

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>)	

JOINT STATUS REPORT

Pursuant to this Court’s Order of February 12, 2021, ECF No. 108, Plaintiffs the State of New York *et al.* and Defendants the United States Environmental Protection Agency *et al.* (collectively “Parties”), hereby provide the following joint status report:

On March 25 and 26, 2021, respectively, joint resolutions were introduced in the U.S. Senate (S.J. Res. 14) and in the U.S. House of Representatives (H.J. Res. 34) under the Congressional Review Act, 5 U.S.C. Ch. 8, to disapprove the Clean Air Act final rule on which the Agency based its recently-denied Motion to Dismiss, ECF No. 101. That final rule is titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.” 85 Fed. Reg. 57,018 (September 14, 2020). The Parties anticipate that the outcome of the Congressional Review Act proceedings may influence how the Parties will wish to proceed in this case. Further, the Parties understand that the Congressional Review Act proceedings related to those resolutions are likely to conclude by May 2021. The Parties therefore jointly propose the following schedule to govern further proceedings in this matter:

EPA shall file a notice regarding the outcome of the Congressional Review Act proceedings under 5 U.S.C. Ch. 8 within seven days after such proceedings conclude; and

The Parties shall submit a joint status report advising the Court on how the Parties wish to proceed in this case by the later of June 9, 2021, or 21 days after EPA's notice regarding the outcome of the Congressional Review Act proceedings.

Respectfully Submitted,

United States Department of Justice
Environment & Natural Resources Division

Dated: April 8, 2021

/s/ Heather E. Gange

HEATHER E. GANGE

D.C. Bar 452615

Environmental Defense Section

P.O. Box 7611

Washington, DC 20044-7611

Tel. 202.514.4206

Fax. 202.514.8865

Heather.Gange@usdoj.gov

Counsel for Defendants

Dated: April 8, 2021

FOR THE STATE OF NEW YORK

LETITIA JAMES

Attorney General

/s/ Morgan Costello (HEG by permission)

MORGAN A. COSTELLO

Christopher C. Gore

Assistant Attorneys General

Office of the Attorney General

Environmental Protection Bureau

The Capitol

Albany, NY 12224

(518) 776-2392

FOR THE STATE OF CALIFORNIA

MATTHEW RODRIQUEZ
Acting Attorney General

/s/ Timothy E. Sullivan
Timothy E. Sullivan
Supervising Deputy Attorney General
Daniel M. Lucas
Deputy Attorney General
California Department of Justice
1515 Clay Street
Oakland, CA 94612
(510) 879-0987
*Attorneys for the State of California, by
and through the California Air
Resources Board and Attorney General
Xavier Becerra*

FOR THE COMMONWEALTH OF
MASSACHUSETTS

MAURA HEALEY
Attorney General

/s/ Turner Smith
Turner Smith
Assistant Attorney General
Megan Herzog
Special Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108
(617) 727-2200

FOR THE STATE OF CONNECTICUT

WILLIAM TONG
Attorney General

/s/ Jill Lacedonia
Jill Lacedonia
Assistant Attorney General
Office of the Attorney General
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5250

FOR THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General

/s/ Gerald Karr
Gerald Karr
Assistant Attorney General
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-3369

FOR THE STATE OF IOWA

THOMAS J. MILLER
Attorney General

/s/ Jacob Larson
Jacob Larson
Assistant Attorney General
Environmental Law Division
Hoover State Office Building
1305 E. Walnut St., 2nd Floor
Des Moines, IA 50319
(515) 281-5341

FOR THE STATE OF MAINE

AARON M. FREY
Attorney General

/s/ Laura Jensen
Laura Jensen
Assistant Attorney General
Maine Attorney General's Office
6 State House Station
Augusta, ME 04333-0006
(207) 626-8800

FOR THE STATE OF MARYLAND

BRIAN E. FROSH
Attorney General

/s/ Leah J. Tulin
Leah J. Tulin
Assistant Attorney General
200 St. Paul Place
Baltimore, MD 21202
(410) 576-6962

FOR THE STATE OF NEW MEXICO

HECTOR H. BALDERAS
Attorney General

/s/ William Grantham
William Grantham
Consumer & Environmental Protection
Division
New Mexico Office of the Attorney General
201 Third St. NW, Suite 300
Albuquerque, NM 87102
(505) 717-3500

FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM
Attorney General

/s/ Paul Garrahan
Paul Garrahan
Attorney-in-Charge, Natural Resources
Section
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301-4096
(503) 947-4593

FOR THE COMMONWEALTH OF
PENNSYLVANIA

JOSH SHAPIRO
Attorney General

/s/ Michael J. Fischer
Michael J. Fischer
Chief Deputy Attorney General
Robert A. Reiley
Assistant Director, Pennsylvania
Department of Environmental Protection
Environmental Protection Section
Pennsylvania Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120
(215) 560-2171

FOR THE STATE OF RHODE ISLAND

PETER F. NERONHA
Attorney General

/s/ Gregory S. Schultz
Gregory S. Schultz
Special Assistant Attorney General
Rhode Island Department of Attorney
General
150 South Main Street
Providence, RI 02903
(401) 274-4400

FOR THE STATE OF VERMONT

THOMAS J. DONOVAN, JR.
Attorney General

/s/ Nicholas F. Persampieri
Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186

FOR THE STATE OF WASHINGTON

ROBERT W. FERGUSON
Attorney General

/s/ Emily C. Nelson
Emily C. Nelson
Assistant Attorney General
Washington State Attorney General's Office
PO Box 40117
Olympia, WA 98504
(360) 586-4607

FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General

Catherine A. Jackson
Chief, Public Integrity Section

/s/ David S. Hoffmann
David S. Hoffmann
Assistant Attorney General
Office of the Attorney General
of the District of Columbia
441 Fourth St. NW Ste. 600-S
Washington, D.C. 20001
(202) 442-9889

FOR THE CITY OF CHICAGO

EDWARD N. SISSEL
Corporation Counsel

/s/ Jared Policicchio
Jared Policicchio
Supervising Assistant Corporation Counsel
Admitted *Pro Hac Vice*
30 N. LaSalle Street, Suite 1400
Chicago, IL 60602
(312) 744-1438

DATED: April 8, 2021

/s/ Susannah Weaver (HEG by permission)
Susannah L. Weaver, D.C. Bar # 1023021
Sean H. Donahue, D.C. Bar # 940450
Donahue, Goldberg & Weaver, LLP
1008 Pennsylvania Ave. SE
Washington, DC 20003
Phone: (202) 569-3818 (Ms. Weaver)
Phone: (202) 277-7085 (Mr. Donahue)
susannah@donahuegoldberg.com
sean@donahuegoldberg.com

Peter Zalzal, CO Bar # 42164
Rosalie Winn, CA Bar # 305616
Rachel Fullmer, CO Bar # 49868
Environmental Defense Fund
2060 Broadway, Suite 300
Boulder, CO 80302
Phone: (303) 447-7214 (Mr. Zalzal)
Phone: (303) 447-7212 (Ms. Winn)
Phone: (303) 447-7208 (Ms. Fullmer)
pzalzal@edf.org
rwinn@edf.org
rfullmer@edf.org

*Counsel for Plaintiff-Intervenor Environmental Defense
Fund*

CERTIFICATE OF SERVICE

I, Heather E. Gange, certify that on this 8th day of April 2021, 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
HEATHER E. GANGE
United States Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
Tel. (202) 514-4206