IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK, et al., Plaintiffs, and ENVIRONMENTAL DEFENSE FUND, Plaintiff-Intervenor, v. E. SCOTT PRUITT, et al., Defendants.	Civil Action No. 18-773 (RBW) **COMPLAINT**

COMPLAINT

Environmental Defense Fund ("EDF" or "Intervenor") brings this action to compel E. Scott Pruitt, in his official capacity as Administrator of the United States Environmental Protection Agency, and the United States Environmental Protection Agency (together, "EPA" or "the Agency"), to issue emission guidelines limiting methane emissions from existing sources in the oil and natural gas sector, as required by the Clean Air Act ("the Act"). EPA has unreasonably delayed issuing these guidelines, despite the Act's clear mandate for it to do so.

JURISDICTION AND VENUE

1. This action arises under the Clean Air Act's citizen suit provision, section 304(a), 42 U.S.C. § 7604(a), which provides that "any person may commence a civil action" against the Administrator for an alleged "failure of the Administrator to perform any act or duty . . . which is not discretionary." This Court therefore has jurisdiction over this action pursuant to 42 U.S.C.

§ 7604(a) (Clean Air Act citizen suit provision), 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 1361 (action to compel officer or agency to perform a duty owed to plaintiffs).

2. This Court also has jurisdiction under the Act's judicial review provision, section 307(b), 42 U.S.C. § 7607(b), because the duty that the Administrator has failed to perform would be reviewable in the United States Court of Appeals for the District of Columbia Circuit. Thus, venue is also proper in this Court under section 304(a) of the Act because this action "may only be filed in a United States District Court within the circuit in which such action would be reviewable under section 7607(b) of this title." 42 U.S.C. § 7604(a).

3. Intervenor has satisfied the notice requirement in Clean Air Act section 304(a), 42 U.S.C. § 7604(a). On August 28, 2018, Intervenor gave notice of this action as required by the Clean Air Act, 42 U.S.C. § 7604(b)(2), by certified letter to the Administrator. More than the required 180 days have passed since Intervenor sent the letter, and EPA still has not taken any action towards its mandatory obligation to issue guidelines for the control of methane emissions from existing oil and natural gas sources.

4. Venue is proper in this Court under 28 U.S.C. § 1391(e), because 1) this civil action is brought against an agency of the United States and an officer of the United States, acting in his official capacity; 2) this district is one in which Defendant EPA resides and performs its official duties; and 3) a substantial part of the events or omissions giving rise to Intervenor's claim occurred in this judicial district, as the Administrator's failure to perform his nondiscretionary duty occurred in this district, and EPA's failure to act as complained of herein threatens the health and welfare of Intervenor's members residing within this district.

PARTIES

5. EDF is a national nonprofit corporation organized and existing under the laws of the State of New York. EDF represents over 439,000 members in all fifty states and the District of Columbia. Since 1967, EDF has linked law, policy, science, and economics to create innovative, equitable, and cost-effective solutions to today's most pressing environmental problems. EDF pursues initiatives at the state, national, and international levels designed to protect human health and the environment. EDF is a "person" as defined in the applicable provision of the Clean Air Act, 42 U.S.C. § 7602(e).

6. Defendant Scott Pruitt is Administrator of the EPA. In that role, he is charged with the duty to uphold the Clean Air Act and carry out the Act's requirements, including the nondiscretionary duty established in section 111(d), 42 U.S.C. § 7411(d), to establish guidelines for limiting pollution from existing sources in a source category for which EPA establishes standards of performance under section 111(b), 42 U.S.C. § 7411(b), to control emissions of air pollutants from new sources within that same source category.

7. Defendant EPA is an executive agency of the federal government charged with implementing and enforcing the Clean Air Act in coordination with the states.

STATUTORY AND REGULATORY FRAMEWORK

8. Section 111 of the Clean Air Act requires the EPA Administrator to establish standards of performance governing emissions of air pollutants from specific categories of stationary sources. Section 111(b) first requires the Administrator to list categories of stationary sources that the Administrator finds "cause[], or contribute[] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b)(1)(A).

9. The Administrator then must establish "standards of performance" for emissions of air pollutants from new and modified sources within each such category of sources ("new source performance standards" or "NSPS"). *Id.* § 7411(b)(1)(B). The Administrator must then, "at least every 8 years, review and, if appropriate, revise such standards" following the procedure required for promulgation of such standards. *Id.*

10. When EPA establishes performance standards for a new source category, EPA is also required under section 111(d) of the Clean Air Act to publish emission guidelines for existing sources within that same category of sources, subject only to two narrow exceptions not applicable here. 42 U.S.C. § 7411(d). EPA's regulations provide that such guidelines will be issued "[c]oncurrently upon or after proposal of [section 111(b)] standards of performance for the control of a designated pollutant from affected facilities." 40 C.F.R. § 60.22(a).

11. After EPA issues final guidelines for existing sources for a designated pollutant, states then develop and submit state plans containing emission standards for control of that pollutant from designated facilities within the state. *Id.* § 60.23(a)(1). EPA must then take final action to approve or disapprove state plans. *Id.* § 60.27(b). If EPA disapproves a state plan (or a portion thereof), it must promulgate a plan for the state within six months after the date required for submission of the plan. *Id.* § 60.27(d).

FACTUAL BACKGROUND

A. Methane Pollution

12. Methane is a potent greenhouse gas with a climate-forcing effect that is approximately 84 times more powerful than carbon dioxide over a 20-year period, and 28 times more powerful over a 100-year period according to the Intergovernmental Panel on Climate Change.

13. In 2009, EPA made an endangerment finding with respect to methane and other key greenhouse gases, determining that these greenhouse gases endanger public health and welfare because of their contribution to climate change. 74 Fed. Reg. 66,496 (Dec. 15, 2009).

14. EPA has found that methane "contributes to warming of the atmosphere, which, over time, leads to increased air and ocean temperatures, changes in precipitation patterns, melting and thawing of global glaciers and ice, increasingly severe weather events, such as hurricanes of greater intensity and sea level rise." 77 Fed. Reg. 49,490, 49,535 (Aug. 16, 2012).

15. EPA has recognized that "the oil and natural gas source category is one of the country's largest industrial emitters of methane." 81 Fed. Reg. 35,824, 35,825 (June 3, 2016). U.S. oil and gas operations emitted nearly 8.37 million metric tons of methane into the air in 2016, accounting for approximately 31 percent of the nation's total methane emissions for 2016, according to EPA's 2016 Inventory of U.S. Greenhouse Gas Emissions and Sinks.

16. Intervenor's members are harmed by methane emissions from oil and natural gas sources because these emissions significantly contribute to greenhouse gas pollution that exacerbates climate change. Promulgating emission guidelines for methane from existing oil and gas sources will deliver important health and environmental benefits for EDF's members who are continually harmed by the climate change impacts of air pollution emissions from those operations.

17. Intervenor's members have experienced and will continue to experience injuries from climate change, including, but not limited to:

a. sea level rise and increased severity of storms;

b. increased occurrence of floods and droughts, as well as increased risk of reduced water supplies and increased water pollution;

c. increased shifts and unpredictability of weather patterns, including drought and increased wind, extreme heat, and erosion;

d. increased frequency and duration of wildfires, threatening lives and property and increasing local air pollution;

e. increased ground-level ozone formation, which leads to increased prevalence of a wide array of serious heart and lung diseases and respiratory effects, including inflammation of the airways, asthma attacks, chronic obstructive pulmonary disease ("COPD"), and other pathologies that can lead to increased use of medication, school absences, hospital admissions, and emergency room visits; and

f. adverse impacts on wildlife, natural resources, and ecosystems that Intervenor's members rely on for personal, recreational, and aesthetic enjoyment.

18. Volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs") are co-emitted with methane from sources in the oil and natural gas sector, and regulation of methane emissions also has the benefit of reducing VOC and HAP emissions. *See* 81 Fed. Reg. at 35,827. As EPA recognizes, VOCs, which, among other harms, form ozone, and HAPs have significant negative impacts on public health. *Id.* at 35,837. Reductions in VOC and HAP emissions as a result of emission guidelines for existing oil and natural gas sources would deliver health and environmental benefits to EDF members who live, work, and recreate in close proximity to oil and gas operations.

19. Intervenor's members have also experienced and will continue to experience injuries from these localized pollutants, including, but not limited to:

a. increased health risks from exposure to localized HAP emissions, specifically, increased cancer risk from benzene exposure and increased risk of neurological, cardiovascular, liver, kidney, and respiratory effects from other HAPs;

b. breathing discomfort and lung inflammation; and

c. increased ground-level ozone formation, which leads to increased prevalence of a wide array of serious heart and lung diseases and respiratory effects, including the effects listed above in paragraph 17.

20. Existing sources in the oil and natural gas sector account for the majority of methane emissions from the industry, making it particularly important that EPA proceed expeditiously with guidelines to reduce emissions from existing sources. An independent 2014 study, commissioned by EDF, projected that by 2018, sources in existence prior to 2012 would be responsible for up to 90 percent of oil and gas sector methane emissions. ICF Int'l, *Economic Analysis of Methane Emission Reduction Opportunities in the U.S. Onshore Oil and Natural Gas Industries* 1-1 (2014), *available at* http://www.edf.org/sites/default/files/methane_cost_curve_report.pdf.

21. That study found that methane emissions could be reduced by 40 percent at an average net cost of less than $0.01 per thousand cubic feet of natural gas produced. *Id.* This 40 percent reduction would yield economy-wide cost savings of over $100 million dollars per year due to the recovery of otherwise wasted natural gas. *Id.* at 1-1 to 1-2.

B. EPA's Failure to Timely Issue Emission Guidelines for Methane Pollution from Existing Oil and Natural Gas Operations

22. In 1979, EPA found that the oil and natural gas sector is a category of stationary sources that causes or contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. 44 Fed. Reg. 49,222 (Aug. 21, 1979).

23. In 1985, EPA first promulgated standards of performance for sources in the oil and natural gas sector regulating emissions of VOC and sulfur dioxide. 50 Fed. Reg. 26,122 (June 24, 1985) (VOC emissions); 50 Fed. Reg. 40,158 (Oct. 1, 1985) (sulfur dioxide emissions).

24. In 2009, multiple groups filed suit to compel EPA to review the 1985 standards for sources in the oil and natural gas sector, after EPA failed to conduct a timely review. The groups urged EPA to include regulation of methane emissions. In that case, *WildEarth Guardians v. EPA*, No. 1:09-CV-00089 (D.D.C.), the Court entered a consent decree setting forth a schedule for EPA to propose and finalize any revisions to the oil and gas sector standards of performance. That consent decree, as modified, required EPA to propose updated oil and gas sector standards by July 28, 2011, and to take final action by April 17, 2012.

25. In August 2011, EPA proposed revisions to the oil and natural gas standards of performance regulating VOC emissions. 76 Fed. Reg. 52,738 (Aug. 23, 2011). Despite having determined in 2009 that methane endangers public health and welfare, and acknowledging in the proposal that "processes in the Oil and Natural Gas source category emit significant amounts of methane" (equivalent to more than 328 million metric tons of carbon dioxide each year), EPA did not propose any standards for methane emissions. *Id.* at 52,756.

26. In November 2011, EDF and a coalition of public interest organizations (referred to as "EDF" here for simplicity) submitted extensive comments on EPA's proposal, which demonstrated that EPA had a duty to regulate methane from new and modified sources in the oil

and gas sector and subsequently issue methane emission guidelines for existing sources in the sector. Sierra Club et al., Comments on "New Source Performance Standards: Oil and Natural Gas Sector; Review and Proposed Rule for Subpart OOOO" 74–80, 90–92 (Nov. 30, 2011), Docket ID: EPA-HQ-OAR-2010-0505-4240.

27. In August 2012, EPA published a final rule revising certain aspects of the oil and natural gas standards ("2012 NSPS"). 77 Fed. Reg. 49,490. The new rule required regulation of VOC emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers, and storage vessels.

28. Despite recognizing that methane is a highly potent greenhouse gas, *id.* at 49,535, EPA did not "tak[e] final action with respect to regulation of methane" in the 2012 NSPS, *id.* at 49,513. Instead, EPA planned to continue evaluating the appropriateness of regulating methane using data reported by oil and gas producers to EPA's Greenhouse Gas Reporting Program ("GHGRP"). *Id.*

29. Less than two weeks after the publication of the 2012 NSPS, EDF submitted a notice of intent to sue the Agency for its failure to determine whether standards of performance were appropriate for methane emissions from oil and gas operations and, if so, to issue performance standards for new sources and emission guidelines for existing sources. Letter from Timothy D. Ballo, Earthjustice, et al., to Lisa P. Jackson, Adm'r, EPA (Aug. 29, 2012). The letter provided notice of EDF's intent to sue EPA for its failure to take these non-discretionary duties required under Clean Air Act section 111, and for its unreasonable delay in taking these actions.

30. In October 2012, EDF submitted a petition for reconsideration of the 2012 NSPS, arguing that EPA's rationale for declining to regulate methane emissions (that it was still

gathering and evaluating data from the GHGRP) no longer applied, because the GHGRP reporting deadline had passed. Sierra Club et al., Petition for Reconsideration in the Matter of: Final Rule Published at 77 Fed. Reg. 49,490 (Aug. 16, 2012), entitled "Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews; Final Rule" 17–18 (Oct. 15, 2012), Docket ID: EPA-HQ-OAR-2010-0505-4575. EDF explained that because EPA had "in its possession the very data that the agency pointed to in the final rule as being critical to its evaluation of standards of performance for oil and gas operations," EPA was required to "convene a proceeding to reconsider whether to establish standards of performance." *Id.* at 17.

31. EPA continued to delay taking action to regulate methane from the oil and gas sector, although the Agency was in the possession of and continually acquiring data that revealed the extent of the problem of methane emissions from this sector and the availability and cost-effectiveness of measures to reduce emissions. For example, EPA's voluntary Natural Gas STAR Program—a public-private partnership with the oil and natural gas industry launched in 1993—found that "many of [the] technologies and management practices" available to control methane emissions from the sector "have been well documented (including information on cost, benefits and reduction potential) and implemented in oil and gas systems throughout the U.S." EPA, *Technical Support Document for the Advanced Notice of Proposed Rulemaking for Greenhouse Gases; Stationary Sources*, *Section VII*, at 30 (June 2008), Docket ID: EPA-HQ-OAR-2008-0318-0081.

32. On April 15, 2014, EPA released five technical white papers regarding sources of methane and VOC emissions in the oil and natural gas sector and mitigation techniques to control these emissions. EPA sought independent peer review of the white papers and received

more than 43,000 comments from the public, including from EDF. EPA stated that it intended to use the technical documents and public comments received to "solidify [its] understanding of these potentially significant sources," enabling the Agency "to fully evaluate the range of options for cost-effectively cutting VOC and methane waste and emissions." EPA, *Oil and Natural Gas Sector Pneumatic Devices* 1 (2014). The information EPA gathered as part of this process applied both to new and existing sources of methane emissions from the oil and gas sector.

33. In the meantime, large oil and gas producing states were developing and adopting standards for methane pollution applicable to both new and existing sources. For instance, in 2014, Colorado adopted comprehensive amendments to its regulation governing air pollution emissions from oil and gas sources, establishing requirements for new and existing sources to control methane emissions from storage tanks, equipment leaks, liquids unloading activities, pneumatic controllers, and glycol dehydrators. In 2015, Wyoming expanded its emission control requirements for storage tanks, glycol dehydrators, pneumatic controllers, pneumatic pumps, and liquids unloading activities to cover existing as well as new sources (these requirements apply to VOC emissions only, though they have the important co-benefit of reducing methane emissions). And in 2017, California adopted methane emission regulations for both new and existing sources. These programs show that much of the technology that can cost-effectively reduce emissions from new sources can also be deployed on existing sources to reduce emissions. In Colorado, oil and natural gas production has increased in the four years since leak detection and repair standards were adopted, even as equipment leaks have fallen by 75 percent.

34. On September 18, 2015, EPA proposed new source performance standards for methane emissions from the oil and natural gas sector. 80 Fed. Reg. 56,593 (Sept. 18, 2015). EDF submitted extensive comments on the proposed standards and reiterated EPA's duty to

issue corresponding emission guidelines for existing sources of methane. EDF explained the critical need for existing source standards given that 90 percent of emissions from the oil and natural gas sector come from existing infrastructure. EDF also provided detailed suggestions for design approaches to reduce emissions from various sources within the sector (e.g., pneumatic devices, compressors, storage vessels, well completions, and liquids unloading), drawing from state standards applicable to existing sources in places like Colorado, which were already effectively reducing these emissions. Clean Air Task Force et al., Comments on "Oil and Natural Gas Sector: Emission Standards for New and Modified Sources" (Dec. 4, 2015), Docket ID: EPA-HQ-OAR-2010-0505-7322.

35. On June 3, 2016, EPA issued the much-delayed final performance standards for methane emissions from new and modified oil and natural gas sources ("2016 NSPS"). 81 Fed. Reg. 35,824. EPA's promulgation of the 2016 NSPS triggered its mandatory obligation under 42 U.S.C. § 7411(d) and 40 C.F.R. § 60.22(a) to issue existing source guidelines.

36. Consistent with its implementing regulations, EPA has promulgated other new and existing source standards under section 111 concurrently. *See* 40 C.F.R. § 60.22(a) (requiring EPA to publish emission guidelines "[c]oncurrently upon or after" proposal of new source performance standards). For example, EPA published standards of performance and emission guidelines for hospital, medical, and infectious waste incinerators on the same day, 62 Fed. Reg. 48,348 (Sept. 15, 1997); standards of performance and emission guidelines for municipal solid waste landfills on the same day, 61 Fed. Reg. 9905 (Mar. 12, 1996); standards of performance and emission guidelines for municipal waste combustors on the same day, 60 Fed. Reg. 65,387 (Dec. 19, 1995); and published updated standards of performance and emission

guidelines for municipal solid waste landfills on the same day (though in separate notices), 81 Fed. Reg. 59,276 (Aug. 29, 2016); 81 Fed. Reg. 59,332 (Aug. 29, 2016).

37. The same day that it issued the 2016 NSPS, rather than concurrently issuing emission guidelines for existing sources, EPA published notice that it would be issuing an information collection request ("ICR") to support its development of emission guidelines for existing sources. 81 Fed. Reg, 35,763 (June 3, 2016).

38. After two rounds of notice and comment, and review by the Office of Management and Budget, resulting in narrower requests for information and lower compliance costs, EPA issued the final version of the ICR on November 10, 2016. Operators were required to respond to the first portion of the ICR, describing basic facility information, within 60 days, and the second, more-detailed portion, which was transmitted to a limited number of operators, within 180 days.

39. After EPA issued the 2016 NSPS, EDF submitted a petition for reconsideration highlighting the Agency's failure to issue corresponding existing source guidelines. The petition explained that EPA's delay in regulating existing sources was inappropriate based on the wealth of information the agency had already developed on methane emissions and control technologies and because state standards and voluntary programs had already demonstrated that control methods used for new sources were also applicable to existing sources. Clean Air Task Force et al., Petition for Reconsideration in the Matter of: Final Rule Published at 81 Fed. Reg. 35,824 (June 3, 2016), entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources" (Aug. 2, 2016), Docket ID: EPA-HQ-OAR-2010-0505-7683.

40. In March 2017, however, EPA reversed course, "withdrawing its requests that owners and operators in the oil and natural gas industry provide information on equipment and emissions at existing oil and gas operations." 82 Fed. Reg. 12,817, 12,817 (Mar. 7, 2017). The Agency did so summarily, without any notice or opportunity for comment. The Agency publicly announced its decision to withdraw the ICR on March 2, 2017, only one day after receiving a letter from a small group of Governors and State Attorneys General requesting that the Administrator take such action, and the Agency made the withdrawal "effective upon announcement." *Id.* Although EPA stated that the "withdrawal is occurring because EPA would like to assess the need for the information that the agency was collecting through these requests," to Intervenor's knowledge, EPA has taken no steps to assess the need for the information in order to regulate existing sources. In any event, in the intervening period, information supporting the need for and feasibility of existing source guidelines has only become stronger. Since the ICR withdrawal, moreover, the Agency has neither announced any plans nor taken any actions with respect to establishing emission guidelines for existing sources in the oil and natural gas sector.

41. Now, almost two years after it issued new source methane standards in the 2016 NSPS, EPA has not yet fulfilled its mandatory obligation under the Clean Air Act, outlined in 42 U.S.C. § 7411(d) and 40 C.F.R. § 60.22(a), to issue guidelines for the control of methane emissions from existing oil and natural gas sources. This obligation was triggered by EPA's overdue promulgation of the 2016 NSPS, and is particularly pressing given EPA's years-long understanding that methane emissions from existing oil and gas sources pose a significant air pollution problem and given the wealth of available information—including already existing state standards—documenting available, effective approaches to reducing this pollution.

CLAIM FOR RELIEF

Continuing Unreasonable Delay in Performing Mandatory Duty to Issue Emission Guidelines for Control of Methane Emissions from Existing Sources

42. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.

43. As set forth above, EPA has a nondiscretionary legal duty to publish guidelines for methane emissions from existing facilities in the oil and natural gas sector when it issues standards of performance for methane emissions from new oil and natural gas sources.

44. EPA promulgated final standards of performance for methane emissions from new oil and natural gas sources on June 3, 2016, but to date has failed to fulfill its obligation under Clean Air Act section 111(d) to publish emission guidelines covering methane emissions from existing oil and natural gas sources.

45. EPA has known since at least 1979 that oil and natural gas operations are a category of sources that cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.

46. EPA has long had ample data on cost-effective measures for controlling methane emissions from new and existing oil and natural gas sources, for example, through the Natural Gas STAR Program, which started in 1993. States like Colorado and California have likewise developed existing source standards based on these well-established technologies and best practices.

47. EPA has known since at least 2009 that methane emissions from this source category endanger public health and welfare because of their contribution to climate change.

48. Since at least 2011, EPA has been assessing the significant emissions of methane from oil and natural gas operations and evaluating actions to address those emissions. *See* 76

Fed. Reg. at 52,756 ("Although this proposed rule does not include standards for regulating [methane emissions], we continue to assess these significant emissions and evaluate appropriate actions for addressing these concerns.").

49. EPA also has a vast amount of scientific and technical data on emissions and control strategies developed over the last several years, including from its white papers and the GHGRP.

50. Notwithstanding the detailed information EPA already has in its possession, EPA has not established guidelines for controlling methane emissions from existing oil and natural gas sources.

51. To the contrary, while EPA previously indicated an intent to issue existing source guidelines following its ICR, the Agency has since completely reversed course by withdrawing the ICR, which the Agency had identified as a step in moving forward with regulating existing sources.

52. EPA's delay in failing to establish methane emission guidelines covering existing oil and natural gas sources as required by section 111(d) of the Act and EPA's implementing regulations, 40 C.F.R. § 60.22(a), constitutes unreasonable delay in the performance of an act or duty within the meaning of section 304(a) of the Clean Air Act, 42 U.S.C. § 7604(a), which delay is ongoing as of the present time.

53. EPA's failure to issue required guidelines delays the date by which states must submit plans to control methane emissions from existing oil and natural gas sources, 40 C.F.R. § 60.23(a), and the date by which existing sources must comply with approved pollution control standards. This harms EDF's members by delaying adoption of such plans, resulting in higher

emissions of methane and other pollutants from existing sources in the oil and natural gas sector than would be permitted if EPA were to complete the required actions.

54. EPA's unreasonable delay in issuing these guidelines has harmed and continues to harm EDF's members by delaying the adoption and implementation of methane standards for existing oil and natural gas operations that would reduce and delay the harmful impacts of climate change, which affect all of EDF's members, and that would result in cleaner and healthier air where many EDF members live, work, and recreate.

REQUESTED RELIEF

WHEREFORE, Intervenor respectfully requests that this Court enter judgment against Defendants as follows:

A. Declaring that EPA's failure to publish emission guidelines for the control of methane emissions from existing sources in the oil and natural gas sector, as required by section 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), and EPA's implementing regulations, 40 C.F.R. § 60.22(a), constitutes agency action unreasonably delayed within the meaning of 42 U.S.C. § 7604(a), in violation of the Clean Air Act;

B. Ordering EPA to publish emission guidelines for methane emissions from existing sources in the oil and natural gas sector, in accordance with 42 U.S.C. § 7411(d) and 40 C.F.R. § 60.22(a), pursuant to an expeditious deadline established by this Court;

C. Retaining jurisdiction over this matter until such time as EPA has issued such guidelines;

D. Awarding Intervenor the costs of litigation, including reasonable attorneys' fees; and

E. Awarding such other relief as the Court deems just and proper.

DATED: May 30, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 30, 2018, I filed the foregoing **COMPLAINT** using the United States District Court CM/ECF system, which caused all counsel of record to be served electronically.

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