

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

STATE OF UTAH, on behalf of the
Utah Department of Environmental
Quality, Division of Air Quality,

Petitioner,

CARBON AND EMERY COUNTIES,
UTAH, and UTAH MUNICIPAL
POWER AGENCY,

Intervenors,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Respondents.

HEAL UTAH, et al.,

Intervenors.

PACIFICORP,

Petitioner,

CARBON AND EMERY COUNTIES,
UTAH, and UTAH MUNICIPAL
POWER AGENCY,

Intervenors,

Case No. 16-9541

Case No. 16-9542

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Respondents,

HEAL UTAH, et al.,

Intervenors.

UTAH ASSOCIATED MUNICIPAL
POWER SYSTEMS,

Petitioner,

CARBON AND EMERY COUNTIES,
UTAH, and UTAH MUNICIPAL
POWER AGENCY,

Intervenors,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Respondents.

HEAL UTAH, et al.,

Intervenors.

Case No. 16-9543

DESERET GENERATION AND
TRANSMISSION COOPERATIVE,

Petitioner,

CARBON AND EMERY COUNTIES,
UTAH, and UTAH MUNICIPAL
POWER AGENCY,

Intervenors,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Respondents,

HEAL UTAH, et al.,

Intervenors.

Case No. 16-9545

STATUS REPORT BY EPA

In compliance with the Court's September 11, 2017 Order (ECF No. 10496767), Respondent United States Environmental Protection Agency (EPA) submits its second 90-day status report regarding the Agency's reconsideration of the final rule entitled, "Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan; Utah; Revisions to Regional

Haze State Implementation Plan; Federal Implementation Plan for Regional Haze; Final Rule,” 81 Fed. Reg. 43,894 (July 5, 2016) (“Final Rule”).

As indicated in EPA’s motion for abeyance (ECF No. 10483481), the agency was pursuing and continues to pursue opportunities to resolve the issues raised by Petitioners administratively instead of through litigation. To that end, EPA has continued to engage in discussions regarding additional technical analyses that are likely to inform its reconsideration of the Final Rule. These technical analyses include new air quality model simulations using a state-of-the-science model and methodologies. Model simulations are in progress and currently expected to be completed in May 2018. Once the technical analyses have been fully developed and submitted to the Agency, EPA will evaluate them and proceed to publish a notice of proposed rulemaking and take public comment on the issues subject to reconsideration.

Dated: March 12, 2017

Respectfully submitted,

JONATHAN BRIGHTBILL
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Environment and Natural Resources Division

/s/ Stephanie J. Talbert
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Certification for ECF Pleading

Pursuant to CM/ECF User Manual Section II(I), I hereby certify that all required privacy redactions have been made; that, if required to file additional hard copies, the ECF submission is an exact copy of those hard copy documents; and that the ECF submission was scanned for viruses with Microsoft's Forefront Client Security, Version 4.9.219.0, which is updated daily, and, according to the program, is free of viruses.

Dated: March 12, 2018

/s/ Stephanie J. Talbert

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Certificate of Service

I hereby certify that I electronically filed the foregoing STATUS REPORT BY EPA with the clerk of the court for the United States Court of Appeals for the Tenth Circuit using the electronic case filing system of the court. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. The following will be served by mail:

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