other firms or sectors of the economy. Finally, EPA identified a number of reliability concerns associated with the EDEWS, including the difficulty of obtaining information to substantiate or refute allegations that environmental regulations were a significant factor in a plant closure.

As explained in more detail below, absent relief from the Fourth Circuit, EPA intends to use the EDEWS as guidance in complying with this Court's July deadline. EPA also intends to comply with this Court's December deadline by using the EDEWS as a starting point to develop an ongoing program to conduct facility-level evaluations of closures and employment reductions. EPA maintains its position, however, that "resuming the [EDEWS] . . . would entail enormous costs to EPA and industry with little or no gain in reliable information." United States' Response to the October 17, 2016 Memorandum Opinion and Order Requiring Section 321(a) Compliance Plan and Schedule, ECF No. 296 at 10 n.11. Furthermore, EPA continues to have serious concerns about the analytical challenges associated with facility-level evaluations generally. *See id.* at 9–10 (listing challenges). EPA will make best efforts to address those challenges, as time and resources permit, because EPA is committed to ensuring that its work is based on the best available science and technical methods. EPA is also committed to an open, transparent process

that affords sufficient opportunities for public engagement, and that adheres to federal data-quality⁴ and information-collection⁵ requirements and policies.

I. July 1, 2017 Evaluation of Coal Mines and Coal-Fired Power Plants

Under this Court's Final Order, EPA must:

Prepare and submit to the Court a § 321(a) evaluation of the coal industry and other entities affected by the rules and regulations affecting the coal mining and power generating industries as expeditiously as practicable and by no later than July 1, 2017, which evaluation shall:

- (i) identify those facilities that are at risk of closure or reductions in employment because of EPA's regulations and enforcement actions impacting coal and/or the power generating industry;
- (ii) evaluate the impacts of the potential loss and shifts in employment which may be attributable to EPA's regulations and enforcement actions impacting coal and/or the power generating industry, including identifying the number of employees potentially affected, the communities that may be impacted, and the reasonably foreseeable impacts on families and industries reliant on coal;
- (iii) identify those coal mines and coal-fired power generators that have closed or reduced employment since January 2009 and, for each, evaluate whether EPA's administration and enforcement of the Clean Air Act contributed to the closure or reduction in employment; and
- (iv) identify those subpopulations at risk of being unduly affected by job loss and shifts and environmental justice impacts.

⁴ See, e.g., Information Quality Act, Pub. L. No. 106-554, 114 Stat. 2763; Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, Final Guidelines (corrected), 67 Fed. Reg. 8452 (Feb. 22, 2002); see also U.S. EPA, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Oct. 2002), <https://www.epa.gov/sites/production/files/2015-08/documents/epa-info-quality-guidelines.pdf>.

⁵ See, e.g., Paperwork Reduction Act, 44 U.S.C. §§ 3501–21; Office of Info. & Regulatory Affairs, Office of Mgmt. & Budget, Exec. Office of the President, *Frequently Asked Questions*, https://www.reginfo.gov/public/jsp/Utilities/faq.jsp#icr_info (last visited May 15, 2017) (“The Paperwork Reduction Act (PRA), which was signed into law in 1980 and reauthorized in 1995, provides the statutory framework for the Federal government’s collection, use, and dissemination of information. The goals of the PRA include (1) minimizing paperwork and reporting burdens on the American public and (2) ensuring the maximum possible utility from the information that is collected.”).

ECF No. 314 at 26–27.

To comply with this portion of the Final Order, EPA is: (1) assembling a workgroup and establishing a work plan for completing the prescribed evaluation by the July deadline; (2) developing a methodology for evaluating employment impacts at individual coal mines and coal-fired power plants, notwithstanding data gaps and uncertainties; (3) identifying the universe of mines and plants that will be included in the evaluation; and (4) identifying the factors that may have contributed to the actual and potential closures and employment reductions, as well as associated impacts. This workgroup consists of over 80 EPA staff, including economists and program analysts from EPA’s Office of Policy and Office of Air and Radiation, and attorneys in EPA’s Office of General Counsel and Office of Enforcement and Compliance Assurance.

In accordance with the Final Order, EPA’s coal-industry evaluation will focus on employment impacts at the facility level, which is a more granular approach than EPA generally uses in its regulatory analyses of national, regional, and sector-wide economic impacts. While EPA is using the EDEWS approach as guidance for this evaluation, EPA cannot acquire information related to plant closures and employment reductions through interactions with state and local governments or firms by the July deadline due to the requirements of the Paperwork Reduction Act (“PRA”) of 1995. *See infra* at 13. EPA is instead undertaking a significant data-gathering effort by utilizing publicly available⁶ information on facilities in the coal-mining and coal-fired-generation industries, compiling that information, and then conducting a qualitative assessment of the factors that may have contributed to actual or potential closures or reductions in employment.

⁶ At this time, EPA has not identified any proprietary data, such as confidential business information (“CBI”), that has been comprehensively collected and that would be useful for the purpose of conducting facility-level evaluations.

To identify coal mines that have closed or reduced employment since January 2009, EPA is relying on publicly available data from the U.S. Mine Safety and Health Administration (“MSHA”), an agency within the Department of Labor. For the purpose of enforcing mine-worker safety, MSHA collects employment data from entities that engage not just in coal mining, but in “the work of preparing” coal.⁷ These entities include mines that produce coal, as well as other types of facilities, such as coal-preparation facilities, coal transshipment facilities, and portable operations (e.g., portable augers). They submit quarterly employment data to MSHA using Form 7000-2,⁸ including the average number of workers employed at each entity. Due to the large number of coal mines and related entities in the United States (2,639 steam-coal mines had on-site employment in one or more years from 2009 to 2016)⁹ and the fluctuating nature of employment in this sector (e.g., workers are routinely reallocated across mines), EPA is following a methodological approach similar to that used in the EDEWS of evaluating only those entities that experienced dislocations of 25 jobs or more from January 2009 to December 2016. At this time, EPA has identified 1,099 steam-coal mining entities that meet this criterion. For the remaining steam-coal mining entities that experienced smaller reductions in employment, EPA will list such entities and provide a general overview of employment trends and impacts, but will not conduct individual facility-level evaluations.

⁷ 30 C.F.R. § 50.2(b).

⁸ See Mine Safety and Health Admin., U.S. Dep’t of Labor, *Quarterly Mine Employment and Coal Production Report*, <https://www.msha.gov/support-resources/forms-online-filing/2015/04/15/quarterly-mine-employment-and-coal-production> (last visited May 15, 2017).

⁹ Steam coal includes bituminous, subbituminous, and lignite coals, which are burned in coal-fired power plants to produce electricity. Some coal mines produce anthracite coal, which is used for steelmaking and other industrial processes. Due to significant time and resource constraints, EPA will address employment impacts at anthracite coal mines as part of the comprehensive program required by this Court’s December deadline.

To identify coal-fired power plants that have closed or reduced employment since January 2009, EPA is relying on publicly available data from the U.S. Energy Information Administration (“EIA”), the Federal Energy Regulatory Commission (“FERC”), and the U.S. Department of Agriculture’s Rural Utilities Service (“RUS”). In contrast to mines, annual employment information is not available for all power plants in the United States, although it is available for many. FERC Form No. 1¹⁰ is a comprehensive financial and operating report submitted annually by major electric utilities that provide rate-based electricity. FERC Form No. 1 solicits total annual employment information for power plants with greater than 25 megawatts of installed capacity. Similarly, power plants that receive insured loans and loan guarantees through the RUS must report their total employment annually on the Financial and Operating Report Electric Power Supply form.¹¹ Additionally, EPA is attempting to identify those power plants with coal-fired units that have closed or converted to another fuel since January 2009 by relying on publicly available data reported to the EIA using Form 860.¹² At this time, EPA has invested significant effort in reviewing these data sources and identifying coal-fired power plants where at least one operable electric generating unit retired or converted some coal-fired capacity to other fuels between January 2009 and December 2016, or that reduced employment over this time period.

¹⁰ See Fed. Energy Regulatory Comm’n, U.S. Dep’t of Energy, *FERC Financial Report, FERC Form No. 1: Annual Report of Major Electric Utilities, Licensees, and Others and Supplemental Form 3-Q: Quarterly Financial Report*, www.ferc.gov/docs-filing/forms/form-1/form-1.pdf (last visited May 15, 2017).

¹¹ See Rural Dev., U.S. Dep’t of Agric., *Financial and Operating Report Electric Power Supply* (Rev. 2010), https://www.rd.usda.gov/files/OpRpt_PS_2010_Current.pdf.

¹² See U.S. Energy Info. Admin., *Form EIA-860 detailed data* (Oct. 6, 2016), <https://www.eia.gov/electricity/data/eia860/>.

To identify coal-fired power plants that may be at risk of closing or reducing employment in the near future, EPA is using publicly available information regarding retirement plans, which is also available from EIA Form 860. Because comparable data is not available for coal mines,¹³ EPA will make best efforts to link these power plants to the coal mines that have consistently supplied them with coal in recent years by using data collected by the EIA on Form 923.¹⁴ The utility of this approach to identifying at-risk coal mines may be limited, however, because power plants often purchase coal from multiple coal mines or through brokers, in which case the original source mine is unknown or difficult to ascertain, and coal mines often have a portfolio of customers that can vary from year to year. Nevertheless, absent a peer-reviewed methodology for identifying at-risk facilities, EPA believes that this approach, despite its limitations, is the best option for timely complying with this Court's Final Order. EPA is aware that identifying a coal mine as "at risk" could in itself create additional financial risk to the owners, suppliers, and employees of that mine.¹⁵ Consequently, EPA will seek to minimize that risk while complying with the requirements of the Final Order.

To evaluate whether EPA's administration and enforcement of the Clean Air Act may have contributed to any of the actual and potential closures and employment reductions, EPA will rely on official statements made by facility owners (e.g., annual reports, SEC filings, and

¹³ In certain circumstances, coal-mine owners may be required to submit notices under the Worker Adjustment and Retraining Notification ("WARN") Act to MSHA. WARN Act requirements are limited to firms of a certain size, however, and these firms are usually only required to issue notices 60 days in advance, which limits the utility of the notices in identifying potential closures.

¹⁴ See *U.S. Energy Info. Admin., Form EIA-923 detailed data* (Apr. 26, 2017), <https://www.eia.gov/electricity/data/eia923/>.

¹⁵ For example, an "at risk" designation could affect a facility's credit rating, making it more difficult for the facility to obtain loans from lenders. Similarly, an "at risk" designation could impede a facility's ability to attract skilled workers, who may be more inclined to seek employment at a competitor not designated as "at risk."

press releases) and information gathered through news-collection services (e.g., Newsbank) and other sources (e.g., WARN Act notices). EPA emphasizes that these statements cannot be fully corroborated through independent investigation or financial analysis in the time provided by the Final Order. For each facility, EPA is also consulting its own publicly available enforcement databases (e.g., EPA's ECHO database)¹⁶ and, where appropriate, databases that contain information related to the enforcement of health and safety regulations (e.g., databases maintained by MSHA for coal mines) and state and local regulations. Based on work done to date, EPA estimates that each draft coal-mine and power-plant evaluation will take between one and five hours to complete, depending on the amount of information available.

For the at-risk facilities, EPA is gathering information on current economic, health, and environmental conditions in the areas in which the facilities are located in order to evaluate potential impacts on “communities,” “families and industries reliant on coal,” and “those subpopulations at risk of being unduly affected by job loss and shifts from environmental justice impacts.” ECF No. 314 at 26–27. To do this, EPA is relying on publicly available data from the U.S. Census Bureau, the U.S. Bureau of Labor Statistics (“BLS”), the Centers for Disease Control and Prevention, EPA's EJSCREEN tool,¹⁷ and other relevant sources. Employment-

¹⁶ ECHO stands for “Enforcement and Compliance History Online.” See U.S. EPA, *Learn More About ECHO*, <https://echo.epa.gov/resources/general-info/learn-more-about-echo> (last updated Feb. 8, 2017). The database provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide. *Id.*

¹⁷ EJSCREEN is EPA's “Environmental Justice Screening and Mapping Tool,” which is used for displaying and combining nationally consistent, publicly available environmental and demographic data at various geographic scales. See U.S. EPA, *EJSCREEN: Environmental Justice Screening and Mapping Tool*, <https://www.epa.gov/ejscreen> (last updated Dec. 19, 2016).

related indicators are generally available by Labor Market Area (“LMA”),¹⁸ whereas environmental and health indicators are typically available at the county or state level.

In regards to the format of the July submission, EPA expects that each facility-specific evaluation will present facility-related information, a narrative summarizing the information that EPA found regarding job losses and shifts and the factors that may have contributed to the actual or potential closure or reduction in employment, and EPA’s best assessment, in light of available data and methodologies, of whether EPA’s administration and enforcement of the Clean Air Act is among those factors. For at-risk facilities, the evaluations will also include the community-impacts information discussed above. Based on work done to date, EPA estimates that each draft community-impacts evaluation will take between two and five hours to complete, depending on the amount of information available.

Finally, EPA will include in the submission to this Court sector-level overviews of the coal-mining and electricity-generating industries that discuss recent regulatory requirements, labor trends, and major factors affecting the cost of extracting coal and the electricity sector’s demand for coal. Given the numerous analytical limitations and challenges associated with a facility-level approach, EPA believes that concurrent sector-level overviews are important to provide context for the broader economic and regulatory forces that affect employment in these industries. EPA is relying on external market assessments, publicly available market and survey data, and recent scientific research to complete the overviews.

¹⁸ LMAs are U.S. Office of Management and Budget (“OMB”)-defined metropolitan and micropolitan areas, as well as BLS-defined small labor market areas. LMAs represent geographic areas where individuals can live and work within a reasonable distance. They can include multiple counties and can cross state lines. They are non-overlapping and geographically exhaustive for the entire United States. Many LMAs are county equivalents.

II. Measures to Continuously Evaluate Losses and Shifts in Employment

Under this Court's Final Order, EPA also must:

[A]s expeditiously as practicable, but by no later than December 31, 2017, submit evidence to the Court demonstrating that EPA has adopted measures to continuously evaluate the loss and shifts in employment which may result from its administration and enforcement of the Clean Air Act, including such rulemakings, guidance documents, and internal policies as necessary to demonstrate that EPA has begun to comply with § 321(a) and will continue to do so going forward.

ECF No. 314 at 27.

To comply with this portion of the Final Order, EPA is assembling a workgroup and establishing a work plan to adopt measures by the December deadline. This workgroup currently consists of over 30 EPA staff, including economists and program analysts from EPA's Office of Policy and Office of Air and Radiation, attorneys in EPA's Office of General Counsel and Office of Enforcement and Compliance Assurance, and assistance from other EPA headquarters offices as needed.

The first step in EPA's work plan is to develop a system for collecting facility-level information. As explained above, the EDEWS program relied heavily on assistance from state and local authorities, as well as direct communication with firms, to identify facilities potentially threatened by environmental regulations. Each EPA regional office had a staff member responsible for maintaining contacts with federal, state, and local environmental enforcement offices, as well as local departments of commerce; reading the local press; and serving as the regional point-of-contact for individual firms that contacted EPA regarding closures or plans to close. For each facility, the regional staff member collected the facility's name, location, and industry; the date (if known) of the closure or reduction in employment; the environmental regulation or enforcement action at issue; evidence in support of the firm's claims (e.g., abatement cost information); and any unique circumstances involved.

For EPA to implement a similar information-collection system today, either by directly soliciting information from firms or by indirectly obtaining information with the assistance of state and local entities, EPA must comply with the PRA.¹⁹ Generally, to comply with the PRA, EPA must seek public comment on proposed information collections and submit proposed information collections to OMB for review and approval. Any information collection request (“ICR”) submitted to OMB for review and approval must include a description of the collection and its intended use, as well as an estimate of the time and cost burdens the ICR will place on the public. 44 U.S.C. § 3506(c)(1)(a); 5 C.F.R. § 1320.8(b) & (c). The ICR may also include an information collection instrument (e.g., a form, survey, script, etc.) and supporting documentation that addresses matters like reporting frequency, the format of the electronic collection system, access issues, and CBI concerns. The ICR process requires two Federal Register notices. The first notice announces EPA’s plan to submit an ICR to OMB and solicits comments for a period of 60 days. 44 U.S.C. § 3506(c)(2)(a); 5 C.F.R. § 1320.8(d). The second notice announces that the ICR has been submitted to OMB and solicits comment for 30 days. 44 U.S.C. § 3507(a)(1)(D) & (b); 5 C.F.R. § 1320.10(a). OMB has 60 days from either the date on which the ICR is submitted for review or the date on which the second notice is published, whichever is later, to approve, disapprove, or require changes to the ICR. 44 U.S.C. § 3507(c)(2); 5 C.F.R. § 1320.10(b). The total ICR process takes approximately six to nine months from beginning to end.²⁰

¹⁹ Congress enacted the PRA in 1980, nine years after EPA and the Department of Labor started EDEWS, and substantially revised it in 1995.

²⁰ See Office of Info. & Regulatory Affairs, Office of Mgmt. & Budget, Exec. Office of the President, *Questions and Answers When Designing Surveys for Information Collections* 3 (Jan. 2006), https://obamawhitehouse.archives.gov/sites/default/files/omb/infoereg/pmc_survey_guidance_2006.pdf

The second step in EPA's work plan is to develop a process for compiling and evaluating the information once it has been collected. In broad terms, this process will likely be similar to the one that EPA is using to conduct facility-level evaluations of coal mines and coal-fired power plants by the July deadline, except that the process will be ongoing and subject to improvements and adjustments over time. While EPA will continue to evaluate actual and potential closures and reductions in employment for the coal industry, EPA will also evaluate additional sectors in the economy that may be affected by Clean Air Act regulations and enforcement actions.²¹ EPA intends to compile the facility-level information necessary to conduct evaluations into a database and review the information for quality-control purposes. Finally, to the extent practicable, EPA will seek to address the serious analytical challenges and limitations associated with the EDEWS methodology by using a transparent process that effectively engages the public and outside experts.

The third step in EPA's work plan is to determine whether and how the Agency will disseminate the evaluations to the public. While Section 321(a) does not require EPA to disclose its evaluations to the public, EPA is nevertheless considering the feasibility and benefits of various options for public dissemination. As described above, EPA used the EDEWS to generate quarterly reports that were submitted to the Department of Labor and the Small Business Administration to aid those agencies in providing unemployment assistance and loans for abatement equipment, respectively. EPA also distributed copies of the quarterly reports to about

(“A six month period, from the time the agency completes the ICR to OMB approval, is fairly common for planning purposes but varies considerably across agencies depending on internal review procedures.”).

²¹ EPA notes that, while there is a relatively large amount of economic data regarding the coal-mining and electricity-generating sectors that is routinely generated and submitted to various federal, state, and local agencies, comparable data is not readily available for many other sectors subject to Clean Air Act regulation.

100 people outside the Agency, ranging from professors at universities, to companies on a mailing list, to other Federal agencies.²² The Council on Environmental Quality (“CEQ”) also included EDEWS information in several of its annual reports during the 1970s.²³ At this time, EPA has not determined whether any of these historical examples would be an appropriate way to disseminate evaluations today.

CONCLUSION

While reserving all rights and without prejudice to the EPA’s appeal of this Court’s Final Order, the EPA responds to the Final Order and submits, as directed, this Compliance Filing.

DATED: May 15, 2017

Respectfully Submitted,

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²² See Nat’l Comm’n on Supplies and Shortages, *Information Systems Studies* 401 (Dec. 1976), <https://babel.hathitrust.org/cgi/pt?id=uc1.31210024827345;view=1up;seq=415>.

²³ See Council on Env’tl. Quality, Exec. Office of the President, *Annual Environmental Quality Reports*, https://ceq.doe.gov/ceq-reports/annual_environmental_quality_reports.html (last visited May 15, 2017). In 1995, Congress eliminated the requirement that CEQ create and publish the annual reports to reduce paperwork in government. See *id.*

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