

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-1149

September Term, 2015

EPA-74FR37213
EPA-75FR816

Filed On: January 29, 2016

In re: Idaho Conservation League, et al.,

Petitioners

BEFORE: Henderson, Rogers, and Millett, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus, the responses thereto, and the reply; the motion of the Superfund Settlements Project, American Chemistry Council, and the American Petroleum Institute for leave to intervene; the motion of the National Mining Association to intervene as respondent; the motion of Freeport-McMoRan, Inc. for leave to intervene as respondent; the oppositions to the motions for leave to intervene, and the replies; the joint motion of the environmental petitioners and the EPA for an order on consent; the petitioners' supplemental brief; the lodged supplemental brief of proposed intervenor National Mining Association to petitioners' supplemental standing brief; the lodged response of movant-intervenor Freeport-McMoRan, Inc. to petitioners' supplemental brief and opposition to joint motion for order on consent; and the lodged response brief of proposed intervenors the Superfund Settlements Project, American Chemistry Council, and the American Petroleum Institute to petitioners' supplemental brief, it is, in accordance with the opinion issued herein this date,

ORDERED that the motions for leave to intervene be denied. It is

FURTHER ORDERED that the joint motion for an order on consent be granted and that pursuant to the order in the joint motion:

(1) EPA will sign for publication in the Federal Register a notice of proposed rulemaking on financial assurance requirements under CERCLA section 108(b) in the hardrock mining industry by **December 1, 2016**. EPA will sign for publication in the Federal Register a notice of its final action on such regulations by **December 1, 2017**.

(2) EPA will sign for publication in the Federal Register a determination whether EPA will issue a notice of proposed rulemaking on financial assurance requirements under CERCLA section 108(b) in the (a) chemical manufacturing industry; (b) petroleum and coal products manufacturing industry; and (c) electric power generation, transmission, and distribution industry by **December 1, 2016**.

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(3) If EPA proceeds with a rulemaking on financial assurance requirements under CERCLA section 108(b) in any of these other industries,

EPA will sign for publication in the Federal Register a notice of proposed rulemaking in the **first** additional industry by **July 2, 2019**, and sign for publication in the Federal Register a notice of its final action by **December 2, 2020**.

EPA will sign for publication in the Federal Register a notice of proposed rulemaking in the **second** additional industry by **December 4, 2019**, and sign for publication in the Federal Register a notice of its final action by **December 1, 2021**.

EPA will sign for publication in the Federal Register a notice of proposed rulemaking in the **third** additional industry by **December 1, 2022**, and sign for publication in the Federal Register a notice of its final action by **December 4, 2024**.

(4) These deadlines may be extended or modified upon the filing of a joint stipulation by the parties in this court. If EPA seeks an extension of time that petitioners oppose, then EPA may file a motion in this court for an extension of time.

It is

FURTHER ORDERED that this panel retains jurisdiction over this matter pending the completion of the schedule. EPA shall submit status reports every six months from the date of entry of the order until it has fulfilled its obligations under this schedule.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk