

none of the parties who responded indicated an intent to oppose this motion.¹ In support of their motion, Movants state as follows, and also rely on the declarations that accompany this motion.

INTRODUCTION

These consolidated cases seek review of the final rule promulgated by EPA under the Clean Air Act, entitled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,” published at 81 Fed. Reg. 35,824 (June 3, 2016) (the “2016 Rule”). The 2016 Rule amends the standards for emissions of volatile organic compounds (“VOCs”), which are precursors to ground-level ozone (better known as “smog”) and fine particulate matter, and adds new standards for emissions of greenhouse gases (specifically methane) from new, reconstructed, and modified oil and gas operations. The 2016 Rule was issued as part of an ongoing reconsideration process initiated by EPA in response to

¹ Counsel for EPA stated that EPA does not oppose this Motion. Counsel for Petitioner in case No. 16-1242 stated that it takes no position on this Motion at this time. Counsel for Petitioners in case No. 16-1257 stated that they do not oppose this Motion. Counsel for Petitioners in case No. 16-1262 stated that they take no position on this Motion. Counsel for Petitioner in case No. 16-1263 stated that it takes no position on this Motion. Counsel for Petitioners in case No. 16-1264 stated that they take no position on this Motion. Counsel for Petitioner in case No. 16-1266 stated that it takes no position at this time on the Motion. Counsel for Petitioner in case No. 16-1267 stated that it takes no position on this Motion. Counsel for Petitioner in case No. 16-1269 stated that it takes no position on this Motion and does not intend to file a response. Counsel for Petitioner in case No. 16-1270 stated that it takes no position on this Motion and does not intend to file a response.

petitions from industry stakeholders and environmental groups, including several who are movants here, following rules issued by EPA in 2012, 2013, and 2014 (collectively, the “Prior Rules”). *See* 77 Fed. Reg. 49,490 (Aug. 16, 2012) (the “2012 Rule”); 78 Fed. Reg. 58,416 (Sept. 23, 2013) (the “2013 Rule”); 79 Fed. Reg. 79,018 (Dec. 31, 2014) (the “2014 Rule”).²

The 2016 Rule provides crucial health and environmental safeguards for Movants’ members, and Movants have a demonstrable interest in defending the 2016 Rule against challenges brought by industry groups and other litigants seeking to nullify, weaken, or delay it. This Court has granted Movants’ requests to intervene in support of EPA as to petitions for review challenging the Prior Rules, *see* Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.) (granting Movants intervention in industry cases challenging the 2012 Rule); Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1289 (D.C. Cir.) (same as to 2013 Rule); Order of Apr. 22, 2015, *Indep. Petroleum Ass’n v. EPA*, No. 15-1040 (D.C. Cir.) (same as to 2014 Rule), and comparable circumstances warrant granting this motion.³

² Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, and Clean Air Council, jointly with other groups, sought reconsideration of the 2012 Rule. *See* Pet. for Reconsideration of Clean Air Council *et al.*, EPA Docket No. EPA-HQ-OAR-2010-0505-4575.

³ Earthworks and Environmental Integrity Project were not parties in these prior interventions.

BACKGROUND

I. Movant Environmental Groups

Movants are national and regional non-profit environmental groups that are committed to protecting their members and others from the effects of dangerous air pollution, including climate change. Declaration of Huda Fashho ¶¶ 5-6;⁴ Declaration of John Stith ¶¶ 4-7; Declaration of Sharon Wilson ¶ 3; Declaration of Gina Trujillo ¶¶ 3-5; Declaration of Joseph Minott ¶ 2; Declaration of Mary Greene ¶ 3.⁵ With a long-standing interest in protecting human health and the environment, Movants have long been involved in advocating and working for the reduction of dangerous air emissions from oil and gas operations. Fashho Decl. ¶¶ 5-6; Stith Decl. ¶¶ 6-7; Wilson Decl. ¶ 5; Trujillo Decl. ¶ 5; Minott Decl. ¶¶ 2, 18; Greene Decl. ¶¶ 4-7, 9. Movants include organizations with members throughout the United States whose health and use and enjoyment of property and natural resources are harmed and threatened by emissions of VOCs and the ozone and particulate matter pollution they cause, by methane emissions, and by hazardous air pollutants from oil and gas development near where they live, work

⁴ Due to an apparent error, the Declaration of Huda Fashho contains two paragraphs numbered as '5.' To minimize confusion, all citations to paragraph '5' of this declaration herein refer to the second of these two paragraphs.

⁵ Movant Environmental Integrity Project is not a member organization, but advocates on behalf of local groups it represents and with which it is allied.

and recreate. Fashho Decl. ¶ 8; Stith Decl. ¶ 9; Wilson Decl. ¶ 9. *See also* Greene Decl. ¶¶ 13-16 (describing Environmental Integrity Project’s work with impacted individuals and group members). Because they live in parts of the country where oil and gas operations exist and/or are expected to expand, including California, Colorado, New Mexico, Ohio, Pennsylvania, Texas, and West Virginia, many of Movants’ members will continue to be affected by air pollution from these sources. Fashho Decl. ¶ 8; Stith Decl. ¶¶ 9-10; Wilson Decl. ¶ 9; Declaration of Hugh Fitzsimons ¶¶ 1-2, 11. *See also* Greene Decl. ¶¶ 13-16 (discussing impacts to Environmental Integrity Project’s work on behalf of clients). Movants also have members who own land and mineral rights in parts of the country where oil and gas operations are expected to expand, and whose pecuniary interests thus may be harmed if the 2016 Rule’s requirements to prevent leaks and to collect natural gas for sale do not go into effect. Fitzsimons Decl. ¶¶ 2, 8, 16.

II. Statutory and Regulatory Background

The Clean Air Act aims “to protect and enhance the quality of the Nation’s air resources.” 42 U.S.C. § 7401(b)(1). To help meet this goal, section 111 of the Act requires EPA to establish standards of performance for new and modified stationary sources of air pollution. *Id.* § 7411. Section 111(b)(1) requires EPA to issue standards of performance for each category of sources that “causes, or contributes significantly to, air pollution which may reasonably be anticipated to

endanger public health or welfare.” *Id.* § 7411(b)(1)(A). These “New Source Performance Standards” (“NSPS”) must reflect “the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) [EPA] determines has been adequately demonstrated.” *Id.* § 7411(a)(1). The Act requires EPA to “review and, if appropriate, revise” those standards at least every 8 years. *Id.* § 7411(b)(1)(B).

In 2012, EPA issued a rule amending the NSPS requirements applicable to oil and natural gas operations. 77 Fed. Reg. at 49,490. The 2012 Rule established control requirements for VOC emissions from new and modified natural gas wells and for compressors, storage vessels, and other sources in the oil and natural gas sector in certain segments of the supply chain. *Id.* at 49,492/1-3. More than a dozen industry groups, states, and environmental organizations, including Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, and Clean Air Council (collectively, the “2012 Environmental Petitioners”), petitioned for review of the 2012 Rule. The 2012 Environmental Petitioners also sought and were granted intervention in support of EPA in that challenge, Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.), which is

currently being held in abeyance, *see* Order of May 12, 2016, *Am. Petroleum Inst. v. EPA*, No. 13-1108 (D.C. Cir.).⁶

At the same time, several industry groups and the 2012 Environmental Petitioners filed petitions with EPA seeking administrative reconsideration of aspects of the 2012 Rule. These reconsideration petitions spawned additional rulemakings, including the 2013 Rule, which amended the control requirements for storage vessel emissions, *see* 78 Fed. Reg. at 58,416, and the 2014 Rule, which established alternative compliance approaches, *see* 79 Fed. Reg. at 79,018. Industry groups again petitioned for review of the 2013 and 2014 Rules,⁷ and the 2012 Environmental Petitioners sought and were granted intervention in support of EPA in those cases. Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1289 (D.C. Cir.); Order of Apr. 22, 2015, *Indep. Petroleum Ass'n v. EPA*, No. 15-

⁶ The 2012 Rule also included standards issued under other Clean Air Act authority, but this Court severed the NSPS-related portion of the litigation from the rest of the litigation over the 2012 Rule. Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.). The cases challenging the NSPS-related portion of the 2012 Rule were assigned docket number 13-1108. Order of Apr. 3, 2013, *Am. Petroleum Inst. v. EPA*, No. 12-1405 (D.C. Cir.).

⁷ The challenges to the 2013 Rule were consolidated with the challenges to the 2012 Rule. *See* Order of Aug. 6, 2014, *Am. Petroleum Inst. v. EPA*, No. 13-1108 (D.C. Cir.). The challenges to the 2014 Rule are consolidated at docket number 15-1040. *See* Order of Mar. 4, 2015, *Indep. Petroleum Ass'n of Am. v. EPA*, No. 15-1040 (D.C. Cir.). The 2014 challenge is also currently being held in abeyance. *See id.*, Order of Apr. 23, 2015.

1040 (D.C. Cir.). In addition, industry groups filed administrative petitions for reconsideration of the 2013 and 2014 rules.

III. The 2016 Rule

Responding in part to the numerous outstanding reconsideration petitions, on September 18, 2015, EPA proposed amendments to the standards established for VOCs in the Prior Rules, and proposed new standards for emissions of greenhouse gases from oil and natural gas operations, formulated as limitations on methane emissions from those sources. *See* 80 Fed. Reg. 56,593. EPA explained that it included requirements for methane emissions in its proposal because the oil and gas industry is currently one of the country's largest emitters of methane. *Id.* at 56,593/1. Finding that methane is a potent greenhouse gas with a 100-year global warming potential that is 28-36 times greater than carbon dioxide, EPA explained that "reducing methane emissions is an important step that can be taken to achieve a near-term beneficial impact in mitigating global climate change." *Id.* at 56,598/3. EPA also proposed extending the current VOC standards to then-unregulated equipment across the oil and gas sector. *Id.* at 56,599/3-600/1.

After receiving comments on the proposal, EPA issued a final rule on June 3, 2016, in which it established standards of performance for emissions of greenhouse gases as well as VOCs for specified equipment and processes in the oil and natural gas production segments, as well as for the natural gas processing and

transmission and storage segments. *See* 81 Fed. Reg. at 35,825/2-3. In part, EPA established these new methane standards in response to the 2012 Environmental Petitioners' request that the agency reconsider its decision in the 2012 rulemaking not to establish methane standards at that time. *See id.* at 35,840/3 n.58. The standards address sources that were not regulated at all in the Prior Rules; sources that were previously regulated for VOC emissions only, but not for greenhouse gas emissions; and sources used across the oil and gas industry for which the Prior Rules only covered a subset. *Id.* at 35,825/3. EPA also finalized amendments to improve implementation of the Prior Rules. *Id.*

ARGUMENT

Movants meet the requirements for intervention: they have demonstrated interests in protecting the 2016 Rule. Their members will benefit from reduced exposure to dangerous air pollution from oil and gas operations if the 2016 Rule is implemented as adopted. Further, they have independent organizational interests in assuring the 2016 Rule is as strong as possible and not nullified, weakened, or delayed by the petitions. These interests may be impaired by the disposition of this case. *See* Fed. R. App. P. 15(d).⁸

⁸ Under Federal Rule of Appellate Procedure 15(d), a motion to intervene need only make “a concise statement of the interest of the moving party and the grounds for intervention.” This Court has noted that “in the intervention area the ‘interest’ test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process.”

I. Movants have interests in protecting their members and others from dangerous air pollution from oil and natural gas operations.

Movants have a strong interest in ensuring that the oil and natural gas performance standards established in the 2016 Rule and the Prior Rules deliver health and environmental benefits for Movants' members, many of whom live in close proximity to oil and gas operations or in areas slated for oil and gas development. They are therefore particularly exposed to the pollutants emitted by those operations, such as VOCs and hazardous air pollutants, and to the pollution locally created by those emissions (particulate matter and ozone pollution). Movants' members also are particularly susceptible to harms posed by climate change, to which methane emissions from these operations significantly contribute.

The health and welfare of Movants' members are threatened by air emissions generated by oil and gas operations. Emissions of methane from oil and gas activities threaten public health and welfare and contribute to climate change. *See* 74 Fed. Reg. 66,496, 66,497-98 (Dec. 15, 2009) (hereinafter, the "Endangerment Finding"); *see also Coal. for Responsible Regulation, Inc. v. EPA*, 684 F.3d 102, 117-26 (D.C. Cir. 2012) (upholding Endangerment Finding), *cert. denied in relevant part sub nom. Virginia v. EPA*, 134 S. Ct. 418 (2013); 80 Fed. Reg. 64,662, 64,683-88 (Oct. 23, 2015) (concluding that more recent scientific

Nuesse v. Camp, 385 F.2d 694, 700 (D.C. Cir. 1967) (reversing denial of intervention under Fed. R. Civ. P. 24(a)).

assessments confirm Endangerment Finding); 81 Fed. Reg. at 35,842-43.

Movants' members use, own, and enjoy property and natural resources that are harmed and threatened by climate change. Declaration of Lois Bower-Bjornson ¶¶ 8-9; Declaration of Denise Fort ¶¶ 8-11; Declaration of Robert Boevingloh ¶¶ 8-11; Declaration of Betsy Leonard ¶ 11; Fitzsimons Decl. ¶¶ 1-2, 6; Minott Decl. ¶¶ 8-10; Declaration of Jenny Lisak ¶¶ 9-12. These members are affected by elevated temperatures, greater risk of forest fires, extreme weather events, reduced snowfall, and exacerbated air pollution problems and other health risks in the areas where they live, work, and recreate. Bower-Bjornson Decl. ¶ 9; Fort Decl. ¶¶ 8-11; Wilson Decl. ¶ 23; Boevingloh Decl. ¶¶ 8-11; Leonard Decl. ¶ 11; Fitzsimons Decl. ¶ 6; Minott Decl. ¶¶ 8-15; Lisak Decl. ¶¶ 9-13.

Additionally, many of Movants' members live, work, and engage in recreation and other activities near oil and gas operations of the type covered by the 2016 Rule, including areas where additional investments in oil and gas operations are expected, and are exposed to or are at high risk for exposure to emissions from nearby sources. Declaration of Veronica Fike ¶¶ 5-6; Bower-Bjornson Decl. ¶¶ 5-6; Fort Decl. ¶ 8-12; Wilson Decl. ¶¶ 17-22; Boevingloh Decl. ¶¶ 2, 4-7; Leonard Decl. ¶¶ 7-10; Declaration of Robert Alspaugh ¶ 6; Fitzsimons Decl. ¶¶ 2, 4-5, 11; Lisak Decl. ¶¶ 4-5. As a result, Movants' members experience harm from oil and gas development, including exposure or likely future exposure

to air pollution and an attendant greater risk of harm to their health. VOC emissions react in the atmosphere with other pollutants to form ground-level ozone. VOCs also form fine particulates. Exposure to ozone and fine particulates is associated with significant public health and environmental effects, including premature deaths, cardiovascular problems such as heart attacks, respiratory problems such as asthma attacks and bronchitis, and injury to vegetation. 81 Fed. Reg. at 35,877, 35,889/1-2. Oil and gas operations also emit significant quantities of hazardous air pollutants (such as benzene and formaldehyde), which are associated with further serious health concerns—for example, several of these pollutants are carcinogens. *Id.* at 35,837/2. Movants’ members who live near oil and gas operations or areas that are likely to be developed in the near future thus face elevated risks of all of these harms. Fike Decl. ¶¶ 5-6, 9; Bower-Bjornson Decl. ¶¶ 6, 10-13; Fort Decl. ¶ 12; Boevingloh Decl. ¶¶ 4-7; Leonard Decl. ¶¶ 7-11; Alspaugh Decl. ¶ 6-8; Wilson Decl. ¶¶ 17, 24-25; Fitzsimons Decl. ¶¶ 2, 7, 11; Lisak Decl. ¶¶ 6-8.

Because of this air pollution, and because of their concern about additional health impacts and risks due to this pollution, Movants’ members do or will refrain from or curtail recreational, aesthetic, and associational activities that they have enjoyed in the past, and emissions from oil and gas industry facilities thus diminish their enjoyment or potential enjoyment of these activities. Fike Decl. ¶ 6; Bower-

Bjornson Decl. ¶ 6. Movants' members are also harmed as a result of their increased concern about their health and the health of their family members, and decreased enjoyment of other activities during which they are exposed to dangerous air pollution, including while they work, on visits to friends and family, and during their daily commutes. Fike Decl. ¶ 9; Wilson Decl. ¶ 24; Boevingloh Decl. ¶¶ 4-7; Leonard Decl. ¶¶ 7-10; Alspaugh Decl. ¶¶ 6-8; Fitzsimons Decl. ¶¶ 4-5; Lisak Decl. ¶¶ 6-8.

The 2016 Rule and the Prior Rules will help redress the occurrence of these future harms to those living near new and modified oil and gas operations. EPA has estimated that the 2016 Rule will prevent emissions of 510,000 tons of methane, 210,000 tons of VOCs, and 3,900 tons of hazardous air pollutants in 2025. 81 Fed. Reg. at 35,827/2. EPA projects that the methane reductions alone will yield \$690 million in 2025 in monetized climate benefits, \$170 million more than the rule's compliance costs for that year. *Id.* at 35,890 tbl.10. The agency also notes that rule's emissions reductions will lead to health protection benefits from reduced exposure to ozone, fine particulate matter, and hazardous air pollutants, as well as reductions in visibility impairment and harm to vegetation, among other environmental benefits. *Id.* at 35,889/1-2.

Recognizing the importance of the health and welfare benefits provided in the 2016 Rule, Movants were active participants in the rulemaking that led to the

rule. As noted above, many of the Movants here filed a Petition for Reconsideration in 2012 urging EPA to reconsider its decision in the 2012 Rule not to issue methane standards. *See supra* at 1-2. Movants also provided comments on a series of White Papers EPA issued in 2014 to help inform its development of the 2016 Rule, and participated in public meetings and advocacy directed toward securing strong performance standards for the oil and gas industry. *See, e.g.*, Comments of Environmental Defense Fund (June 16, 2014) (EPA Docket No. EPA-HQ-OAR-2014-0557-0007); Comments of Sierra Club, Natural Resources Defense Council, Earthworks, et al. (June 16, 2014) (EPA Docket No. EPA-HQ-OAR-2014-0557-0041). Movant Environmental Defense Fund likewise participated in a series of scientific studies to better characterize methane emissions from the oil and gas sector and identify opportunities to reduce those emissions. *See, e.g.*, Allen, D.T., et al., *Measurements of methane emissions at natural gas production sites in the United States*, Proceedings of the Natl. Acad. of Scis., 110 (2013), <http://www.pnas.org/content/110/44/17768.full>; Anthony J. Marchese, et al., *Methane Emissions From United States Natural Gas Gathering and Processing*, *Envtl. Sci. & Tech.*, 49, 10718 (2015), <http://pubs.acs.org/doi/abs/10.1021/acs.est.5b02275>. EPA considered these scientific studies in developing and finalizing the 2016 Rule. *See EPA, Equipment Leaks Data: EPA and Peer Reviewed Sources* at 1 (EPA Docket No. EPA-HQ-

OAR-2010-0505-7589) (posted June 3, 2016). After EPA issued the proposed rule, Movants submitted written comments indicating their “strong[] support [for] EPA’s proposed standards to address methane emissions,” and making “recommendations for strengthening these critical protections.” Comments of Movants, et al. at 4 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-7322); *See also* Comments of Environmental Integrity Project, Clean Air Council, et al. (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-6953) (highlighting additional issues to improve EPA’s proposal).

II. Movants’ interest in protecting their members and others is threatened by this action.

Movants’ interests described above are threatened by the instant attacks on the 2016 Rule. Industry Petitioners and other litigants seeking review of the 2016 Rule will likely seek to weaken the rule’s requirements, as their comments during the rulemaking attacked many of the protective measures contained in the proposed rule. For example, during the rulemaking, Industry Petitioners Independent Petroleum Association of America and Western Energy Alliance filed comments arguing that the EPA does not have authority to regulate greenhouse gas pollution in the form of limitations on methane emissions. *See* Comments of Independent Petroleum Association of America at 19-22 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-7001). In addition, Industry Petitioner American Petroleum Institute called for EPA to narrow the definition of a “modification” triggering

application of the 2016 Rule, a proposal EPA rejected. *See* 81 Fed. Reg. at 35,881/1-2; Comments of American Petroleum Institute at 110-13 (Dec. 4, 2015) (EPA Docket No. EPA-HQ-OAR-2010-0505-6884).

Movants have a strong interest in intervening to prevent Petitioners' attempts to nullify, weaken, or delay of the 2016 Rule, which would harm Movants' legally protected interests and those of their members. Fashho Decl. ¶¶ 5-6; Stith Decl. ¶¶ 4-7; Trujillo ¶¶ 3-5. Because Movants would be deprived of these health and environmental benefits were petitioners to succeed in their challenges, Movants have both a clear "interest" under Rule 15(d) and standing to intervene under Article III of the Constitution, *see Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).⁹

Further, Movants' have an independent organizational interest in defending against Petitioners' attempts to nullify, weaken or delay the 2016 Rule in any way. As discussed above, Movants' long record of advocacy has led to the development of the 2016 Rule and helped to shape its requirements. Further, Movants have a clear organizational interest in assuring that the 2016 Rule is as strong as possible.

⁹ This Court has held repeatedly that organizations such as Movants have standing to sue to protect their members from pollution that threatens and concerns those members. *See, e.g., Nat. Res. Def. Council v. EPA*, 755 F.3d 1010, 1016-17 (D.C. Cir. 2014); *Ass'n of Battery Recyclers, Inc. v. EPA*, 716 F.3d 667, 672-73 (D.C. Cir. 2013).

Movants also have an organizational interest in having access to full and prompt information regarding the emissions at facilities in the oil and gas source category. The access to this information, which the 2016 Rule ensures, is central to Movants' fulfillment of their organizational missions, because disseminating such information is a core function for Movants. Greene Decl. ¶¶ 9-12. The possibility that petitions may weaken or nullify the 2016 Rule establishes Movants' organizational interest under Rule 15(d) and their standing to intervene under Article III of the Constitution. *See D.C. Appleseed Ctr. for Law & Justice, Inc. v. D.C. Dep't of Ins., Sec., & Banking*, 54 A.3d 1188, 1209 (D.C. 2012) (holding that an organization has an injury in fact when an agency's interpretation of a law that furthered the organization's mission would have weakened the law and impaired the organization's ability to carry-out its mission and the organization had been an active participant in the development of the law); *see also Am. Soc. for Prevention of Cruelty to Animals v. Feld Entm't, Inc.*, 659 F.3d 13, 25 (D.C. Cir. 2011) (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)).

Movants' participation as intervenors in support of EPA will not delay the proceedings or prejudice any party. This motion to intervene is timely filed on August 15, 2016, within the 30-day period allowed under Federal Rule of Appellate Procedure 15(d). *See Ala. Power Co. v. ICC*, 852 F.2d 1361, 1367 (D.C. Cir. 1988). The Court has not yet scheduled oral argument or established a

briefing schedule. Further, Movants share common interests in defending the 2016 Rule and intend to file their brief in support of Respondent EPA jointly, as directed by D.C. Circuit Rule 28(d)(4). Movants' participation will not undermine the efficient and timely adjudication of this case. Indeed, as nonprofit, environmental citizens' groups with members living near oil and gas operations covered by the 2016 Rule, Movants are likely to offer a distinct perspective that will be of assistance to the Court as it considers challenges to the 2016 Rule.

This Court has previously allowed many of the Movants here to intervene in industry petitions challenging EPA actions under the Clean Air Act, including the industry challenges to the Prior Rules, and other regulations applicable to oil and gas operations. *See supra* at 3; *see also* Order of Apr. 8, 2011, *Am. Gas Ass'n v. EPA*, No. 11-1020 (D.C. Cir.) (Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club granted intervention in lawsuits challenging greenhouse gas emissions reporting regulations applicable to oil and gas facilities); Order of Mar. 16, 2015, *Am. Petroleum Inst. v. EPA*, No. 15-1020 (D.C. Cir.) (same). Comparable circumstances warrant a grant of intervention here.

CONCLUSION

For the foregoing reasons, Movants Natural Resources Defense Council, Environmental Defense Fund, Sierra Club, Clean Air Council, Earthworks and the Environmental Integrity Project respectfully request leave to intervene in Case

Nos. 16-1242, 16-1257, 16-1262, 16-1263, 16-1264, 16-1266, 16-1267, 16-1269, and 16-1270 under D.C. Circuit Rule 15(b), in all other petitions for review of the challenged EPA action.

DATED: August 15, 2016

Respectfully submitted,

/s/ Timothy D. Ballo

Timothy D. Ballo
Earthjustice
1625 Massachusetts Ave., NW,
Suite 702
Washington, DC 20036
(202) 667-4500 Ext. 5209
tballo@earthjustice.org

/s/ Meleah Geertsma

Meleah Geertsma
Natural Resources Defense Council
2 N. Wacker Drive, Suite 1600
Chicago, IL 60606
(312) 651-7904
mgeertsma@nrdc.org

*Counsel for Sierra Club and Clean Air
Council*

*Counsel for Natural Resources Defense
Council*

/s/ Peter Zalzal

Peter Zalzal
Environmental Defense Fund
2060 Broadway, Ste. 300
Boulder, CO 80302
(303) 447-7214
pzalzal@edf.org

/s/ Joanne Spalding

Joanne Marie Spalding
Sierra Club
85 Second Street, Second Floor
San Francisco, CA 94105-3441
(415) 997-5725
Joanne.Spalding@sierraclub.org

/s/ Tomás Carbonell

Tomás Carbonell
Environmental Defense Fund
1875 Connecticut Ave., 6th Floor
Washington, D.C., 20009
(202) 572-3610
tcarbonell@edf.org

/s/ Andres Restrepo

Andres Restrepo
Sierra Club
50 F St., NW, Eighth Floor
Washington, DC 20001
(202) 650-6073
Andres.Restrepo@sierraclub.org

Counsel for Sierra Club

/s/ Susannah Landes Weaver

Susannah Landes Weaver
Donahue & Goldberg, LLP
1130 Connecticut Ave., NW,
Suite 950
Washington, DC 20036
(202) 569-3818
susannah@donahuegoldberg.com

*Counsel for Environmental Defense
Fund*

/s/ Darin Schroeder

Darin Schroeder
Ann Weeks
Clean Air Task Force
18 Tremont, Suite 530
Boston, MA 02108
(303) 579-4165
dschroeder@catf.us
aweeks@catf.us

Counsel for Earthworks

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **Motion to Intervene in Support of Respondent** on all parties through the Court's electronic case filing (ECF) system.

DATED: August 15, 2016

/s/ Timothy D. Ballo

Timothy D. Ballo