

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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

STATUS REPORT BY DEFENDANTS

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

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

As reported at the March 3, 2020, conference in this matter, the public comment period for the Proposed Rule closed on November 25, 2019. *See* Exhibit A, Declaration of Karl Moor, dated July 15, 2020, ¶ 12; Dkt No. 77. EPA received in excess of 290,000 public comments, more than 2,600 of which are both substantive and non-duplicative. Ex. A, ¶ 12; Dkt No. 77. EPA has completed its review of those comments, and drafted the final rule. Ex. A, ¶ 13.

The draft final rule was submitted to the Office of Management and Budget (“OMB”) on May 29 under Executive Order 12866. *Id.* ¶¶ 13-14. EPA requested that OMB conduct a 30-day expedited review of the draft final rule. *Id.* ¶ 14. Since initiating the review pursuant to Executive Order 12866, OMB has granted 28 meeting requests from interested parties (including Plaintiff Environmental Defense Fund) to discuss this rulemaking, all of which have occurred except for two scheduled for July 20, 2020. *Id.* In addition, on June 22nd and 23rd, EPA received from OMB interagency comments on the draft final rule; on July 9, 2020, EPA submitted to OMB written responses to these comments and additional information requested by OMB. *Id.* In light of the OMB review process, and assuming there are no additional interagency comments, EPA anticipates that it will finalize the rule by the end of July 2020. *Id.* ¶ 15.

Respectfully Submitted,

United States Department of Justice
Environment & Natural Resources Division

Dated: July 15, 2020

/s/ Heather E. Gange
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CERTIFICATE OF SERVICE

I, Heather E. Gange, certify that on this 15th day of July 2020, I electronically filed the foregoing through the CM/ECF system which caused all Parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/ Heather E. Gange

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