

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 1:18-cv-0773
)	
v.)	Hon. Reggie Walton
)	
U.S. ENVIRONMENTAL PROTECTION)	
AGENCY, <i>et al.</i>)	

STATUS REPORT BY DEFENDANTS

Pursuant to this Court’s Order of March 3, 2020 (Dkt. No. 72), Defendants the United States Environmental Protection Agency and Andrew R. Wheeler, the Administrator thereof (collectively “EPA”), hereby provide the following status report:

On September 24, 2019, EPA issued a proposed rule under the Clean Air Act (“CAA”) titled, “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.” *See* 84 Fed. Reg. 50,244 (Sept. 24, 2019) (hereafter “Proposed Rule”). Among other things, the Proposed Rule proposed to withdraw methane standards for new and modified sources in the oil and natural gas sector (“Methane NSPS”). *See id.* at 50,244, 50,246. EPA initiated that action pursuant to Executive Order 13783, which directs EPA, among other things, to “review the final rule entitled ‘Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,’ 81 Fed. Reg. 35,824 (June 3, 2016), . . . and, if appropriate, . . . as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment [a] proposed rule[] suspending, revising, or rescinding [the] rule[.]” 82 Fed. Reg. 16,093, 16,096 (Mar. 31, 2017).

The Proposed Rule was finalized and signed on August 13, 2020 (“Final Rule”). *See* “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources,” https://www.epa.gov/sites/production/files/2020-08/documents/frn_oil_and_gas_review_2060-at90_final_20200812_admin_web.pdf (last accessed on August 17, 2020).¹ Among other things, the Final Rule rescinds the Methane NSPS. *Id.* at 1. The Final Rule, and thus the rescission of the Methane NSPS, will take effect upon publication in the Federal Register. *Id.* at 2. The Final Rule is reviewable only in the D.C. Circuit. 42 U.S.C. § 7607(b)(1).

Respectfully Submitted,

United States Department of Justice
Environment & Natural Resources Division

Dated: August 17, 2020

/s/ Heather E. Gange
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¹ The Final Rule is referred to as the Final Policy Amendments on EPA’s web page regarding the Final Rule and related actions and materials: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-issues-final-policy-and-technical>.

CERTIFICATE OF SERVICE

I, Heather E. Gange, certify that on this 17th day of August 2020, I electronically filed the foregoing through the CM/ECF system which caused all Parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/ Heather E. Gange

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