

<p><u>NSPS – CO2 Issues</u> 06-1322</p> <p>Motion to sever panel Henderson Griffith Kavanaugh</p>	<p>(See above)</p>	<p>Motion to sever & hold in abeyance pending US Supreme Court decision in Mass v. EPA granted 09-13-2006</p> <p>Case remanded to EPA for further proceedings in light of Mass v. EPA (127 S.Ct. 1438); denying request for vacatur and summary reversal 09-24-2007</p> <p>Settlement agreement: GHG NSPS for EGUs and Refineries; by dates noted above</p> <p>Mandate Issued to EPA 11-19-2007</p>
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<p><u>Ozone NAAQS</u></p> <p>Mississippi v. EPA 08-1200</p> <p>Challenging "National Ambient Air Quality Standards for Ozone," Final Rule 73 Fed Reg 16436 (03-27-08)</p> <p>DC Circuit (Panel not yet named)</p> <p>Motions judges Ginsburg Tatel Griffith</p>	<p>Petitioners: MS, NY, CA, CT, ME, NM, OR, PA, RI, MA, MD, NJ, NH, DE, DC, IL, City of NY, California Air Resources Board</p> <p>Intervenors for Petitioner: Missouri DNR County of Nassau</p> <p>Amici for Petitioner: Province of Ontario -----v.-----</p> <p>Respondent: EPA</p> <p>Intervenors for Respondent: Natural Resources Defense Council American Lung Association Appalachian Mountain Club Environmental Defense Fund National Association of Home Builders Utility Air Regulatory Group Ozone NAAQS Litigation Group CIBO ACC API NPRA AFPA etc</p>	<p>Petition for Review 05-27-2008 Order holding case in abeyance 03-19-2009</p> <p>EPA Motion for voluntary remand and partial stay of rule (for area designations only); Industry opposed 10-16-2009</p> <p>EPA published Reconsidered Proposed Rule 75 FR 2938 01-19-2010</p> <p>Order granting EPA Motion for abeyance 01-21-2010</p> <p>Conference Call with Gina McCarthy: EPA will complete rule at end of October 2010 08-19-2010</p> <p>EPA Motion to hold case in abeyance; expects to complete rule by 12-21-2010 11-01-2010</p> <p>EPA: will consult with CASAC; take comment; complete reconsideration by 07-29-11</p> <p>Industry Motion to resume briefing on issue: EPA's 2008 decision revise ozone standard was unlawful.</p> <p>Order denying Motion to brief issues not in recon and to make 07-29-11 a court deadline and motions to govern further proceedings due 08-12-11 04-04-2011</p> <p>White House: Ozone Rule withdrawn 09-02-2011</p> <p>Motions to govern future proceedings 10-17-2011</p> <p>Order Settling briefing schedule 02-17-2012 - Opening 04-17-2012, Amicus 05-01-2012 - EPA Brief 07-02-2012, Interv 07-23-2012 - Reply Briefs 08-13-2012 - Final Briefs 08-27-2012</p>
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<p><u>Ozone</u> <u>Reconsideration</u></p> <p><i>ALA et al., v. EPA</i> 11-1396</p> <p>EPA Communication Dated Sept. 2, 2011</p>	<p>Petitioners: ALA EDF NRDC Appalachian Mountain Club -----v.-----</p> <p>Respondent: EPA</p>	<p>Petition for Review 10-11-2011</p> <p>Order granting motion to dismiss for lack of jurisdiction; dismissing as moot motion to coordinate or consolidate 02-17-2012</p> <p>Mandate issued 04-17-2012</p>
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<p><u>SO2 NAAQS</u></p> <p>NEDA/CAP v. EPA 10-1252</p> <p>Challenging "Primary National Ambient Air Quality Standard for Sulfur Dioxide," Final Rule 75 Fed. Reg. 35520 (June 22, 2010)</p> <p>DC Circuit Decision 7-20-2012</p> <p>Judges: Sentelle Kavanaugh Ginsburg</p>	<p>Petitioners:</p> <p>NEDA/CAP (National Environmental Development Association's Clean Air Project)</p> <p>UARG / SO2 NAAQS Coalition API CIBO ACC AF&PA AISI (American Iron and Steel Inst) ACCCI (Amer Coke Coal Chem Inst) AWC (American Wood Council) BIA (Brick Industry Association) CRA (Corn Refiners Association) NOPA (Natl Oilseed Processors Assoc)</p> <p>ASARCO (American Smelting And Refining Company)</p> <p>Montana Sulphur & Chemical Company</p> <p>TX, ND, WV</p> <p>Intervenors: LA DEQ, SD, NV</p> <p>Amici for Petitioners: OK DEQ</p> <p>-----v.-----</p> <p>Respondent: EPA</p> <p>Intervenor: ALA, EDF</p> <p>Amici for Respondent: NJ</p>	<p>Administrative Petitions for Review EPA denied Administrative Stay of rule 08-23-2010</p> <p>EPA Motion for abeyance 11-08-2010</p> <p>ND Motion to stay rule pending EPA decision on modeling-based implementation</p> <p>Order Granting Abeyance 12-14-2010</p> <p>EPA denied Petitions for Reconsideration 01-14-2011</p> <p>Order denying Stay 04-07-2012</p> <p>Oral Argument 05-03-2012</p> <p>DC Circuit Decision 07-20-2012 - Preamble statement re Modeling/Monitoring implementation not final agency action; Court lacks jurisdiction over that claim -EPA did not act arbitrarily in setting emissions</p>
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<p><u>PC MACT</u></p> <p><i>Portland Cement Association v. EPA</i> 10-1358</p> <p>“NESHAPS for Portland Cement Manufacturing Industry Standards of Performance for Portland Cement Plants”</p> <p>75 Fed. Reg. 54970 (September 9, 2010)</p> <p>Proposed Reconsideration Rule 77 Fed. Reg. 42368 (July 18, 2012)</p> <p>DC Circuit Decision 12-09-2011</p> <p>Judges Henderson Tatel Brown</p>	<p>Petitioners: Portland Cement Association</p> <p>-----v.-----</p> <p>Respondent EPA</p>	<p>Petition and Admin Reconsideration filed 11-05-2010</p> <p>EPA motion to consolidate cases and hold in abeyance; PCA opposed</p> <p>PCA Motion to Expedite Case; EPA opposed</p> <p>Lehigh motion to sever and to consolidate cases; EPA opposed 12-22-2010</p> <p>SSM Coalition (CIBO) participate as amicus curiae 01-04-2011</p> <p>Court Order granting: motion to sever 1377 from 1361 and consolidate it with 1359, sever 1361 and assign to docket 11-1012 <i>Leigh Cement Co v. EPA</i> , consolidate 11-1012 with 10-1358. 1358 and 1359 will be scheduled for oral arguments on same day, same panel. EPA reconsideration issued 01-19-2011</p> <p>Order Severing Reconsideration issues 07-25-2011</p> <p>Oral Argument 10-11-2011</p> <p>Opinion 12-09-2011</p> <p>EPA and Industry Joint Motion to hold case in abeyance with Proposed Settlement Agreement 04-16-2012</p> <p>Order holding case in abeyance pending reconsideration 04-20-2012 -Status report due from Industry and EPA by 01-15-2013 or 15 days after EPA signs final rule</p> <p>Proposed Rule on issues under recon and remand 06-15-2012 -Comments due 8-17-2012 -Final action 12-20-2012</p>
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<p><u>RICE</u></p> <p><i>EnerNOC v. EPA</i> 10-1090</p> <p>“National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines”</p> <p>75 Fed. Reg. 9648 (March 3, 2010)</p>	<p>Petitioners: EnerNOC, Inc. Innoventive Power, LLC CPower, Inc. EnergyConnect, Inc.</p> <p>-----v.-----</p> <p>Respondent: EPA</p>	<p>Statement of Issues filed</p> <p>Order holding case in abeyance</p> <p>EPA granting Petitions of reconsideration</p> <p>EPA Report filed- holding in abeyance; settlement proceedings on going</p> <p>Proposed Rule Comments Due 07-23-2012</p>	<p>06-02-2010</p> <p>06-04-2010</p> <p>09-27-2010</p> <p>05-24-2012</p> <p>06-07-2012</p>

<p><u>CSAPR</u></p> <p><i>EME Homer City Generation* v. EPA</i> 11-1302</p> <p>“Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals”</p> <p>76 FR 48208 (Aug. 8, 2011)</p> <p>DC Circuit Decision Aug. 21, 2012</p> <p>Judges Rogers Griffith Kavanaugh</p>	<p>Petitioners:</p> <p>Luminant Generation Co. (11-1315)* GenOn Energy, Inc. (11-1323)* Wisconsin Public Service Corp (11-1350)* National Mining Assoc. (11-1357)* UARG (11-1358) Murray Energy Corp. et al. (11-1359) Entergy Corp. (11-1360)* Lafayette Utilities system (11-1361) Midwest Ozone Group (11-1362)* Wisconsin Electric Power Co. (11-1363) Peabody Energy Corp. (11-1366) Louisiana Chemical Assoc. (11-1365)* Springfield, IL, Office of Public Utilities (11-1368) American Electric Power subsidiaries (11-1369)* United Mine Workers of America (11-1371) Environmental Cmte. of the Florida Electric Power Coordinating Group, Inc. (11-1373) Kansas City Board of Public Utilities (11-1374)* Kansas Gas and Electric Company, Sunflower Electric Power Corporation, Westar Energy, Inc. Southwestern Public Service Company (11-1375)* Northern States Power Company (a Minnesota corporation) (11-1376) Wisconsin Paper Council, Inc. (11-1377)* City of Ames, Iowa (11-1378)* Municipal Electric Authority of Georgia (11-1379)* South Mississippi Electric Power Association (11-1380) National Rural Electric Cooperative Association (11-1381) Sunbury Generation, LP (11-1382) ARIPPA (11-1383) East Kentucky Power Cooperative Inc. (11-1384) CPI USA North Carolina, LLC (11-1385) Western Farmers Electric Cooperative (11-1387) Consolidated Edison Company of New York, Inc. (11-1388) Southern Company Services, Inc and subsidiaries (11-1389) Intl Brotherhood of Electrical Workers, AFL-CIO (11-1390)</p>	<p>Petition for Review 08-23-2011</p> <p>Order Granting Motion to Stay Rule 12-30-2011</p> <p>UARG, DTE and EPA motion to sever and hold new case in abeyance 01-20-2012</p> <p>Issues: Paragraphs 9 and 10 of Statement of Issues</p> <p>9. Submission of data requirement is an unspecified electronic format that has not been subject to comment or reviewed under Paperwork Reduction Act</p> <p>10. Whether provisions of CSAPR that require correction and resubmission of certified quarterly electronic reports are contrary to law</p> <p>Order granting Motion; new case 12-1043 01-23-2012</p> <p>Oral Argument 04-13-2012</p> <p>DC Circuit Decision 08-21-2012</p> <p>Rule vacated and proceeding remanded to EPA</p>
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DTE Stoneman, LLC (11-1391)
 Dairyland Power Cooperative (11-1394)*
 Environmental Energy Alliance of New York, LLC (11-1395)

KS (11-1329)* TX (11-1338)*
 NE, AL, FL OK, SC, TX, VA (11-1340)*
 LA (11-1364)* GA (11-1367) IN (11-1372)*
 MI (11-1386)* OH (11-1392)* WI (11-1393)*

Intervenor for Petitioners:
 San Miguel Electric Coop.,*

Amicus

Putnam County, Georgia , IECA, American Thoracic Society,
 Southeastern Legal Foundation, Inc

Respondent/ Intervenors:

EPA
 Sierra Club, EDF, CAC, ALA, Calpine Corp., NRDC, Exelon,
 PSEG inc, Mayor and City Council of Baltimore, NC, IN, IL,
 NY, DC, MA, CT, DE, RI, VT, City of NY, Philadelphia,
 Chicago, Bridgeport

*indicates Motion for Stay filed

<p><u>Coal Ash</u></p> <p><i>Appalachian Voices v. EPA</i></p> <p>12-0523 (DC Dist Ct)</p> <p>Nondiscretionary duty to review, and revise if necessary, regulations under RCRA concerning coal ash.</p>	<p>Petitioners: Chesapeake Climate Action Network Environmental Integrity Project Kentuckians for the Commonwealth Montana Environmental Information Center Moapa Band of Paiutes Prarie Rivers Network Physicians for Social Responsibility Southern Alliance for Clean Energy Sierra Club Western North Carolina Alliance</p> <p>Headwaters Resources (12-0585) Boral Material Technologies (12-0629)</p> <p>-----v.-----</p> <p>Respondent: EPA</p> <p>Intervenor for Respondent: USWAG, NMA</p>	<p>Appalachian Voices Complaint filed 04-05-2012</p> <p>Headwaters Resources Complaint filed 04-13-2012</p> <p>Boral Materials Complaint filed 04-20-2012</p> <p>USWAG Intervention supporting EPA/Answer to Complaint 05-15-2012</p> <p>NMA Intervention supporting EPA/Answer to Complaint 06-12-2012</p> <p>EPA answer to Appalachian and Headwaters Complaints 06-15-2012</p> <p>Order consolidating cases 06-19-2012</p> <p>EPA answer to Boral Complaint 06-25-2012</p> <p>Parties Joint Report and Scheduling Order 07-16-2012</p> <p>-Plaintiffs App. Voices Motion for Summary Judgment 08-14-2012</p> <p>-Plaintiffs Boral/Headwaters Motion for Summary Judgment 08-14-2012</p> <p>-EPA Response to Summary Judgment 09-28-2012</p> <p>-Intervenor-Respondent Cross-Motion for Summary Judgment 10-12-2012</p> <p>-Envrionmental Plaintiffs Opposition to Cross-Motions 11-12-2012</p> <p>-EPA and Intervenor-Respondent Reply 12-12-2012</p>
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