

ORAL ARGUMENT NOT SCHEDULED

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

CLEAN AIR COUNCIL,)
EARTHWORKS, ENVIRONMENTAL)
DEFENSE FUND,)
ENVIRONMENTAL INTEGRITY)
PROJECT, NATURAL RESOURCES)
DEFENSE COUNCIL, AND SIERRA)
CLUB,)

Petitioners,)

v.)

No. 17-1145

SCOTT PRUITT, Administrator,)
United States Environmental Protection)
Agency, and UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondents.)

On Petition for Review of Final Action of the
United States Environmental Protection Agency

**NOTICE OF UNOPPOSED MOTION OF THE COMMONWEALTHS OF
MASSACHUSETTS AND PENNSYLVANIA, THE STATES OF
CONNECTICUT, DELAWARE, ILLINOIS, IOWA, MARYLAND, NEW
MEXICO, NEW YORK, OREGON, RHODE ISLAND, VERMONT, AND
WASHINGTON, THE DISTRICT OF COLUMBIA, AND THE CITY OF
CHICAGO, FOR LEAVE TO INTERVENE IN SUPPORT OF
PETITIONERS**

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*Attorneys for the Commonwealth of
Massachusetts*

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The Commonwealths of Massachusetts and Pennsylvania, the States of Connecticut, Delaware, Illinois, Iowa, Maryland, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington, the District of Columbia, and the City of Chicago (collectively, “State Intervenors”), hereby provide notice that their motion for leave to intervene (“Intervention Motion”), filed on June 20, 2017, is unopposed, as follows:

1. As set forth in State Intervenors’ Intervention Motion at ¶ 22, Petitioners Clean Air Council, Earthworks, Environmental Defense Fund, Environmental Integrity Project, Natural Resources Defense Council, and Sierra Club consent to the Intervention Motion.

2. As set forth in State Intervenors’ Intervention Motion at ¶ 22, counsel for Industry Respondent-Intervenors takes no position and does not intend to file a response to the Intervention Motion.

3. On June 23, 2017, Counsel for Respondent-Intervenors Attorney General Bill Schuette for the People of Michigan, Commonwealth of Kentucky Energy and Environment Cabinet, Commonwealth of Kentucky, and the States of Alabama, Kansas, Louisiana, Montana, Ohio, Oklahoma, South Carolina, West Virginia, and Wisconsin represented that they do not intend to oppose the Intervention Motion.

4. On June 27, 2017, the United States Environmental Protection Agency (“EPA”) and Scott Pruitt, in his official capacity as Administrator of EPA, filed a response to the Intervention Motion representing that EPA does not oppose the Motion.

5. The Court should grant State Intervenors’ unopposed application to intervene in this action to seek a stay of EPA’s unlawful action.

Respectfully submitted,

Dated: June 27, 2017

FOR THE COMMONWEALTH OF
MASSACHUSETTS

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CERTIFICATE OF SERVICE

I certify pursuant to Federal Rule of Appellate Procedure 25(d) that a copy of the foregoing Notice of Unopposed Motion for Leave to Intervene in Support of Petitioners was filed on June 27, 2017, using the Court's CM/ECF system and that, therefore, service was accomplished upon counsel of record by the Court's system.

Dated: June 27, 2017

/s/ Peter C. Mulcahy

Peter C. Mulcahy