

none of the parties who responded indicated an intent to oppose this motion.¹ In support of their motion, Movants state as follows, and also rely on the declarations that accompany this motion.

INTRODUCTION

These consolidated cases seek review of the final rule promulgated by EPA under the Clean Air Act, entitled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,” published at 81 Fed. Reg. 35,824 (June 3, 2016) (the “2016 Rule”). The 2016 Rule amends the standards for emissions of volatile organic compounds (“VOCs”), which are precursors to ground-level ozone (better known as “smog”) and fine particulate matter, and adds new standards for emissions of greenhouse gases (specifically methane) from new, reconstructed, and modified oil and gas operations. The 2016 Rule was issued as part of an ongoing reconsideration process initiated by EPA in response to

¹ Counsel for EPA stated that EPA does not oppose this Motion. Counsel for Petitioner in case No. 16-1242 stated that it takes no position on this Motion at this time. Counsel for Petitioners in case No. 16-1257 stated that they do not oppose this Motion. Counsel for Petitioners in case No. 16-1262 stated that they take no position on this Motion. Counsel for Petitioner in case No. 16-1263 stated that it takes no position on this Motion. Counsel for Petitioners in case No. 16-1264 stated that they take no position on this Motion. Counsel for Petitioner in case No. 16-1266 stated that it takes no position at this time on the Motion. Counsel for Petitioner in case No. 16-1267 stated that it takes no position on this Motion. Counsel for Petitioner in case No. 16-1269 stated that it takes no position on this Motion and does not intend to file a response. Counsel for Petitioner in case No. 16-1270 stated that it takes no position on this Motion and does not intend to file a response.

petitions from industry stakeholders and environmental groups, including several who are movants here, following rules issued by EPA in 2012, 2013, and 2014 (collectively, the “Prior Rules”). *See* 77 Fed. Reg. 49,490 (Aug. 16, 2012) (the “2012 Rule”); 78 Fed. Reg. 58,416 (Sept. 23, 2013) (the “2013 Rule”); 79 Fed. Reg. 79,018 (Dec. 31, 2014) (the “2014 Rule”).²

The 2016 Rule provides crucial health and environmental safeguards for Movants’ members, and Movants have a demonstrable interest in defending the 2016 Rule against challenges brought by industry groups and other litigants seeking to nullify, weaken, or delay it. This Court has granted Movants’ requests to intervene in support of EPA as to petitions for review challenging the Prior Rules, *see* Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.) (granting Movants intervention in industry cases challenging the 2012 Rule); Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1289 (D.C. Cir.) (same as to 2013 Rule); Order of Apr. 22, 2015, *Indep. Petroleum Ass’n v. EPA*, No. 15-1040 (D.C. Cir.) (same as to 2014 Rule), and comparable circumstances warrant granting this motion.³

² Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, and Clean Air Council, jointly with other groups, sought reconsideration of the 2012 Rule. *See* Pet. for Reconsideration of Clean Air Council *et al.*, EPA Docket No. EPA-HQ-OAR-2010-0505-4575.

³ Earthworks and Environmental Integrity Project were not parties in these prior interventions.

BACKGROUND

I. Movant Environmental Groups

Movants are national and regional non-profit environmental groups that are committed to protecting their members and others from the effects of dangerous air pollution, including climate change. Declaration of Huda Fashho ¶¶ 5-6;⁴ Declaration of John Stith ¶¶ 4-7; Declaration of Sharon Wilson ¶ 3; Declaration of Gina Trujillo ¶¶ 3-5; Declaration of Joseph Minott ¶ 2; Declaration of Mary Greene ¶ 3.⁵ With a long-standing interest in protecting human health and the environment, Movants have long been involved in advocating and working for the reduction of dangerous air emissions from oil and gas operations. Fashho Decl. ¶¶ 5-6; Stith Decl. ¶¶ 6-7; Wilson Decl. ¶ 5; Trujillo Decl. ¶ 5; Minott Decl. ¶¶ 2, 18; Greene Decl. ¶¶ 4-7, 9. Movants include organizations with members throughout the United States whose health and use and enjoyment of property and natural resources are harmed and threatened by emissions of VOCs and the ozone and particulate matter pollution they cause, by methane emissions, and by hazardous air pollutants from oil and gas development near where they live, work

⁴ Due to an apparent error, the Declaration of Huda Fashho contains two paragraphs numbered as ‘5.’ To minimize confusion, all citations to paragraph ‘5’ of this declaration herein refer to the second of these two paragraphs.

⁵ Movant Environmental Integrity Project is not a member organization, but advocates on behalf of local groups it represents and with which it is allied.

and recreate. Fashho Decl. ¶ 8; Stith Decl. ¶ 9; Wilson Decl. ¶ 9. *See also* Greene Decl. ¶¶ 13-16 (describing Environmental Integrity Project's work with impacted individuals and group members). Because they live in parts of the country where oil and gas operations exist and/or are expected to expand, including California, Colorado, New Mexico, Ohio, Pennsylvania, Texas, and West Virginia, many of Movants' members will continue to be affected by air pollution from these sources. Fashho Decl. ¶ 8; Stith Decl. ¶¶ 9-10; Wilson Decl. ¶ 9; Declaration of Hugh Fitzsimons ¶¶ 1-2, 11. *See also* Greene Decl. ¶¶ 13-16 (discussing impacts to Environmental Integrity Project's work on behalf of clients). Movants also have members who own land and mineral rights in parts of the country where oil and gas operations are expected to expand, and whose pecuniary interests thus may be harmed if the 2016 Rule's requirements to prevent leaks and to collect natural gas for sale do not go into effect. Fitzsimons Decl. ¶¶ 2, 8, 16.

II. Statutory and Regulatory Background

The Clean Air Act aims "to protect and enhance the quality of the Nation's air resources." 42 U.S.C. § 7401(b)(1). To help meet this goal, section 111 of the Act requires EPA to establish standards of performance for new and modified stationary sources of air pollution. *Id.* § 7411. Section 111(b)(1) requires EPA to issue standards of performance for each category of sources that "causes, or contributes significantly to, air pollution which may reasonably be anticipated to

endanger public health or welfare.” *Id.* § 7411(b)(1)(A). These “New Source Performance Standards” (“NSPS”) must reflect “the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) [EPA] determines has been adequately demonstrated.” *Id.* § 7411(a)(1). The Act requires EPA to “review and, if appropriate, revise” those standards at least every 8 years. *Id.* § 7411(b)(1)(B).

In 2012, EPA issued a rule amending the NSPS requirements applicable to oil and natural gas operations. 77 Fed. Reg. at 49,490. The 2012 Rule established control requirements for VOC emissions from new and modified natural gas wells and for compressors, storage vessels, and other sources in the oil and natural gas sector in certain segments of the supply chain. *Id.* at 49,492/1-3. More than a dozen industry groups, states, and environmental organizations, including Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, and Clean Air Council (collectively, the “2012 Environmental Petitioners”), petitioned for review of the 2012 Rule. The 2012 Environmental Petitioners also sought and were granted intervention in support of EPA in that challenge, Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.), which is

currently being held in abeyance, *see* Order of May 12, 2016, *Am. Petroleum Inst. v. EPA*, No. 13-1108 (D.C. Cir.).⁶

At the same time, several industry groups and the 2012 Environmental Petitioners filed petitions with EPA seeking administrative reconsideration of aspects of the 2012 Rule. These reconsideration petitions spawned additional rulemakings, including the 2013 Rule, which amended the control requirements for storage vessel emissions, *see* 78 Fed. Reg. at 58,416, and the 2014 Rule, which established alternative compliance approaches, *see* 79 Fed. Reg. at 79,018. Industry groups again petitioned for review of the 2013 and 2014 Rules,⁷ and the 2012 Environmental Petitioners sought and were granted intervention in support of EPA in those cases. Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1289 (D.C. Cir.); Order of Apr. 22, 2015, *Indep. Petroleum Ass'n v. EPA*, No. 15-

⁶ The 2012 Rule also included standards issued under other Clean Air Act authority, but this Court severed the NSPS-related portion of the litigation from the rest of the litigation over the 2012 Rule. Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.). The cases challenging the NSPS-related portion of the 2012 Rule were assigned docket number 13-1108. Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.).

⁷ The challenges to the 2013 Rule were consolidated with the challenges to the 2012 Rule. *See* Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1108 (D.C. Cir.). The challenges the 2014 Rule are consolidated at docket number 15-1040. *See* Order of Mar. 4, 2015, *Indep. Petroleum Ass'n of Am. v. EPA*, No. 15-1040 (D.C. Cir.). The 2014 challenge is also currently being held in abeyance. *See id.*, Order of Apr. 23, 2015.

1040 (D.C. Cir.). In addition, industry groups filed administrative petitions for reconsideration of the 2013 and 2014 rules.

III. The 2016 Rule

Responding in part to the numerous outstanding reconsideration petitions, on September 18, 2015, EPA proposed amendments to the standards established for VOCs in the Prior Rules, and proposed new standards for emissions of greenhouse gases from oil and natural gas operations, formulated as limitations on methane emissions from those sources. *See* 80 Fed. Reg. 56,593. EPA explained that it included requirements for methane emissions in its proposal because the oil and gas industry is currently one of the country's largest emitters of methane. *Id.* at 56,593/1. Finding that methane is a potent greenhouse gas with a 100-year global warming potential that is 28-36 times greater than carbon dioxide, EPA explained that "reducing methane emissions is an important step that can be taken to achieve a near-term beneficial impact in mitigating global climate change." *Id.* at 56,598/3. EPA also proposed extending the current VOC standards to then-unregulated equipment across the oil and gas sector. *Id.* at 56,599/3-600/1.

After receiving comments on the proposal, EPA issued a final rule on June 3, 2016, in which it established standards of performance for emissions of greenhouse gases as well as VOCs for specified equipment and processes in the oil and natural gas production segments, as well as for the natural gas processing and

transmission and storage segments. *See* 81 Fed. Reg. at 35,825/2-3. In part, EPA established these new methane standards in response to the 2012 Environmental Petitioners' request that the agency reconsider its decision in the 2012 rulemaking not to establish methane standards at that time. *See id.* at 35,840/3 n.58. The standards address sources that were not regulated at all in the Prior Rules; sources that were previously regulated for VOC emissions only, but not for greenhouse gas emissions; and sources used across the oil and gas industry for which the Prior Rules only covered a subset. *Id.* at 35,825/3. EPA also finalized amendments to improve implementation of the Prior Rules. *Id.*

ARGUMENT

Movants meet the requirements for intervention: they have demonstrated interests in protecting the 2016 Rule. Their members will benefit from reduced exposure to dangerous air pollution from oil and gas operations if the 2016 Rule is implemented as adopted. Further, they have independent organizational interests in assuring the 2016 Rule is as strong as possible and not nullified, weakened, or delayed by the petitions. These interests may be impaired by the disposition of this case. *See* Fed. R. App. P. 15(d).⁸

⁸ Under Federal Rule of Appellate Procedure 15(d), a motion to intervene need only make "a concise statement of the interest of the moving party and the grounds for intervention." This Court has noted that "in the intervention area the 'interest' test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process."

I. Movants have interests in protecting their members and others from dangerous air pollution from oil and natural gas operations.

Movants have a strong interest in ensuring that the oil and natural gas performance standards established in the 2016 Rule and the Prior Rules deliver health and environmental benefits for Movants' members, many of whom live in close proximity to oil and gas operations or in areas slated for oil and gas development. They are therefore particularly exposed to the pollutants emitted by those operations, such as VOCs and hazardous air pollutants, and to the pollution locally created by those emissions (particulate matter and ozone pollution). Movants' members also are particularly susceptible to harms posed by climate change, to which methane emissions from these operations significantly contribute.

The health and welfare of Movants' members are threatened by air emissions generated by oil and gas operations. Emissions of methane from oil and gas activities threaten public health and welfare and contribute to climate change. *See* 74 Fed. Reg. 66,496, 66,497-98 (Dec. 15, 2009) (hereinafter, the "Endangerment Finding"); *see also Coal. for Responsible Regulation, Inc. v. EPA*, 684 F.3d 102, 117-26 (D.C. Cir. 2012) (upholding Endangerment Finding), *cert. denied in relevant part sub nom. Virginia v. EPA*, 134 S. Ct. 418 (2013); 80 Fed. Reg. 64,662, 64,683-88 (Oct. 23, 2015) (concluding that more recent scientific

Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967) (reversing denial of intervention under Fed. R. Civ. P. 24(a)).

assessments confirm Endangerment Finding); 81 Fed. Reg. at 35,842-43.

Movants' members use, own, and enjoy property and natural resources that are harmed and threatened by climate change. Declaration of Lois Bower-Bjornson ¶¶ 8-9; Declaration of Denise Fort ¶¶ 8-11; Declaration of Robert Boevingloh ¶¶ 8-11; Declaration of Betsy Leonard ¶ 11; Fitzsimons Decl. ¶¶ 1-2, 6; Minott Decl. ¶¶ 8-10; Declaration of Jenny Lisak ¶¶ 9-12. These members are affected by elevated temperatures, greater risk of forest fires, extreme weather events, reduced snowfall, and exacerbated air pollution problems and other health risks in the areas where they live, work, and recreate. Bower-Bjornson Decl. ¶ 9; Fort Decl. ¶¶ 8-11; Wilson Decl. ¶ 23; Boevingloh Decl. ¶¶ 8-11; Leonard Decl. ¶ 11; Fitzsimons Decl. ¶ 6; Minott Decl. ¶¶ 8-15; Lisak Decl. ¶¶ 9-13.

Additionally, many of Movants' members live, work, and engage in recreation and other activities near oil and gas operations of the type covered by the 2016 Rule, including areas where additional investments in oil and gas operations are expected, and are exposed to or are at high risk for exposure to emissions from nearby sources. Declaration of Veronica Fike ¶¶ 5-6; Bower-Bjornson Decl. ¶¶ 5-6; Fort Decl. ¶ 8-12; Wilson Decl. ¶¶ 17-22; Boevingloh Decl. ¶¶ 2, 4-7; Leonard Decl. ¶¶ 7-10; Declaration of Robert Alspaugh ¶ 6; Fitzsimons Decl. ¶¶ 2, 4-5, 11; Lisak Decl. ¶¶ 4-5. As a result, Movants' members experience harm from oil and gas development, including exposure or likely future exposure

to air pollution and an attendant greater risk of harm to their health. VOC emissions react in the atmosphere with other pollutants to form ground-level ozone. VOCs also form fine particulates. Exposure to ozone and fine particulates is associated with significant public health and environmental effects, including premature deaths, cardiovascular problems such as heart attacks, respiratory problems such as asthma attacks and bronchitis, and injury to vegetation. 81 Fed. Reg. at 35,877, 35,889/1-2. Oil and gas operations also emit significant quantities of hazardous air pollutants (such as benzene and formaldehyde), which are associated with further serious health concerns—for example, several of these pollutants are carcinogens. *Id.* at 35,837/2. Movants’ members who live near oil and gas operations or areas that are likely to be developed in the near future thus face elevated risks of all of these harms. Fike Decl. ¶¶ 5-6, 9; Bower-Bjornson Decl. ¶¶ 6, 10-13; Fort Decl. ¶ 12; Boevingloh Decl. ¶¶ 4-7; Leonard Decl. ¶¶ 7-11; Alspaugh Decl. ¶ 6-8; Wilson Decl. ¶¶ 17, 24-25; Fitzsimons Decl. ¶¶ 2, 7, 11; Lisak Decl. ¶¶ 6-8.

Because of this air pollution, and because of their concern about additional health impacts and risks due to this pollution, Movants’ members do or will refrain from or curtail recreational, aesthetic, and associational activities that they have enjoyed in the past, and emissions from oil and gas industry facilities thus diminish their enjoyment or potential enjoyment of these activities. Fike Decl. ¶ 6; Bower-

Bjornson Decl. ¶ 6. Movants' members are also harmed as a result of their increased concern about their health and the health of their family members, and decreased enjoyment of other activities during which they are exposed to dangerous air pollution, including while they work, on visits to friends and family, and during their daily commutes. Fike Decl. ¶ 9; Wilson Decl. ¶ 24; Boevingloh Decl. ¶¶ 4-7; Leonard Decl. ¶¶ 7-10; Alspaugh Decl. ¶¶ 6-8; Fitzsimons Decl. ¶¶ 4-5; Lisak Decl. ¶¶ 6-8.

The 2016 Rule and the Prior Rules will help redress the occurrence of these future harms to those living near new and modified oil and gas operations. EPA has estimated that the 2016 Rule will prevent emissions of 510,000 tons of methane, 210,000 tons of VOCs, and 3,900 tons of hazardous air pollutants in 2025. 81 Fed. Reg. at 35,827/2. EPA projects that the methane reductions alone will yield \$690 million in 2025 in monetized climate benefits, \$170 million more than the rule's compliance costs for that year. *Id.* at 35,890 tbl.10. The agency also notes that rule's emissions reductions will lead to health protection benefits from reduced exposure to ozone, fine particulate matter, and hazardous air pollutants, as well as reductions in visibility impairment and harm to vegetation, among other environmental benefits. *Id.* at 35,889/1-2.

Recognizing the importance of the health and welfare benefits provided in the 2016 Rule, Movants were active participants in the rulemaking that led to the

rule. As noted above, many of the Movants here filed a Petition for Reconsideration in 2012 urging EPA to reconsider its decision in the 2012 Rule not to issue methane standards. *See supra* at 1-2. Movants also provided comments on a series of White Papers EPA issued in 2014 to help inform its development of the 2016 Rule, and participated in public meetings and advocacy directed toward securing strong performance standards for the oil and gas industry. *See, e.g.*, Comments of Environmental Defense Fund (June 16, 2014) (EPA Docket No. EPA-HQ-OAR-2014-0557-0007); Comments of Sierra Club, Natural Resources Defense Council, Earthworks, et al. (June 16, 2014) (EPA Docket No. EPA-HQ-OAR-2014-0557-0041). Movant Environmental Defense Fund likewise participated in a series of scientific studies to better characterize methane emissions from the oil and gas sector and identify opportunities to reduce those emissions. *See, e.g.*, Allen, D.T., et al., *Measurements of methane emissions at natural gas production sites in the United States*, Proceedings of the Natl. Acad. of Scis., 110 (2013), <http://www.pnas.org/content/110/44/17768.full>; Anthony J. Marchese, et al., *Methane Emissions From United States Natural Gas Gathering and Processing*, Env'tl. Sci. & Tech., 49, 10718 (2015), <http://pubs.acs.org/doi/abs/10.1021/acs.est.5b02275>. EPA considered these scientific studies in developing and finalizing the 2016 Rule. *See EPA, Equipment Leaks Data: EPA and Peer Reviewed Sources* at 1 (EPA Docket No. EPA-HQ-

OAR-2010-0505-7589) (posted June 3, 2016). After EPA issued the proposed rule, Movants submitted written comments indicating their “strong[] support [for] EPA’s proposed standards to address methane emissions,” and making “recommendations for strengthening these critical protections.” Comments of Movants, et al. at 4 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-7322); *See also* Comments of Environmental Integrity Project, Clean Air Council, et al. (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-6953) (highlighting additional issues to improve EPA’s proposal).

II. Movants’ interest in protecting their members and others is threatened by this action.

Movants’ interests described above are threatened by the instant attacks on the 2016 Rule. Industry Petitioners and other litigants seeking review of the 2016 Rule will likely seek to weaken the rule’s requirements, as their comments during the rulemaking attacked many of the protective measures contained in the proposed rule. For example, during the rulemaking, Industry Petitioners Independent Petroleum Association of America and Western Energy Alliance filed comments arguing that the EPA does not have authority to regulate greenhouse gas pollution in the form of limitations on methane emissions. *See* Comments of Independent Petroleum Association of America at 19-22 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-7001). In addition, Industry Petitioner American Petroleum Institute called for EPA to narrow the definition of a “modification” triggering

application of the 2016 Rule, a proposal EPA rejected. *See* 81 Fed. Reg. at 35,881/1-2; Comments of American Petroleum Institute at 110-13 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-6884).

Movants have a strong interest in intervening to prevent Petitioners' attempts to nullify, weaken, or delay of the 2016 Rule, which would harm Movants' legally protected interests and those of their members. Fashho Decl. ¶¶ 5-6; Stith Decl. ¶¶ 4-7; Trujillo ¶¶ 3-5. Because Movants would be deprived of these health and environmental benefits were petitioners to succeed in their challenges, Movants have both a clear "interest" under Rule 15(d) and standing to intervene under Article III of the Constitution, *see Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).⁹

Further, Movants' have an independent organizational interest in defending against Petitioners' attempts to nullify, weaken or delay the 2016 Rule in any way. As discussed above, Movants' long record of advocacy has led to the development of the 2016 Rule and helped to shape its requirements. Further, Movants have a clear organizational interest in assuring that the 2016 Rule is as strong as possible.

⁹ This Court has held repeatedly that organizations such as Movants have standing to sue to protect their members from pollution that threatens and concerns those members. *See, e.g., Nat. Res. Def. Council v. EPA*, 755 F.3d 1010, 1016-17 (D.C. Cir. 2014); *Ass'n of Battery Recyclers, Inc. v. EPA*, 716 F.3d 667, 672-73 (D.C. Cir. 2013).

Movants also have an organizational interest in having access to full and prompt information regarding the emissions at facilities in the oil and gas source category. The access to this information, which the 2016 Rule ensures, is central to Movants' fulfillment of their organizational missions, because disseminating such information is a core function for Movants. Greene Decl. ¶¶ 9-12. The possibility that petitions may weaken or nullify the 2016 Rule establishes Movants' organizational interest under Rule 15(d) and their standing to intervene under Article III of the Constitution. *See D.C. Appleseed Ctr. for Law & Justice, Inc. v. D.C. Dep't of Ins., Sec., & Banking*, 54 A.3d 1188, 1209 (D.C. 2012) (holding that an organization has an injury in fact when an agency's interpretation of a law that furthered the organization's mission would have weakened the law and impaired the organization's ability to carry-out its mission and the organization had been an active participant in the development of the law); *see also Am. Soc. for Prevention of Cruelty to Animals v. Feld Entm't, Inc.*, 659 F.3d 13, 25 (D.C. Cir. 2011) (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)).

Movants' participation as intervenors in support of EPA will not delay the proceedings or prejudice any party. This motion to intervene is timely filed on August 15, 2016, within the 30-day period allowed under Federal Rule of Appellate Procedure 15(d). *See Ala. Power Co. v. ICC*, 852 F.2d 1361, 1367 (D.C. Cir. 1988). The Court has not yet scheduled oral argument or established a

briefing schedule. Further, Movants share common interests in defending the 2016 Rule and intend to file their brief in support of Respondent EPA jointly, as directed by D.C. Circuit Rule 28(d)(4). Movants' participation will not undermine the efficient and timely adjudication of this case. Indeed, as nonprofit, environmental citizens' groups with members living near oil and gas operations covered by the 2016 Rule, Movants are likely to offer a distinct perspective that will be of assistance to the Court as it considers challenges to the 2016 Rule.

This Court has previously allowed many of the Movants here to intervene in industry petitions challenging EPA actions under the Clean Air Act, including the industry challenges to the Prior Rules, and other regulations applicable to oil and gas operations. *See supra* at 3; *see also* Order of Apr. 8, 2011, *Am. Gas Ass'n v. EPA*, No. 11-1020 (D.C. Cir.) (Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club granted intervention in lawsuits challenging greenhouse gas emissions reporting regulations applicable to oil and gas facilities); Order of Mar. 16, 2015, *Am. Petroleum Inst. v. EPA*, No. 15-1020 (D.C. Cir.) (same). Comparable circumstances warrant a grant of intervention here.

CONCLUSION

For the foregoing reasons, Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, Clean Air Council, Earthworks and the Environmental Integrity Project respectfully request leave to intervene in Case

Nos. 16-1242, 16-1257, 16-1262, 16-1263, 16-1264, 16-1266, 16-1267, 16-1269, and 16-1270 under D.C. Circuit Rule 15(b), in all other petitions for review of the challenged EPA action.

DATED: August 15, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **Motion to Intervene in Support of Respondent** on all parties through the Court's electronic case filing (ECF) system.

DATED: August 15, 2016

/s/ Timothy D. Ballo

Timothy D. Ballo

DECLARATIONS

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DECLARATION OF ROBERT ALSPAUGH

I, Robert Alspaugh, do hereby affirm and state:

1. I am currently a member of the Natural Resources Defense Council (NRDC). I have been a member since 2009.

2. I live in Brackney, Susquehanna County, Pennsylvania, and have resided there since 2004 with my wife, Marilyn. We live on a lake in a beautiful forested area where I walk daily with my dog, Dodger. We are bounded by a land conservancy parcel and both forested and open land. The air and water around our property is fresh and clean and there are many birds and animals, including the occasional bear. I consider myself very lucky to live in such a quiet and beautiful area while having relatively close access to a small metro area in Binghamton, New York. Even though my area is relatively undeveloped now, it does have natural gas resources and some active oil and gas operations; based on activity nearby and attempts to develop my area in recent years, I am concerned about oil and gas development intensifying here in the future.

3. Having experienced the recent (2005-2010) explosive local natural gas development in Susquehanna County a half hour away in Dimock, Pennsylvania and reaching to my home in Brackney, I support NRDC's work to protect our health and the environment from the oil and gas industry's air pollution, both the impact on our climate and directly on our health.

4. I was directly involved with water pollution issues from oil and gas operations in Dimock as a Board member of the E.L. Rose Conservancy, which is a landowner in Dimock, from approximately 2006-2010. In 2004 or 2005, a person signed a gas lease with Cabot Oil & Gas and then donated the property in Dimock and lease to the Conservancy to preserve and take care of. This property was in the middle of an area where Cabot had a number of well casing

problems, which I and many others believed contaminated many wells. I attended many meetings of property owners during this time as they fought with Cabot and the state to fix the problems.

5. Because of this experience and the weak enforcement of very limited oil and gas regulations instituted by Pennsylvania's Governor Corbett, and severe reduction in state enforcement personnel, I and my neighbors in Brackney got directly involved in attempting to protect our properties (meaning our local air and water resources) several years ago. We contacted the companies that were leasing in the area, and attempted to negotiate leases that would prohibit well development within our watershed, thus minimizing impact to both water and air pollution. We were partially successful, in that there were, to my knowledge, only 1 or possible 2 leases signed that might impact our area. While our actions reduced the potential for pollution from development of the area, I am concerned about negative impacts that any oil and gas activity on the signed leases (and on any other nearby, unprotected areas) might have on my air and water quality.

6. I live within a mile of several active gas wells operated by WPX Energy. I have seen flaring at these wells, so am familiar with the impacts of wells on air quality. The active wells also present a pollution problem for my and my neighbor's water, as current horizontal drilling technology allows them to drill to within reach of our water supply. I am also aware of several other well pads within a several mile radius that appear to be waiting for better market conditions to begin active drilling. We (my neighbors and myself) are fortunate in that no compressor stations have been located within our local airspace in Brackney to date. Having toured a compressor station and learned of the volumes of air pollutants that they are allowed to expel, unrestrained by health or environmental concerns, I was appalled at the gaps in

environmental controls that the oil and gas industry has been allowed to operate within. I am concerned that with additional drilling in the future in our area, we could face a new compressor station and its air pollution as well.

7. While I do not have a detailed understanding of which air pollutants come from oil and gas operations, I am aware that oil and gas activities emit pollutants that have local and regional impacts on air quality, with negative impacts to lung and heart health among other health concerns, as well as methane which is a powerful greenhouse gas.

8. I am concerned about the impacts of these air pollutants on my wife, who has asthma; any deterioration in air quality from oil and gas activities would have an immediate negative impact on her ability to breathe. At the present time, she can walk with me on a daily basis, including some of the large hills that she had trouble climbing in the past. As for me, having had Melanoma in 1985, and having both my mother and father pass away due to cancer, I try to maintain my health with exercise and healthy eating, and have elected to live in a rural area due to the benefits of breathing clean air daily and drinking from a well that is routinely tested to verify purity. I am concerned that any increase in air pollutants from new oil and gas operations in my area would counteract my and my wife's efforts at leading a healthy lifestyle.

9. In my opinion, the climate has started warming and the local impacts are but a fraction of what is occurring in the colder climates near the poles. The accelerated warming is melting the permafrost and that in turn, releasing more long trapped methane, further accelerating warming! Due to my overall dedication to conservation and maintaining natural areas (as with my service on the E.L. Rose Conservancy board), I have grave concerns about the contribution to climate change from the oil and gas industry's methane pollution.

10. It is my understanding that the U.S. Environmental Protection Agency has adopted national standards to control methane and volatile organic compounds from new sources in the oil and gas sector. I support these standards, as they will reduce pollutants that cause smog and cancer along with releases of methane from the oil and gas industry. I believe these standards should be upheld and implemented immediately, and preferably made more comprehensive. I would like to see the oil and gas industry required to meet all existing applicable laws regarding ANY pollutants that they emit, treating them as one would any industrial operation.

11. I understand that NRDC is seeking to join a lawsuit to help EPA defend these standards. I support this lawsuit, because if EPA's regulations survive these legal challenges, air pollution from the oil and gas industry in my state and my home county will be reduced, and I would feel better about my health and that of my wife, as well as the environment in Brackney and throughout Pennsylvania and the rest of the country.

12. I fully support NRDC in this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Robert Alspaugh
Robert Alspaugh

8/13/2016
Date

DECLARATION OF RICHARD BOEVINGLOH

I, Richard Boevingloh, do hereby affirm and state:

1. I am currently a member of the Natural Resources Defense Council (NRDC). I have been a member since 2004.

2. I live in Centennial, Colorado. I moved to Centennial in 1973 from St. Louis because I did not like the weather in that city, where it's intensely uncomfortable much of the year. In general I've been very happy with the change, though I have learned since moving that my area is prone to ozone problems because of its elevation and inversions.

3. I support NRDC's work to protect public health and the environment from the hazards associated with air pollution from oil and gas exploration, development, and production, both in terms of impact on our climate and direct threats to our health.

4. I live a few miles away from oil and gas operations, including numerous drilling wells and fracking pads, and numerous methane burnoff flares, all along the I-25 corridor in the Front Range of the Rocky Mountains. I have friends and family living up and down this front range and visit them regularly, taking me around and between these oil and gas operations. Over the years, I've noticed significant increases in oil and gas activities and am concerned about the increasing impact on air quality where I live, work, and recreate.

5. I understand that oil and gas operations create massive amounts of air pollution, including methane that contributes to climate change and other smog-forming and cancer-causing pollutants.

6. Specifically, I understand that oil and gas well operators leak, vent and flare significant amounts of methane and other air pollutants from a range of different equipment and activities. I am aware that methane is a potent greenhouse gas which has a great impact on our

climate in a relatively short amount of time, and that volatile organic compounds, or VOCs, from oil and gas operations cause ozone-smog, which negatively impacts the heart and lungs. I'm also aware that oil and gas operations emit other pollutants that are linked to cancer.

7. I am particularly concerned about increases in ozone-smog due to oil and gas operations. I have chronic asthma and so am very concerned about continued ozone alerts where I live – 3 in the last week alone. In addition, I suffered a heart attack in 2012, and worry that ozone due to oil and gas pollution puts me at greater risk for cardiac problems.

8. In addition, I am very worried about the impacts to our climate from the oil and gas industry's methane pollution, including rising temperatures and resulting droughts in the summer and limited snow fall in the winter, particularly where I live and spend outdoor time in Colorado.

9. Where I live it is exceedingly dry, making me very concerned about wildfires. I also cannot turn off my air conditioning during the summer due to the excessive heat. I do not recall constantly needing air conditioning when I first moved to Colorado, and now one can't be without it. Due to the oppressive heat in the summertime, I do not spend much time outdoors doing activities that I enjoy like hiking.

10. I also love winter sports and find that lack of snow is a worsening problem, limiting my ability to ski or snow shoe or simply enjoy the beauty of the Rocky Mountains in the winter. As a Returned Peace Corps Volunteer, I have annually joined our local group for several days of cross-country skiing each year at Snow Mountain Ranch (a YMCA center located in the mountains near Fraser, Colorado). The last 2 out of 3 years, there was either barely enough snow on the courses to ski, or simply not enough snow to ski at all, which is very unusual for this part of the Rocky Mountains in the winter.

11. The forests in which I love to hike and ski are also being devastated by the pine beetle, whose population in Colorado has exploded due to increasing temperatures.

12. I understand that the U.S. Environmental Protection Agency recently adopted national standards to control methane and VOCs from new sources in the oil and gas sector, and that these standards will reduce the harmful smog-forming and cancer-causing pollutants that accompany releases of methane from oil and gas operations.

13. While the state of Colorado has significant regulations for methane, I believe that the EPA regulations are needed to ensure that oil and gas sources in other states limit their climate-warming and smog-forming pollution that impacts my health and well-being in Colorado. I also support the EPA standards because they provide protections if the state falls short in enforcing its methane regulations, or weakens its state regulations in some other way.

14. I understand that NRDC is seeking to join a lawsuit to help EPA defend these methane and VOC standards. I strongly support any and all efforts that effectively curb pollution and other environmental damage from the oil and gas industry in Colorado and anywhere in the U.S. The oil and gas industry is simply not motivated by serving the essential health and well-being of the citizens that live in this country. The industry's continued "success" only leaves the air we breathe and climate we rely on in a hugely accelerated dire condition. The strength of the EPA is of the utmost importance at this critical time in the U.S. I would hate to think of the condition of our country's air quality and environmental conditions without the clear and continued strength of the EPA. I urge the EPA to continue fulfilling its regulatory duties for the oil and gas industry, and to continue to update and take strong action through regulations that will have huge positive impacts on the life and health of every American citizen.

15. If EPA's methane and VOC regulations survive these legal challenges, I would feel better about my personal health prospects and the health of the environment in Centennial, throughout Colorado, and beyond.

16. I fully support NRDC in this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Richard Boeingloh
Richard Boeingloh

August 11, 2016
Date

DECLARATION OF LOIS BOWER-BJORNSON

I, Lois Bower-Bjornson, declare as follows:

1. My name is Lois Bower-Bjornson, and I am of legal age and competent to give this declaration. All information herein is based on my own personal knowledge unless otherwise indicated.
2. I am currently self-employed, managing a performing arts studio and a cleaning business.
3. I live in Scenery Hill, Washington County, Pennsylvania. I have lived at the same address in Scenery Hill for the last twelve years.
4. I am a dues-paying member of the Sierra Club. I joined the Sierra Club in February 2016 because I support the organization's goals on environmental justice issues and its efforts working towards a cleaner environment and community.
5. I am a long-time advocate for creating awareness for policies that contribute to a healthier environment and better overall public health. In the twelve years I have lived at my current residence, the last ten have coincided with a major expansion of natural gas development in Pennsylvania. Currently, within a ten-mile radius of my home, there are several natural gas wells, transmission lines, polluted water sources, and substantial infrastructure to support the fracking of shale gas. New oil and gas development is continuing to occur in our county, and new equipment regularly comes online.

6. My residence sits on thirteen acres of rural land, and my four young children are active outside. Upon the aggressive expansion of shale gas fracking within our community in the last decade, my children have begun to have nose bleeds and full-body rashes. My husband and I moved to this property because we wanted to give our very active, young children more space to play outdoors and engage with nature. But with frequent Action Ozone Days throughout the winter and summer, we are hesitant to send them outdoors. Because of the high pollution levels, I monitor their activity on Ozone Days so that they are not excessively exposed to such pollution.

7. I understand that in the oil and natural gas sector, numerous harmful air pollutants, including methane, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs), are emitted in large quantities from multiple sources, such as well heads, compressor stations, pneumatic controllers, and leaking equipment parts.

8. I understand that methane is a powerful greenhouse gas that drives climate change when released into the atmosphere. I am deeply worried about the impacts of climate change, which I know will continue to get worse if we don't reduce greenhouse gas emissions. I understand that climate change will influence extreme weather events such as increased precipitation, flooding, and droughts, extreme

heat waves, crop failures, an increase in pathogens and pests, and many other problems.

9. My community and property are naturally predisposed to extreme cold weather events. I am worried that anthropogenic climate change will continue to influence extreme and unusual weather events, such as ninety mile per hour gusts of wind and blizzards. Throughout the 12 years that I have resided in Southwestern Pennsylvania, our weather has shifted to more extreme events. There has been an uptick in harsh winters, akin to those found in such places as Chicago. Our winters now vary from extreme cold, including cold waves, with harsh winds and more precipitation than what was previously considered normal, to very mild winters with little precipitation. I am also concerned that my children and grandchildren will be unable to enjoy the outdoors and enjoy a lower quality of life from events and phenomena stemming from climate change.

10. I understand that both methane and VOCs, which are also emitted from oil and gas equipment, lead to the formation of ozone, the primary component of smog. I understand that ozone is harmful to the human respiratory system and can lead to shortness of breath, asthma attacks, cardiovascular disease, stroke and premature death. I am concerned about the impact from this pollutant on my health and others around me, which also reduces my quality of life. I am worried about

the ozone levels of Washington County, where I reside, which are above EPA's legal limit.

11. I understand that VOC emissions also lead to the formation of fine particulate matter, also known as soot, which is associated with many of the same lung and heart related health problems as ozone. I am aware that fine particulate matter in Washington County's ambient air also exceeds the EPA's legal limit.


12. I worry about the health impacts that ozone and fine particulate matter will have on me, my family, and our community. I understand that children are particularly susceptible to the negative health impacts from these pollutants, and as a parent of four, this concerns me greatly. In addition to Washington County, I am aware that many parts of Pennsylvania have harmful and unlawfully high levels of ozone and fine particulate matter in the atmosphere, and I am worried that the ongoing oil and gas development in my area and in Pennsylvania more generally will make it more and more difficult to reduce the amount of pollution in our air to safe and legal levels.

13. I also am aware that oil and gas development results in significant quantities of HAP emissions, including air toxins such as formaldehyde and benzene. I know that these toxins can lead to cancer or other serious health problems, which is yet another reason that I am worried about oil and gas extraction in and around our community, county, and state.

14. I understand that the United States Environmental Protection Agency (EPA) recently finalized methane emission standards for new, modified, and reconstructed sources in the oil and gas industry. These regulations will minimize leaks and vents in new oil and natural gas infrastructure, significantly reducing the methane, VOC, and HAP emissions that would otherwise occur. Therefore, these standards will be a major benefit to me and my family, since they will help reduce not only climate-disrupting greenhouse gases, but also the kinds of conventional air pollutants that exist in excessive quantities where we live.

15. It is my understanding that the state of North Dakota recently filed a legal challenge to the EPA's final methane standards for new oil and gas sources in an attempt to overturn, weaken, or delay them. If North Dakota or any other litigants succeed in their legal challenges and these emission standards are abolished, weakened, or delayed in any way, my family and I will be harmed, as we will be exposed to greater emissions of methane, VOC, and HAP from oil and gas development. If this happens, it will both exacerbate climate change and negatively impact my health and the health of my family and community. I therefore strongly support the Sierra Club in its efforts to intervene in this lawsuit and any similar ones that may be filed to help defend the rule against any and all legal attacks.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the forgoing is true and correct. Executed in Scenery Hill, Pennsylvania on July __, 2016.

 7/31/2016
Lois Bower-Bjornson

DECLARATION OF HUDA FASHHO

I, Huda Fashho, declare as follows:

1. I am the Manager of Member Services at the Sierra Club. I have worked for the Sierra Club for 5 years and have been the Manager of Member Services for 5 years.
2. In my role, I manage all aspects of the Sierra Club's customer service functions related to members, including maintaining an accurate list of members and managing the organization's member database.
3. The Sierra Club is a non-profit membership organization incorporated under the laws of the State of California, with its principal place of business in Oakland, CA.
4. The Sierra Club was founded in 1892, and is the nation's oldest grassroots environmental organization.
5. The Sierra Club's mission is to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's resources and ecosystems; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.
5. Sierra Club's Dirty Fuels Program, which is part of the Club's Our Wild America Campaign, is a coordinated effort to use grassroots organizing, legal


advocacy, and political strategies to reduce and prevent the extraction of oil and natural gas from our country's wild places and to protect our physical, geological, and biological heritage—as well as our communities—from these harmful fossil fuels.

6. The Sierra Club's mission includes protecting and restoring the quality of wild places, such as national parks, forests and wilderness areas, enjoyed by our members for their scenic views, wildlife and recreational value. Our organization has undertaken numerous efforts to combat pollution stemming from natural gas and oil production across the United States. For example, the Sierra Club has actively participated in federal methane pollution rulemaking processes, and provided extensive comments on the United States Environmental Protection Agency's methane pollution rule at issue in this litigation. Our members are also very concerned by the adverse impacts to human health and the environment from harmful air pollution, including pollution from natural gas extraction and production.

7. When an individual becomes a member of the Sierra Club, his or her current residential address is recorded in the Sierra Club's membership database. This database is regularly updated each business day to add new members, reflect address changes, and change membership status for those who are no longer active members.

8. The Sierra Club currently has 638,255 members in the United States. Sierra Club also has members located in states that have significant oil and gas production activities. For example, the Sierra Club currently has 24,873 members in Pennsylvania, 1,805 members in Ohio, 23,002 members in Texas, 17,115 members in Colorado, 146,755 members in California, 3,259 members in Oklahoma, 3,259 members in North Dakota, and 951 members in Wyoming. These members have a strong interest in protecting human health and the environment from air pollution from oil and natural gas sites, which are at stake in this EPA litigation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 22, 2016.


Huda Fashho

Declaration of Veronica Fike

I, Veronica Fike, declare as follows:

1. My name is Veronica Fike, and I am of legal age and competent to give this declaration. All information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a dues-paying member of the Sierra Club, and serve as the Pennsylvania Chapter Chair. I also serve on the Allegheny Group Executive Committee. I have been a Sierra Club member for three years, and have been involved with the club for six years. I joined the Sierra Club after volunteering for several years, at which point I felt comfortable financially to do so. I value the club for its powerful national grassroots network.

3. I am the deputy director of the Center for Coalfield Justice, an environmental justice organization that focuses on fossil fuel extraction in Southwestern Pennsylvania. I have been on the Center's staff for four years, and was previously on its board of directors. In this capacity, I work with members in my community who are impacted by both mining and fracking.

4. I live in Carmichaels, Pennsylvania, and have lived at the same address there for four years. I currently live with my husband, and we are expecting our first child in August.

5. Carmichaels is in Greene County, which is one of the biggest counties for natural gas development in Pennsylvania. New wells and equipment continue to be constructed here, and older wells continue to be re-fractured. My husband and I live very close to natural gas infrastructure. There is a vertically drilled shale gas well around 350-400 feet away from our house that frequently releases gas, so we cannot be out in the yard in the evenings when the gas has settled. Not being able to use our yard is inconvenient from a homeowner's standpoint, and also alarming from a health perspective. There is another gas well roughly 1000 feet away from the front of our house. We are always on guard about emissions and are worried about how these and other nearby wells will affect our newborn, because as a small infant, she will be at a much higher risk level for the health problems associated with smog from volatile organic compounds (VOCs).

6. I enjoy monthly hikes and walks on trails near my house, and a few times a year, my husband and I try to get out on nearby rivers and streams in a canoe. I live in close proximity to a shale gas drilling operation, which affects the quality of these outings. In addition, every few years, I hike in the Allegheny National Forest, where I can sometimes smell the natural gas odorizers in the air. These odors reduce my enjoyment of our hikes.

7. I understand that in the oil and gas sector, methane, VOCs, and hazardous air pollutants (HAPs) are emitted in large quantities from multiple sources such as well heads, pneumatic pumps and controllers, compressors, and equipment leaks.

I am also aware that methane is a highly potent greenhouse gas, and that methane emissions are a leading contributor to climate change. I am very concerned about climate change, and the impacts of methane emissions on accelerating climate change. I understand that climate change can lead to extreme weather events, drastic changes in precipitation, intense heat waves, and other dangerous phenomena, thus jeopardizing public health and welfare.

8. My husband and I fall into the lower income bracket—as do many of the people in our community—and I am worried about how we personally, as well as our community at large, will be able to deal with climate change impacts in the near and distant future. Air conditioning is a significant expense already, and more frequent and severe heat waves will only make this bill increase. Our recreational habits are also negatively affected when it is hot, as we have been much less prone to go outside during the summer in recent years when temperatures have been exceedingly warm. We have already noticed changes in the Pennsylvania climate, and are worried that these changes may increase in the future.

9. I also understand that oil and gas activities contribute to increased levels of ozone, which is the primary component of smog, through emissions of both VOCs

(which is an ozone precursor) and methane (which accelerates ozone formation in the atmosphere). I realize that ground-level ozone is harmful to human respiratory health and can lead to shortness of breath, asthma attacks, missed school and work days, hospital visits, cardiovascular disease, stroke, and premature death. On a personal level, I am pregnant and about to have a baby, and am concerned about these impacts on my child's health. I understand that children are among the groups that are particularly susceptible to the impacts of smog.

10. I am aware that the U.S. Environmental Protection Agency (EPA) has finalized a rule which will significantly limit methane, VOC, and HAP emissions from the oil and gas sector. The rule being applied to new oil and gas equipment and reducing VOCs will significantly ease my concerns about health impacts for my baby and will benefit my community. I further support this rule because reducing methane emissions will mitigate concentrations in the atmosphere and help with climate change.


11. It is my understanding that the state of North Dakota has filed a legal challenge to EPA's final methane rule in an attempt to weaken it or have it overturned in the court. Furthermore, I am aware that Sierra Club plans to intervene in this lawsuit in support of EPA in order to protect these safeguards from North Dakota's legal challenge, as well as in any similar lawsuits that might be filed.

12. If North Dakota or any other litigants succeed in their legal challenges and the methane rule is overturned, weakened, or delayed in any way, my family and I will be harmed, as we will be exposed to more methane, HAPs, and VOCs than we otherwise would have, since many new pieces of oil and gas equipment in Pennsylvania and elsewhere will operate without having to comply with pollution standards. This will negatively impact my health and the health of my family, and exacerbate climate change.

I would also incur additional financial burdens due to increased healthcare costs. It is hard to predict the cost of getting sick, but we constantly worry about what it could be. Healthcare prevention for respiratory illness will cost a significant amount of money. Because the air around my home is impacted by pollution that is partially due to the natural gas industry, I will already need to purchase a \$500 air purifier unit for the room my newborn baby will live in. Where we live, a minor breathing problem like a cough is much more alarming. As a result, we do not hesitate to pay for trips to the doctor's office for a check-up when we almost certainly otherwise would have.

I strongly support EPA's decision to limit methane and VOC pollution by imposing strict standards, and support Sierra Club in their decision to intervene in this lawsuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Carmichaels, Pennsylvania on July 26, 2016.


Veronica Fike

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DECLARATION OF HUGH FITZSIMONS
Submitted In Support of Environmental Defense Fund

I, Hugh Fitzsimons, declare as follows:

1. I am currently a member of Environmental Defense Fund (EDF). I am a rancher and landowner near San Antonio, Texas. I own and operate a bison ranch and a honey bee farm on the 13,000 acres of land in Dimmit County that my family has owned and lived on for generations.

2. My property is located in the Eagle Ford Shale, one of the most active areas in the country for oil and gas production. I have leased some of my property for energy development, including for an oil and gas gathering and distribution facility with oil tanks, water tanks, compressors, transfer points, separators, heater treaters, and flares. Just outside my property, oil and gas production is ongoing, with producing wells and active rigs in the region drilling new wells every year. Indeed, the Texas Railroad Commission reports over 15,000 active oil and gas wells in the Eagle Ford, including numerous oil and gas wells located in Dimmit County. Between January and June of 2016, Commission data likewise show nearly 100 newly-approved wells in Dimmit County alone, half of which have not yet been drilled.

3. I am aware that oil and natural gas facilities emit significant amounts of harmful air pollution, both through intentional processes and via leaking equipment. I understand that these pollutants include methane, VOCs, air toxics such as benzene, and other harmful air pollutants. I understand that methane is a highly potent greenhouse gas, capable of warming the climate at a rate 84 times that of carbon dioxide over a 20-year period. I also understand that VOCs contribute to the formation of ground-level ozone, or smog, which is hazardous to human health and can cause premature death. I am aware that the best practices that reduce methane and VOCs also help mitigate other harmful air pollutants.

4. I have personal experience with the negative health impacts of air pollutants contained in oil and gas sector emissions. My daughter, Evelyn, has experienced difficulty breathing on days when wind speeds are low and ground-level ozone levels are high.

5. Two years ago, my ranch manager was riding his four-wheeler past one of the natural gas wells on my property and unknowingly passed through a thick plume of invisible, but harmful emissions that left him blind for over an hour, his eyes burning for more than three days. Likewise, my foreman and his family live on the ranch and have experienced negative health effects while working near production facilities, including headaches, allergy symptoms, and nosebleeds.

6. My ranch is likewise at risk from the impacts of climate change caused by greenhouse gases such as methane. In 2011, Texas experienced the worst drought

since modern recordkeeping began. The state averaged less than three inches of rain from June to August, and Dimmit County experienced over 100 days of temperatures above 100 degrees over the span of 6 months. I lost twenty percent of my bison herd that summer, many of which died from issues related to these severe drought conditions. Climate change is increasing the risk of severe drought events like the one Texas experienced in 2011 and associated financial harms to my business.

7. The components of the emissions from one production facility on my ranch have been studied by Dr. Susan Stuver and the Texas A&M Institute of Renewable Natural Resources. Data collected monthly from March to November of 2015 detected 73 chemicals, including nitrous oxide, benzene, methane, and VOCs, including acetone, toluene, and ethanol.

8. As a land and mineral owner, and fourth generation Texan, I am a beneficiary as well as a recipient of the negative consequences of hydrocarbons: I receive royalties from the resources extracted from my land, which are diminished when natural gas is wasted through these emissions. I understand the significant economic benefit that oil and gas development has brought to the region, but I also experience the harmful effects of these emissions, and I know that we can do a much better job of mitigating these harms.

9. Because there are oil and gas operations on my property, I closely follow regulatory developments concerning the Clean Air Act and federal oil and gas regulations, including through communications that I receive from EDF.

10. I am aware that EPA finalized emission standards for methane and VOCs from new and modified facilities in the oil and natural gas sector in June 2016. These standards will help ensure reductions in emissions from oil and gas wells, compressor stations, gathering and boosting stations, and natural gas processing plants with crucial equipment and performance requirements such as periodic monitoring for equipment leaks, and gas capture from compressors in the gathering and boosting, processing, and transmission and storage segments.

11. I anticipate these standards will reduce harmful air pollution near my home and in the region where my family, my employees, and I live, work, and recreate: over 1,500 wells were completed in the Eagle Ford last year, and active rigs in the region have the potential to drill hundreds of new wells every year. Protective emission standards for new and modified oil and gas facilities will help reduce harmful pollution throughout the Eagle Ford, and the surrounding region impacted by this dangerous air pollution.

12. I also anticipate that the best practices contained in these standards will encourage adoption of safer and more environmentally protective measures in oil and gas development, with additional benefits in reducing methane, VOCs, air toxics and other airborne contaminants.

13. I am familiar with Texas' regulatory programs for the oil and gas sector. I am aware that the state does not currently regulate emissions of methane from the

sector, and does not regulate volatile organic compounds (VOCs) from the sector outside of some limited measures for counties in ozone nonattainment areas.

14. If the recent revisions to EPA's emission standards for the oil and gas sector are weakened or overturned, I am concerned that new and modified oil and natural gas sources will not be required to deploy protective clean air measures, allowing equipment and processes in the sector to emit higher levels of harmful pollution. The resulting increase of emissions threatens my health and well-being and that of my family, and my employees.

15. I am likewise concerned that increased air pollution resulting from a weakened or overturned rule will lower the value of my property and my business. The philosophy that guides my ranch and our animal husbandry practices is a respect and appreciation for the earth and the natural environment that bison inhabited before human incursion. We do our best to replicate that environment, reducing stress on the herd. My customers—which include high-end restaurants throughout the country—choose bison from my ranch because of these values. In addition to real health consequences, diminished air quality directly impacts our brand and reputation.

16. My pecuniary interests could also be harmed if the rule is weakened or overturned as the rule's climate and air quality benefits are derived from an increase in the capture and containment of a salable resource—natural gas. When natural gas is wasted through leaks, venting, and flaring, production companies do not have to

make royalty payments to mineral owners like myself. If any facility on my property is recompleted or otherwise modified, the rule's gas capture requirements will protect my interest in these royalties.

I declare under penalty of perjury that the foregoing is true and correct.



Hugh Fitzsimons

Dated August 15, 2016

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DECLARATION OF DENISE FORT
Submitted In Support of Environmental Defense Fund

I, Denise Fort, declare as follows:

1. I am currently a member of Environmental Defense Fund (EDF), and I have been a member for many years, beginning with a position as an intern while still in law school. I reside in Santa Fe County, New Mexico. I have resided in New Mexico for more than 25 years and am a tenured faculty member at the University of New Mexico School of Law, with the title of Research Professor and Emeritus Professor of Law. My area of expertise is environmental and natural resources law.

2. As a law school professor specializing in environmental and natural resources law, I closely follow regulatory developments concerning the Clean Air Act and oil and gas development, including through communications that I receive as an EDF member. I have taught classes on environmental law, climate change, and natural resources law. I am also familiar with New Mexico's regulatory programs for the oil and gas sector and am aware that the state does not currently regulate methane emissions from the sector.

3. I understand that oil and natural gas facilities, including production wells, compressors, pneumatic pumps and controllers, and fugitive emissions from leaking equipment, emit significant amounts of air pollution, including volatile

organic compounds (VOCs), which form ground-level ozone or “smog”; hazardous air pollutants like benzene, a known human carcinogen; and methane, a potent greenhouse gas.

4. I am aware that pollution from oil and natural gas sources is associated with serious public health and environmental impacts. I understand from published reports that ozone air pollution is harmful even to healthy adults and that it can seriously impair breathing. I am also aware that the Intergovernmental Panel on Climate Change (IPCC) reports that methane—a short-lived climate pollutant—heats the atmosphere at a rate of 87 times that of CO₂ over a 20-year time frame, contributing significantly to global warming.

5. Because of my work as an environmental law professor, I am familiar with and deeply concerned about the impacts of climate change due to greenhouse gas emissions. I am aware of the latest scientific evidence, which concludes that warming of the climate is unequivocal, that it is extremely likely that human influences have been the dominant cause of this warming since the mid-20th century, and that continued emissions of greenhouse gases will cause further warming.

6. This evidence demonstrates that climate change is posing a significant threat to the wellbeing of humans, wildlife, and the natural environment. For instance, I am aware of scientific evidence suggesting that certain types of extreme weather events—including heat waves, heavy downpours, and, in some areas, floods and droughts—have become more frequent and / or intense. Studies also confirm that

warming is causing sea levels to rise, oceans to become more acidic, and snowpack to decline.

7. The evidence also shows that these and other changes threaten human health. For example, more intense heatwaves lead to more heat-related disease and deaths. An increased risk of drought can contribute to water supply shortages and exacerbate wildfires, which can cause personal injury, damage infrastructure, and contribute to worsening air pollution problems. Extreme precipitation events can lead to flooding that can cause injuries and increase the risk of contracting waterborne diseases. And rising sea levels can threaten public safety through an increased risk of coastal flooding and storm surge. These are just some of the numerous public health and safety harms associated with climate change.

8. I see many of these impacts are occurring in New Mexico, where my family and I live. For instance, New Mexicans are experiencing elevated temperatures, reduced snowfall in the mountains, and an increase in both the occurrence and severity of extreme weather events like droughts and heat waves. Projected summertime temperatures for the southwest region due to climate change are higher than the rest of country, making New Mexicans like myself particularly vulnerable to heat-related diseases and deaths.

9. Personally, I have in the past and intend to continue enjoying the outdoors on my own property. I am aware that climate change has caused an increased risk of forest fires—New Mexico has already experienced an increase in the

frequency and severity of wildfires in recent years. My home in Santa Fe is in a pinon-juniper forest, which is affected by a bark beetle that spreads during conditions that are more prevalent in warmer climates. The bark beetle kills pinons. The resulting dead trees make ready fuel for increasingly intense and frequent wildfires. I have removed lower branches from trees in my yard and removed dead vegetation close to the house. The potential destruction of the landscape around my home and possibly my home itself from forest fires has an obvious negative effect on my life and property values.

10. I enjoy hiking, skiing, engaging in river sports, and bird watching in many areas across New Mexico. I have visited the Bisti Badlands and traveled around the Four Corners area of New Mexico. Often accompanied by my daughter and friends, I hike at all elevations in the nearby Santa Fe and Carson National Forests, as well as in natural areas surrounding Albuquerque, in Bernalillo County. We kayak on the Rio Grande and the Chama rivers. We engage in birdwatching during these outings, and regularly do so in our own backyard. On these excursions, I derive great pleasure from viewing trees, other natural vegetation, and wildlife.

11. A warming climate, in which there is less snow, will reduce our recreational opportunities. Reduced snowfall caused by global warming will limit our ability to ski in the winter, and changes in snowpack are projected to reduce the runoff during the summer, which will lower water levels, limiting my ability to recreate in the river.

12. In 2015, I am aware that there were more than 57,000 active oil and gas wells in the state of New Mexico, a number that has been increasing since the early 1990s. Many of the areas that I visit and enjoy in New Mexico are near current or planned natural gas development. For instance, there is significant oil and natural gas development in the San Juan Basin, located in northwestern New Mexico. This basin extends into or near the Cibola National Forest. Studies have shown that there is substantial pollution associated with this development. The Western Regional Air Partnership compiled an inventory of emissions from oil and gas sources in the San Juan Basin, finding that, in 2006, these sources emitted approximately 60,000 tons of VOCs per year and more than 40,000 tons of NO_x. These ozone precursors are known to affect air quality not only in the immediate vicinity of the sources, but also in downwind areas miles away.

13. I am also aware that a recent study conducted by NASA and the University of Michigan identified a methane “hot spot” over the Four Corners area, including San Juan County, as the largest concentration of methane seen over the United States, with leaks from natural gas production and processing equipment in the San Juan Basin releasing over half a million metric tons of methane into the atmosphere annually.

14. I am aware that, in June 2016, EPA finalized New Source Performance Standards for emissions of greenhouse gases in the form of methane, and VOCs from the oil and natural gas sector. These amendments would help ensure emission

reductions from oil and gas wells and other emissions sources, such as compressor stations, gathering and boosting stations, and natural gas processing plants.

Importantly, these standards will require periodic monitoring for equipment leaks, the most significant source of methane emissions from the oil and gas sector. I anticipate these standards will reduce harmful air pollution around the areas where I live and recreate, and will help mitigate the effects of climate change.

15. I am concerned that if the recent revisions are weakened or overturned, certain high-emitting oil and natural gas sources will not be required to deploy protective clean air measures, allowing equipment and processes in sector to emit higher levels of harmful pollution. Increased emissions of harmful pollutants that would result from a successful challenge to these standards represent an imminent and concrete injury to my health and well-being and that of my family, as well as to the survival, health, and natural beauty of the ecosystems where I live and recreate.

I declare under penalty of perjury that the foregoing is true and correct.



Denise Fort

Dated July 21, 2016

DECLARATION OF MARY GREENE

I, Mary E. Greene, declare and state as follows:

1. I am the Deputy Director of the Environmental Integrity Project (“EIP”). I began working at EIP as Senior Managing Attorney on May 6, 2013, and have served in my current position as Deputy Director for the last 18 months.

2. EIP is a nonprofit organization based in Washington, D.C. and Austin, Texas, dedicated to ensuring the effective enforcement of state and federal environmental laws to protect public health and the environment. EIP’s offices are located at 1000 Vermont Avenue, NW, Suite 1100, Washington D.C., 20005, and 707 Rio Grande, Suite 200, Austin, Texas 78701. EIP also has a senior attorney based in Philadelphia, Pennsylvania, and a community outreach coordinator based outside of Pittsburgh, Pennsylvania.

3. EIP was specifically founded to advocate for the effective enforcement of environmental laws pertaining to large sources of air pollution (including power plants, refineries, and oil and gas facilities) due to their significant impacts on public health and the environment and the political pressures that can come into play in regulating and enforcing compliance for these facilities. EIP’s mission includes ensuring equal access to clean air and water, regardless of one’s income or racial background.

4. EIP has a genuine interest in ensuring that the improvements to be implemented by EPA's 2016 New Source Performance Standards for the Oil and Natural Gas Sector are realized and not weakened or overturned by the legal challenges filed by state and industry petitioners.

5. EIP submitted technical comments on the proposed regulations in 2015 individually and as part of a larger coalition. EIP has expended significant resources in reviewing EPA's proposal and submitting recommendations to EPA to strengthen the rule.

6. Since submitting our comments, EIP has tracked the progress of the rule closely and publically advocated for the agency to strengthen and not weaken the rule, as commenters such as North Dakota and industry groups have requested.

7. EIP has been tracking EPA's progress toward developing New Sources Performance Standards for the oil and gas sector prior to 2012. EIP submitted comments on EPA's New Source Performance Standards originally proposed in 2011 and again on the revised standards proposed in 2013. EIP has expended significant staff time and resources to advocate that EPA issue the strongest rules possible.

8. EIP supports important progress made by EPA's New Source Performance Standards for the Oil and Natural Gas Sector. The new regulations are necessary to keep President Obama's commitment to reduce methane

emissions from this sector by 40-45 percent by 2025. The rule will also reduce volatile organic compound emissions by 210,000 tons per year and toxic air pollution by 3,900 tons per year in 2025. These reductions will help reduce the magnitude of climate change our planet will be confronted with in the years to come and reduce exposure to harmful chemicals that are carcinogenic and known to trigger asthma.

9. The rule will also require oil and gas operators to more accurately report emissions from a several different industrial sources of methane and volatile organic compounds, including tanks, flares, and well head venting. These industrial sources are poorly understood and actual emissions are likely significantly underestimated.

10. EIP's interest in this rulemaking comes not only from its mission to protect public health and the environment from the negative effects of air pollution but also from its mission to make information and data on pollution and industry compliance freely available to the public. The improved data reporting required by the rule will allow EIP to more accurately research and report on the pollution impacts of this industrial source, the effectiveness of the rule's controls, and the industry's compliance with these controls. EIP's reporting would provide this information to the public in a transparent and easily accessible manner.

11. The state and industry petitioners' lawsuits threaten many of these requirements and, if successful, would roll back EPA's improvements. The petitioners have already publicly stated that EPA's rules exceed its statutory authority and that the requirements to reduce methane releases from leaking equipment are too onerous and should be relaxed.

12. EIP issues reports to document how air pollution caused by the oil and gas industry is a significant source of global warming gases and threatens human health and the environment. For example, in February 2016, EIP published a report cautioning that the oil and gas industry is expanding at break-neck pace and that new and pending Clean Air Act construction permits will authorize the release 47 million tons of greenhouse gases per year. This would constitute a 34% surge in emissions from this sector. Accordingly, EPA's New Source Performance Standards are necessary to curb some of the negative impacts from this growing industry.

13. EIP also serves and represents people and nonprofit groups, on a pro bono basis, whose health, recreational, aesthetic and other environmental interests are harmed by oil and gas facilities. EIP has an ongoing alliance with local groups to further strengthen air pollution requirements for these sources and improve monitoring and enforcement of existing requirements. Weakening EPA's

2016 New Source Performance Standards for the Oil and Gas sector will hamper our ability to advocate on behalf of individuals and nonprofits.

14. Among other things, EIP provides information, technical assistance, and advocates on behalf of these individuals and groups by reviewing permits required under the Clean Air Act, providing comments to strengthen pollution protections as necessary to protect public health and the environment, challenging permits when they fail to do so, and by bringing enforcement actions when sources violate conditions of state-issued permits or federal law, to protect public health in exposed communities.

15. As counsel and/or a party, EIP has challenged permits issued to oil and gas facilities in several states for failure to comply with federal Clean Air Act permitting requirements, including in Pennsylvania and Texas.

16. For EIP to be able to fulfill its mission to achieve strong protection for individuals and groups it serves and represents, EIP needs EPA's 2016 New Source Performance Standards for the oil and gas sector to remain in place and not be vacated or weakened by petitioners' legal challenges. It is particularly important for EIP and the people we serve that oil and gas infrastructure is not leaking enormous amounts of methane, volatile organic compounds, and hazardous air pollution. Absent the rule's fugitive emissions requirements, including its leak detection and repair requirements, these facilities will continue to release this

preventable pollution unabated and expose the residents and communities with whom EIP partners to unnecessary pollution.

17. EIP is also seeking to strengthen EPA's standards and submitted a petition for reconsideration to the agency in partnership with several other environmental groups. The petition requests EPA to strengthen requirements for pneumatic controllers and issue regulations for existing oil and gas facilities. These additional measures will help better protect the individuals and groups on behalf of whom EIP works.

18. Through its intervention in these consolidated challenges, EIP seeks to defend EPA's 2016 New Source Performance Standards for the oil and gas sector from the state and industry petitioners' attempts to weaken and vacate them. An order by this court fully or partially upholding the New Source Performance Standards against petitioners' challenges will serve EIP's mission and interests in ensuring the effective enforcement of state and federal environmental laws to protect public health and the environment and in making data and information on pollution and compliance freely and transparently available to the public.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 15th day of August , 2016.

_____/s/ Mary E. Greene _____
Mary E. Greene, Deputy Director
Environmental Integrity Project

DECLARATION OF BETSY A. LEONARD

1. I am currently a member of the Natural Resources Defense Council (NRDC). I have been a member since July 1992.

2. I live in Battlement Mesa, Colorado with my husband, Dale. Battlement Mesa is an unincorporated Planned Unit Development (PUD) located in Garfield County. We have lived in our beautiful home in Battlement Mesa for over ten years.

3. I support NRDC's work to protect our health and the environment from the harms connected with air pollution from oil and gas activities, both to our climate and directly to our health.

4. In Colorado there are almost 2000 oil and gas well per state inspector. Garfield County is one of the most heavily drilled counties in Colorado. Along with these wells come other sources of air pollution like compressor stations and gas processing plants.

5. I understand that oil and gas exploration and production creates significant amounts of air pollution, including methane that contributes to climate change and other smog-forming (impacting our air quality) and cancer-causing (impacting our health) pollutants.

6. Prior to my retirement, I served as a professional environmental educator. I trained k-12 teachers and wrote curriculum for clients including California State Parks, San Diego Unified School District, and the California Institute for Biodiversity. Currently, I am involved in the efforts of Battlement Mesa Concerned Citizens (BCC), which is a subcommittee of a nonprofit community organization called the Grand Valley Citizens Alliance. BCC has monitored oil and gas activity in our area since 2009, when it was announced at a community meeting that URSA Resources planned to build 10 well pads and over 200 wells inside the Battlement Mesa PUD.

7. Even though drilling inside our PUD has not yet started, it has been approved by the County of Garfield since December 2015, and by the Colorado Oil and Gas Conservation

Commission (COGCC) since March 2016. There also has been significant gas activity occurring just outside our PUD for over a year. I am concerned that gas development will continue to move closer and closer to where I live, bringing its air pollution with it. Already some of our more sensitive respiratory residents who were attending my church have moved away due to the compromised air quality.

8. Additionally, I am concerned that I am exposed to air pollution from sources outside our PUD, because gas wells and compressor stations are up and down the I-70 corridor in Western Colorado. Air pollution does not recognize state boundaries. Even drilling in Utah affects our air shed.

9. I understand that oil and gas operators leak, vent, and flare significant amounts of methane and other air pollutants (especially VOCs) from a range of different equipment and activities. I am aware that methane is a potent greenhouse gas. I also understand that other air pollutants from the oil and gas industry cause smog, which is a major problem where I live considering that it's put a haze in our rural area, and are linked with cancer and other health impacts.

10. I have already experienced the impacts associated with oil and gas development, including the awful, pervasive smells, noise pollution so loud we cannot talk to our neighbors, and increased heavy truck traffic on community roads. I am fearful of what it will be like to live in Battlement Mesa once the drilling inside our PUD begins. Our quiet neighborhoods will be turned into an industrial zone. Specifically, I fear that the air pollution, and frankly, the water pollution from oil and gas activities will pose a serious health threat to me, my family, the Battlement Mesa community, and our surrounding environment.

11. I also enjoy snow shoeing and cross country and downhill skiing on the Grand Mesa during the winter months. In the warmer months, my local hiking group starts hiking down valley near Exit 2 and the Colorado National Monument, and as the higher snows melt we move up the valley and hike on the Palisade Rim, Grand Mesa, and No Name and Grizzly, east of Glenwood Springs to mention a few trails. I am worried that unregulated methane pollution from

oil and gas sources across the nation is already limiting these activities. For instance, I have noticed the reduction in size of some of the lakes on the Grand Mesa. Warmer temperatures have decreased snowfall and our snowshoe/ X-country ski season has been cut short. Snow melt into the Colorado River is decreasing, eventually affecting our water supply.

12. I understand that the U. S. Environmental Protection Agency (EPA) has set national standards to control methane and the pollutants that cause smog from new sources in the oil and gas sector, and that these standards will also reduce the cancer-causing pollutants that accompany them.

13. I understand that the state of Colorado has regulations for methane, but I believe that the EPA standards are needed to ensure that oil and gas sources in other states also control their air pollution that impacts my activities and well-being in Colorado. I also believe the EPA standards are needed because they provide protections if the state doesn't adequately enforce its regulations, or weakens them in some other way. I believe that we need all levels of government to do their part to ensure that there are truly protective regulations on the books, and that those regulations are adequately enforced for all communities.

14. I understand that NRDC is seeking to join a lawsuit to help EPA defend these air pollution standards. I strongly believe that EPA needs to do more to address air pollution from oil and gas operations, not less. I would feel better about the health of my family and the environment in Battlement Mesa and throughout Colorado if these standards are enforced.

15. I fully support NRDC in this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Betsy A. Leonard
Betsy A. Leonard

August 13, 2016
Date

DECLARATION OF JENNY LISAK

I, Jenny Lisak, declare and state as follows:

1. I am a farmer in Punxsutawney, Pennsylvania, which is in the northwest of the state. I was born and raised in the area, and have been living and farming at my current residence since 1983.
2. My farm uses only organic practices. I grow perennial crops, including blueberries, apples, peaches, cherries, nut trees, as well as vegetables.
3. I am a member of the Clean Air Council (“CAC”). I joined CAC on October 10, 2012. I have been active in CAC environmental efforts, including CAC’s campaign against methane pollution emitted the by gas industry. In collaboration with CAC, I have testified at Pennsylvania Department of Environment Protection hearings on methane emissions. CAC Outreach Director Matt Walker read into the record a statement I prepared for the Environmental Protection Agency describing how methane emissions, among other pollutants from the gas industry, affect me. Additionally, I have been active on social media, retweeting and commenting on CAC posts and articles documenting the environmental impacts of gas development.
4. I am directly affected by gas industry emissions. Looking at my home on Earthworks’ Interactive Oil and Gas Threat Map, I can see that I am surrounded by gas facilities and am listed as living within a “threatened” area, indicating that there are gas facilities close enough to my home to impact my health.
5. I am less than a mile from an active unconventional well pad. When near my home I have smelled and seen flaring.

6. The impacts I have suffered are both immediate and climatic.
7. I have experienced air emissions from gas flaring, condensate tanks, and other venting events. As a result, I have suffered immediate sinus issues, starting with a bad taste in the back of my throat, and culminating in a headache. On one occasion, my whole house was encased in some kind of white fog that seared my nostrils every time I took a breath.
8. These direct effects from gas development have robbed me of the sense of security that I have in my own home. I no longer feel that my surroundings are safe. I do not know what I am breathing and what dangers are lurking in the air. I did not move to the country to be breathing industrial fumes. The air emissions from gas development cause me a great deal of stress as I now have to worry about my own health and safety.
9. As a farmer, I have experienced firsthand the impacts of climate change in disrupting normal weather patterns. I understand that the gas industry in Pennsylvania emits significant quantities of methane, which is an extremely potent greenhouse gas, and thus contributes to climate change.
10. The weather has become less predictable, and the crops I grow rely on regular weather patterns to develop and reach fruition. For instance, more often I have seen temperatures reach 70 degrees in the winter. This causes my fruit trees to bud early. But then when the temperatures return to normal winter lows, the inevitable freezes kill the buds, which in turn hurt the health of the plants and greatly diminish my yields.
11. I have also seen more extreme weather events, such as torrential downpours as well as droughts. In fact, my county is currently suffering from a drought. These extreme weather events also adversely impact my farm's productivity and thus my livelihood.

12. The increased warming from climate change has brought new pests. The spotted wing drosophila has been particularly destructive. It infects soft skinned fruit crops and is very difficult to control. As an organic farmer, I do not spray my crops with chemical insecticides. There is an organic treatment, spinosad, but it is very costly.
13. Finally, the increased warming has driven a rise in tick populations. I was recently diagnosed with Lyme disease from a tick and have undergone treatment.
14. I understand the Environmental Protection Agency recently finalized regulations aimed at reducing the emissions of methane and volatile organic compounds from the gas industry. I believe that these regulations will help to reduce the adverse impacts I am experiencing from the gas industry.
15. I further understand that these regulations have been challenged, and that the challenge could result in the regulations being delayed, weakened, or eliminated. Any of these outcomes would harm me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 12, 2016

/s/ Jenny Lisak

Jenny Lisak

DECLARATION OF JOSEPH O. MINOTT

I, Joseph O. Minott, declare and state as follows:

1. I am the Executive Director and Chief Counsel of the Clean Air Council (“CAC”). I have served in this position for thirty years. I was also a staff attorney at CAC for four years. As Executive Director, I am responsible for making sure CAC achieves its goals and mission. I am also required to be up-to-date and knowledgeable about current and future threats to the environment in Pennsylvania.
2. CAC’s mission is to protect everyone’s right to breathe clean. Key to advancing that mission has been CAC’s work combating air pollution from gas development in Pennsylvania. CAC devotes more resources to that effort than any of its other programs.
3. I am member of CAC and have been for over 15 years.
4. I currently reside in Philadelphia, PA, where I have lived for 5 years.
5. Among the most important current and future threats to Pennsylvania’s natural and built environment is the ongoing damage due to a changing climate in the region. I am aware of the science documenting the existence of climate change, its causes, and its potential adverse impacts on public health and welfare and the environment—specifically to the natural and built environment in the Mid-Atlantic region.
6. I understand that human activities, including the extraction, processing and transportation of natural gas, cause elevated levels of methane pollution. Methane and other greenhouse gases trap heat in the Earth’s atmosphere that would otherwise escape, and that “greenhouse effect” is now causing a variety of climactic and environmental changes, including, but not limited to, increased temperatures, sea level rise, and increases in the

frequency and intensity of extreme weather events, including increased precipitation and heavy downpours in northern United States.

7. I understand that 2015 was the warmest year in recorded history, and that this is part of a pattern of increased warming globally and in my region. Between 1895 and 2011, average annual temperatures in the Mid-Atlantic region increased by almost 2°F and precipitation increased by more than 10 percent.
8. Additionally, I know that global sea levels are projected to rise one to four feet by 2100; a rise of two feet, without any changes in storms, would more than triple the frequency of coastal flooding in the Mid-Atlantic, including along the Schuylkill River, the largest tributary of the Delaware River, which enters the Atlantic Ocean in southern New Jersey.
9. The Schuylkill River in Philadelphia is tidal, with a six-foot tidal range, meaning that water levels are six feet higher at high tide than at low tide.
10. My home abuts the Schuylkill River and is vulnerable to flooding. Sea level rise resulting from climate change will significantly increase this threat to my home.
11. I also know that Philadelphia suffers from poor air quality, in part due to elevated concentrations of ground-level ozone, which forms when warm polluted air mixes with sunlight. Philadelphia is one of the areas of the country that exceeds EPA's 2008 air quality standards for ground-level ozone.
12. Ozone irritates the respiratory system, reduces lung function, inflames and damages cells that line the lungs, makes the lungs more susceptible to infections, aggravates asthma, aggravates chronic lung disease and can cause permanent lung damage.

13. Because hotter areas experience higher localized concentrations of ground-level ozone than cooler areas, increasing temperatures associated with climate change will exacerbate ground-level ozone and these associated health problems.
14. I have a history of respiratory sensitivities, and the elevated ground-level ozone concentrations caused by climate change will directly, adversely impact my health.
15. Due to my respiratory issues, high heat and high levels of ozone can force me to stay indoors, reducing my levels of physical activity. Generally, I walk to and from work every day. These walks are not only a source of great enjoyment, but are also important to my physical health. When it is particularly hot or ozone levels are high, I will take the bus. If I do decide to walk, it can be difficult for me to breathe.
16. I further understand that many of the effects of climate change will not be seen in my lifetime. But I have a 26-year-old son and two grandchildren under the age of 4. I fear for their future. While I will certainly be harmed by climate change, I know that they will experience its most drastic impacts.
17. I am very familiar with the 2016 New Source Performance Standards targeting methane emissions from the oil and gas sector (2016 Methane NSPS) that are at issue in this litigation. CAC is a party to the 2012 litigation that challenged the Environmental Protection Agency's (EPA) failure to regulate methane in its 2012 oil and gas NSPS revisions.
18. In my role as the Executive Director of the CAC, I have been working to advance the effort in Pennsylvania to regulate methane emissions from the natural gas industry. CAC plays a critical role in educating impacted communities on the air pollution threats caused by gas development and the pervasiveness of methane leaks. CAC empowers residents to

voice their concerns regarding methane pollution at public hearings, in social media, through petitions, and in letters to local newspapers. Additionally, CAC works directly with regulatory agencies advocating for the strongest methane controls possible.

19. Through this work I have a deep understanding of the impacts of leaking gas extraction and transmission equipment. I know that the gas industry emits significant amounts of methane, volatile organic compounds, and hazardous air pollutants from faulty fittings, improperly *and* properly functioning pneumatic controllers, tanks, compressors, and many other sources.
20. The failure to control these air pollution sources affects me directly. These sources emit methane which contributes to climate change. Methane is a particularly potent greenhouse gas with 86-times the warming potential of carbon dioxide over the next twenty years.
21. As discussed above, my health, my home, and my family are endangered by the continued release of heat trapping gases, such as methane, and the climate change effects that these releases will drive. By curbing methane emissions from new sources in the oil and gas industry, the 2016 Methane NSPS will reduce each of these risks that climate change poses.
22. I understand that those who have challenged EPA's 2016 Methane NSPS seek to have the rule vacated, weakened, or delayed. Any of these outcomes would lead to increased methane emissions and thereby increased harm to me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 11, 2016

DEC051

A handwritten signature in black ink, appearing to read 'Joseph Minott', with a horizontal line underneath it.

Joseph Otis Minott, Esq.
Executive Director and Chief Counsel

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DECLARATION OF JOHN STITH
Submitted In Support of Environmental Defense Fund

I, John Stith, declare as follows:

1. I am Director of Database Marketing and Membership Analytics at the Environmental Defense Fund (EDF). I have had this position for more than ten years.
2. My duties include maintaining an accurate list of members. My colleagues and I provide information to members, acknowledge gifts and volunteer actions and manage the organization's member databases. My work requires me to be familiar with EDF's purposes, staffing, activities, and membership.
3. EDF is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.
4. EDF relies on science, economics and law to protect and restore the quality of our air, water and other natural resources. EDF employs more than 150 scientists, economists, engineers, business school graduates and lawyers to help solve challenging environmental problems in a scientifically sound and cost-effective way.

5. It is my understanding that EPA's recent revisions to the New Source Performance Standards for the oil and natural gas sector (Methane Standards) are crucial in limiting emissions of volatile organic compounds (VOCs) and methane, a potent greenhouse gas. As a co-benefit, the standards will also limit hazardous air pollutants, including benzene, a known human carcinogen.

6. EDF has a strong organizational interest, and a strong interest that is based in its members' recreational, aesthetic, professional, educational, public health, environmental, and economic interests, in reducing harmful air pollution from the oil and gas sector, including sources addressed by EPA's new source performance standards.

7. Through its programs aimed at protecting human health, EDF has long pursued initiatives at the state and national levels designed to reduce emissions of health-harming and climate-altering air pollutants from all major sources, including facilities in the oil and gas sector. This work has addressed emissions of methane, as well as VOCs and other harmful pollutants.

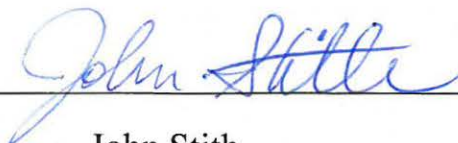
8. When an individual becomes a member of EDF, his or her current residential address is recorded in our membership database. The database entry reflecting the member's residential address is verified or updated as needed. The database is maintained in the regular course of business and each entry reflecting a member's residential address and membership status is promptly updated to reflect

changes. I obtained the information about our membership discussed below from our membership database.

9. EDF currently has over 365,000 members in the United States, and we have members in all 50 states and the District of Columbia. These members likewise have a strong interest in protecting human health and the environment from air pollution. Many live in and near areas affected by air pollution. For instance, EDF currently has over 68,000 members in the 13 states that represent over 95% of natural gas production in the United States: Alaska, Arkansas, Colorado, Louisiana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Utah, West Virginia, and Wyoming.

10. If the present challenges to weaken or overturn the Methane Standards are successful, EDF's members will be harmed both by continued emissions of health-harming air pollutants from the oil and gas sector, as well as the detrimental effects of climate change that this rule will help to address.

I declare that the foregoing is true and correct.



John Stith

Dated: June 24, 2016

DECLARATION OF GINA TRUJILLO

I, Gina Trujillo, declare as follows:

1. I am the director of Membership at the Natural Resources Defense Council, Inc. (“NRDC”). I have been the director of membership since January 1, 2015 and have worked at NRDC in the membership department for more than 22 years.

2. My duties include supervising the preparation of materials that NRDC distributes to members and prospective members. Those materials describe NRDC and identify its mission.

3. NRDC is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. NRDC’s mission statement declares that “The Natural Resources Defense Council’s purpose is to safeguard the Earth: its people, its plants and animals, and the natural systems on which all life depends.” The mission statement goes on to declare that NRDC works “to restore the integrity of the elements that sustain life – air, land, and water – and to defend endangered natural places.” NRDC’s mission includes the prevention and mitigation of global warming in order to protect and maintain NRDC’s members’ use and enjoyment of natural resources threatened by climate change, as well as members’ own health and safety.

5. Through its Climate and Clean Air Program, NRDC pursues federal and state policies to curb air pollution, particularly the pollutants that are causing climate change. NRDC seeks to reduce emissions of methane from the oil and gas sector, which is responsible for over a third of the nation's methane pollution.

6. When an individual becomes a member of NRDC, his or her current residential address is recorded in NRDC's membership database. When a member renews his or her membership or otherwise makes a contribution to NRDC, the database entry reflecting the member's residential address is verified or updated.

7. NRDC currently has more than 294,000 members. There are NRDC members residing in each of the fifty United States and in the District of Columbia, including in states with significant oil and gas operations and development.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 21, 2016.


Gina Trujillo

expose the health, environmental, economic, social and cultural impacts of oil and gas development.

4. Earthworks' membership consists of approximately 60,000 individuals residing in all 50 states. In addition to my work at Earthworks, I have been a member of the organization for 8 years.

5. As a result of my work at and involvement with Earthworks, I am aware that much of Earthworks' recent work and attention has focused on mitigating the greenhouse gas emissions and other air pollution caused by, and associated with, oil and gas development. For example, Earthworks has developed the Community Empowerment Project, a tool enabling communities to use the best available technology to document volatile organic compounds ("VOC") and methane emissions from oil and gas development.

6. As a result of my work at and involvement with Earthworks, I am aware that the oil and natural gas sector is the single largest emitter of methane in the nation. I am further aware that other air pollutants are co-emitted with methane, including VOC and hazardous air pollutants like benzene, toluene, and xylene.

7. As a result of my work with Earthworks, I am aware that VOCs and methane, when emitted to the ambient air, can react with sunlight and other chemicals, including Nitrogen Oxides ("NOx") to form ground-level ozone, (commonly referred to as smog). I am further aware that human exposure to ozone can result in respiratory ailments, including irritation of the respiratory system, reduction of lung function, and inflammation of and damage to cells that line lungs. I am also aware that ozone can aggravate asthma and chronic lung disease, and can cause permanent lung damage.

Additionally, I am aware that people who are physically active are at higher risk to adverse effects from ozone exposure.

8. As a result of my work at and involvement with Earthworks, I am also aware that exposure to the hazardous air pollutants emitted by oil and natural gas development can have an array of adverse health effects including causal links to cancer, DNA (genetic) alterations, developmental malformations, and in some cases, death.

9. As a result of my work with Earthworks, I am aware that Earthworks members, including myself, live, work, and recreate in areas where oil and gas development is now occurring. Those persons therefore are subjected to increased levels of summertime and wintertime ozone formation. This is happening in my home state of Texas, as well as in states like Pennsylvania, Colorado, Wyoming and Utah. Wintertime ozone formation can occur when emissions from oil and gas development activities occur in areas with snow and low inversion layers constrained by natural geographic boundaries.

10. Due to my work with Earthworks, I am aware that EPA recently finalized rules controlling emissions of VOC and methane from oil and gas operations. Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, published at 81 Fed. Reg. 35,823 (June 3, 2016) (“Oil and Gas NSPS”). I am familiar with the Oil and Gas NSPS, and in my opinion, based on my experience at Earthworks, the rules provide significant benefits to living near oil and gas development, by reducing VOC and methane emissions and thereby reducing summertime, and in some cases wintertime, smog events. It is also my understanding that the Oil and Gas NSPS will

reduce local levels of the extremely dangerous hazardous air pollutants from oil and gas production activities.

11. As a result of my employment with Earthworks, I understand that the overwhelming majority of scientific documentation on the existence and causation of climate change points to manmade industrial greenhouse gas emissions as the primary cause.

12. As a result of my work at and involvement with Earthworks, I am aware that methane also is a greenhouse gas that contributes to climate change. I am further aware that methane is a more potent greenhouse gas than carbon dioxide, with a global warming potential of 87, meaning that 1 ton of methane has the impact of 87 tons of carbon dioxide emitted over the same 20-year period.

13. As a result of my work at and involvement with Earthworks, I am a certified optical gas imaging thermographer. In that capacity, I travel frequently across the U.S. to areas experiencing heavy oil and gas development to use forward-looking infrared (“FLIR”) cameras to detect hydrocarbon leaks, including methane and VOC, at a variety oil and gas facilities, including well sites, processing facilities, and compressor stations. Earthworks uses the information from these FLIR camera inspections to better understand the magnitude of oil and gas air emissions and to educate the local communities. My use of the FLIR camera is always on public land, or on private residences onto which I’m invited.

14. Because of my work and involvement with Earthworks, it is my understanding that the Oil and Gas NSPS includes standards to reduce emissions of both methane and VOC from new, modified, and reconstructed oil and gas sources in the

production, processing, and transmission and storage segments, many of which are located in the nearby Barnett Shale basin.

15. I am concerned that without the Oil and Gas NSPS, our country's greenhouse gas emissions will not be reduced to a level that is necessary to minimize the impacts of climate change because of future expansion of oil and gas operations and development in my area and throughout the country.

16. I am sixty-three (63) years old. I have 2 children, aged thirty-four (34) and twenty-one (21). I am currently a resident of Dallas, Texas, in Dallas County where my children also primarily reside, although my youngest child will be attending college in California in September 2016.

17. As a result of my involvement with Earthworks, it is my understanding that Dallas County is part of the Dallas-Ft. Worth nonattainment area for ozone, meaning ambient air quality levels of ozone in the area violate the national standards established by EPA.

18. From my own perceptions throughout my home state of Texas, I am aware that oil and natural gas operations – and specifically horizontal drilling and hydraulic fracturing – have increased in frequency over the last decade, and that such operations will continue into the foreseeable future.

19. Prior to living in Dallas, I was living my American Dream on a beautiful piece of land that consisted of forty-two acres in Wise County, Texas. The property was situated north of Fort Worth, on the edge of the Caddo-LBJ National Grasslands. The proximity of its location to the grasslands was an important factor in my purchasing the home. I also purchased 50% of the mineral rights underneath the property.

20. In 2003, while I was living in Wise County some of the first large-scale commercial horizontal drilling and hydraulic fracturing began in the Barnett Shale basin, which underlies Wise County and numerous surrounding counties in Texas, including Dallas County.

21. After drilling commenced near my property, I became increasingly aware of poorer air quality associated with those operations and concerned about the adverse health impacts associated with oil and natural gas development.

22. I therefore sold my Wise County property and moved away, partly because I was concerned about raising my son, who was 15 at the time, in a place so affected with poor air quality associated with oil and gas operations and development.

23. It is my impression that because of a changing climate my area has increasingly experienced severe drought where water is strictly rationed causing landscaping and foundation damage, increased tornado intensity, changing rainfall patterns with intense heavy downpours, and warmer temperatures. I am also aware that climate change causes and exacerbates increased local and global earth surface temperatures – including in my home state of Texas -- and that as a result, global sea levels are projected to rise one to four feet by 2100. I am aware that increased extreme heat events and an increased incidence of drought are also resulting in my area due to climate change. I am concerned that without reductions in methane pollution from oil and gas development that will be achieved by the NSPS, the area in which my children and I live, and areas where I travel to and recreate, will continue to experience more severe weather episodes.

24. I am also concerned that without the Oil and Gas NSPS, the Dallas-Ft. Worth nonattainment area in which I live will continue to violate established ozone national ambient air quality standards, exposing me and my children to unnecessary and excessive amounts harmful air pollutants because of future expansion of oil and gas operations and development in and around my area.

25. The Oil and Gas NSPS at issue in this case is a significant step forward toward addressing climate change, as well as the public health problems posed by increased levels of ozone smog and hazardous air pollutants associated with oil and gas development, and will make the air in the Dallas-Ft. Worth area, where I live with my children, safer for me and my children to breathe. I therefore support efforts to defend the Oil and Gas NSPS, including this motion by Earthworks. I support EPA's promulgation of the Oil and Gas NSPS and I support Earthworks' efforts to intervene on EPA's behalf.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 10, 2016.

Sharon Wilson

Sharon Wilson

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF NORTH DAKOTA,)	
)	
<i>Petitioner,</i>)	
)	No. 16-1242
v.)	(and Consolidated Case Nos.
)	16-1257, 16-1262, 16-1263, 16-1264,
U.S. ENVIRONMENTAL)	16-1266, 16-1267, 16-1269, and
PROTECTION AGENCY)	16-1270)
)	
<i>Respondent.</i>)	

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, Clean Air Council, Earthworks, and the Environmental Integrity Project (collectively “Movants”) hereby certify as follows:

(A) Parties and Amici**(i) Parties, Intervenors, and Amici Who Appeared in the District Court**

This case is a petition for review of final agency action, not an appeal from the ruling of a district court.

(ii) Parties to This CasePetitioners:

16-1242 State of North Dakota

- 16-1257 State of Texas, Railroad Commission of Texas, and Texas Commission on Environmental Quality
- 16-1262 Independent Petroleum Association of America, American Exploration & Production Council, Domestic Energy Producers Alliance, Eastern Kansas Oil & Gas Association, Illinois Oil & Gas Association, Independent Oil and Gas Association of West Virginia, Inc., Indiana Oil and Gas Association, International Association of Drilling Contractors, Kansas Independent Oil & Gas Association, Kentucky Oil & Gas Association, Michigan Oil and Gas Association, National Stripper Well Association, North Dakota Petroleum Council, Ohio Oil and Gas Association, Oklahoma Independent Petroleum Association, Pennsylvania Independent Oil & Gas Association, Texas Alliance of Energy Producers, Texas Independent Producers & Royalty Owners Association, and West Virginia Oil and Natural Gas Association
- 16-1263 Interstate Natural Gas Association of America
- 16-1264 State of West Virginia, State of Alabama, State of Arizona, State of Kansas, Commonwealth of Kentucky, State of Louisiana, Attorney General Bill Schuette, State of Montana, State of Ohio, State of Oklahoma, State of South Carolina, State of Wisconsin, Commonwealth of Kentucky Energy and Environment Cabinet, and State of North Carolina Department of Environmental Quality
- 16-1266 Western Energy Alliance
- 16-1267 GPA Midstream Association
- 16-1269 Texas Oil and Gas Association
- 16-1270 American Petroleum Institute

Respondent:

The respondent in all cases is the United States Environmental Protection Agency. Also named as respondent in case Nos. 16-1257, 16-1264, 16-1266, 16-

1267, and 16-1269 is Regina A. McCarthy, in her official capacity as Administrator for the United States Environmental Protection Agency.

Intervenors:

The States of California, Connecticut, Illinois, New Mexico, New York, Oregon, Rhode Island, Vermont, and the Commonwealth of Massachusetts and the City of Chicago have moved for leave to intervene in support of Respondents.

(iii) *Amici* in This Case

None at present.

(iv) Circuit Rule 26.1 Disclosures

See disclosure form filed separately.

(B) Rulings Under Review

Petitioners seek review of the final action taken by EPA at 81 Fed. Reg. 35,823 (June 3, 2016) and entitled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources.”

(C) Related Cases

Movants are aware of the following cases related to this matter, which may involve the same or similar issues:

American Petroleum Institute v. EPA, D.C. Cir. Case No. 13-1108

(and consolidated cases).

Independent Petroleum Association v. EPA, D.C. Cir. Case No. 15-

1040 (and consolidated cases).

DATED: August 15, 2016

Respectfully submitted,

/s/ Timothy D. Ballo

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ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF NORTH DAKOTA,)	
)	
<i>Petitioner,</i>)	
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U.S. ENVIRONMENTAL)	16-1266, 16-1267, 16-1269, and
PROTECTION AGENCY,)	16-1270)
)	
<i>Respondent.</i>)	

MOVANTS' RULE 26.1 DISCLOSURE STATEMENT**Natural Resources Defense Council**

Non-Governmental Corporate Party to this Action: Natural Resources Defense Council ("NRDC").

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: NRDC, a corporation organized and existing under the laws of the State of New York, is a national nonprofit organization dedicated to improving the quality of the human environment and protecting the nation's endangered natural resources.

Environmental Defense Fund

Non-Governmental Corporate Party to this Action: Environmental Defense Fund (“EDF”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: EDF, a corporation organized and existing under the laws of the State of New York, is a national nonprofit organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to society’s most urgent environmental problems.

Sierra Club

Non-Governmental Corporate Party to this Action: Sierra Club.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

Clean Air Council

Non-Governmental Corporate Party to this Action: Clean Air Council (“CAC”).

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party's General Nature and Purpose: CAC is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. CAC is a not-for-profit organization focused on protection of public health and the environment.

Earthworks

Non-Governmental Corporate Party to this Action: Earthworks.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Earthworks, a corporation organized and existing under the laws of the District of Columbia, is a national nonprofit organization dedicated to protecting communities and the environment from the impacts of oil, gas, and mineral development while seeking sustainable solutions to the problems such development can cause.

Environmental Integrity Project

Non-Governmental Corporate Party to this Action: Environmental Integrity Project ("EIP").

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: EIP, a corporation organized and existing under the laws of the District of Columbia, is a national nonprofit organization that advocates for more effective enforcement of environmental laws.

DATED: August 15, 2016

Respectfully submitted,

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