IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL PARKS CONSERVATION ASSOCIATION, MONTANA ENVIRONMENTAL INFORMATION CENTER, GRAND CANYON TRUST, SAN JUAN CITIZENS ALLIANCE, OUR CHILDREN'S EARTH FOUNDATION, PLAINS JUSTICE, POWDER RIVER BASIN RESOURCE COUNCIL, SIERRA CLUB, AND ENVIRONMENTAL DEFENSE FUND	)	CIVIL ACTION NO. 1: 11-cv-01548 (ABJ)
Plaintiffs,	)	
v.	)	
ANDREW R. WHEELER, in his official capacity as Acting Administrator United States Environmental Protection Agency,	)	
Defendant.	)	

~~EPA'S~~ STATUS REPORT (November 9, 2018)

Defendant Andrew R. Wheeler, Acting Administrator of the United States Environmental Protection Agency, files this status report pursuant to the Minute Order issued on September 18, 2018, and represents as follows:~~.~~

On August 27, 2018, EPA published a notice of proposed rulemaking proposing to affirm its October 17, 2017 BART final rule, and providing an opportunity for public comment on the proposal and other specified related issues: Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan: Proposal of Best Available Retrofit Technology (BART) and Interstate Transport Provisions, 83 Fed. Reg. 43,586 (Aug. 27, 2018). EPA held a public hearing in Austin, Texas on September 26, 2018 to take comment on the proposed rulemaking. Eight individuals representing environmental groups, industry, and the Texas Commission on Environmental Quality provided

Formatted: Indent: First line: 0.5"

testimony. The public comment period on the proposed rulemaking closed on October 26, 2018. EPA received approximately 1500 comment letters and emails from citizens, environmental groups, industry, and states. EPA is currently reviewing the comments, in preparation to draft responses to the comments.

Plaintiffs represent that they reserve all rights as well as prior positions taken in this matter.

Respectfully submitted,

Jonathan Brightbill
Deputy Assistant Attorney General
Environment and Natural Resources Division

/s/ Eileen T. McDonough
United States Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
eileen.mcdonough@usdoj.gov
(202) 514-3126

Of Counsel:

Daniel Schramm
U.S. Environmental Protection Agency
Office of General Counsel
ARN: MC 2344A
1200 Pennsylvania Ave., N.W.
Washington, DC 20460