

No. _____

IN THE
Supreme Court of the United States

WESTMORELAND MINING HOLDINGS LLC,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND
MICHAEL REGAN, ADMINISTRATOR OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the District of Columbia Circuit**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all parties required to be served, have been served, on this 18th day of June, 2021. In accordance with Supreme Court Rule 29.3 and the Court's Order of April 15, 2020, I certify that copies of the Petition for Certiorari and Appendix filed in this matter were served via electronic mail on all parties required:

Elizabeth B. Prelogar
Acting Solicitor General
DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
(202) 514-2217
supremectbriefs@usdoj.gov

*Counsel for U.S. Environmental
Protection Agency and Michael
Regan, Administrator of the U.S.
Environmental Protection Agency*

Benjamin Carlisle
Meghan Greenfield
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL
RESOURCES DIVISION
PO Box 7611, Ben Franklin Station
Washington, DC 20044-7415
(202) 514-9771
benjamin.carlisle@usdoj.gov
meghan.greenfield@usdoj.gov

*Counsel for U.S. Environmental
Protection Agency and Michael
Regan, Administrator of the U.S.
Environmental Protection Agency*

Intervenors and Petitioners:

David Michael Flannery
Amy M. Smith
STEPTOE & JOHNSON PLLC
P.O. Box 1588
Charleston, WV 25326
(304) 353-8000
dave.flannery@steptoe-johnson.com
Amy.Smith@steptoe-johnson.com

*Counsel for AEP Generating
Company, AEP Generation Resources
Inc., Appalachian Power Company,
Indiana Michigan Power Company,
Kentucky Power Company, Public
Service Company of Oklahoma,
Southwestern Electric Power
Company, Wheeling Power Company,
Indiana Energy Association, and
Indiana Utility Group*

Scott Allen Keller
Jeremy Evan Maltz
BAKER BOTTS LLP
700 K Street, NW
Washington, DC 20001-5692
(202) 639-9307
jeremy.maltz@bakerbotts.com
scott@lehotskykeller.com

*Counsel for Chamber of Commerce of
the United States of America*

Elbert Lin
F. William Brownell
HUNTON ANDREWS KURTH LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
(804) 788-7202
ELin@hunton.com
bbrownell@HuntonAK.com

Counsel for America's Power

John David Lazzaretti
John A. Rego
SQUIRE PATTON BOGGS (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114-1304
(216) 4 79-8350
john.lazzaretti@squirepb.com
jrego@beneschlaw.com

*Counsel for Murray Energy
Corporation*

Carroll Wade McGuffey, III
TROUTMAN PEPPER HAMILTON SANDERS
LLP
600 Peachtree Street, NE
Suite 3000
Atlanta, GA 30308-2216
(404) 885-3698
mack.mcguffey@troutman.com

*Counsel for National Mining
Association*

Joseph Anthony Scalfani
OFFICE OF MISSISSIPPI GOVERNOR PHIL
BRYANT
PO Box 139
Jackson, MS 39205
(601) 576-2807
Joseph.Sclafani@governor.ms.gov

*Counsel for Phil Bryant, Governor of
the State of Mississippi*

Thomas Allen Lorenzen
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2595
(202) 624-2789
tlorenzen@crowell.com

*Counsel for National Rural Electric
Cooperative Association*

Emily Church Schilling
HOLLAND & HART, LLP
901 K Street, NW, Suite 850
Washington, DC 20001
(202) 654-6922
ecschilling@hollandhart.com

*Counsel for Basin Electric Power
Cooperative*

Angela Jean Levin
TROUTMAN PEPPER HAMILTON SANDERS
LLP
Three Embarcadero Center, Suite 800
San Francisco, CA 94111
(415) 477-5700
angela.levin@troutmansanders.com

Counsel for Georgia Power Company

William Daniel Booth
MICHAEL BEST & FRIEDRICH, LLP
1000 Maine Avenue, SW, Suite 400
Washington, DC 20024
(202) 747-9658
wdbooth@michaelbest.com

*Counsel for Mississippi Public
Service Commission*

C. Grady Moore, III
BALCH & BINGHAM LLP
1901 6th Avenue North, Suite 1500
Birmingham, AL 35201
(205) 251-8100
gmoore@balch.com

*Counsel for Powersouth Energy
Cooperative*

Treg R. Taylor
Clyde E. Sniffen, Jr.
OFFICE OF THE ATTORNEY GENERAL
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(907) 269-5200
treg.taylor@alaska.gov
attorney.general@alaska.gov
ed.sniffen@alaska.gov

Counsel for State of Alaska

Yaakov M. Roth
Stephen J. Petrany
JONES DAY
51 Louisiana Ave., NW
Washington, D.C. 20001
(202) 879-3939
yroth@jonesday.com

*Counsel for North American Coal
Corporation*

Michael A. Zody
Jacob Santini
PARSONS BERLE & LATIMER
201 South Main Street
Suite 1800
Salt Lake City, UT 84111
(801) 532-1234
mzody@parsonsbehle.com
jsantini@parsonsbehle.com

*Counsel for Nevada Gold Mines LLC
and Nevada Gold Energy LLC*

Edmund Gerard LaCour, Jr.
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, AL 36130
(334) 353-2196
elacour@ago.state.al.us

Counsel for State of Alabama

Nicholas J. Bronni
OFFICE OF THE ATTORNEY GENERAL
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-6302
nicholas.bronni@arkansasag.gov

Counsel for State of Arkansas

Andrew Pinson
STATE OF GEORGIA DEPARTMENT OF
LAW
40 Capitol Square, SW
Atlanta, GA 30334-1300
(404) 458-3409
apinson@law.ga.gov

Counsel for State of Georgia

Jeffrey Allyn Chanay
OFFICE OF THE KANSAS ATTORNEY
GENERAL
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612
(785) 296-2215
jeff.chanay@ag.ks.gov

Counsel for State of Kansas

Elizabeth Baker Murrill
LOUISIANA ATTORNEY GENERAL
PO Box 94005
Baton Rouge, LA 70804
(225) 326-6766
murrille@ag.louisiana.gov

Counsel for State of Louisiana

Jeremiah Langston
OFFICE OF THE ATTORNEY GENERAL
Justice Building
215 North Sanders
Helena, MT 59620-1401
(406) 444-7008
jeremiah.langston@mt.gov

Counsel for State of Montana

Thomas M. Fisher
OFFICE OF THE INDIANA ATTORNEY
GENERAL
Indiana Government Center South
302 West Washington Street, 5th Floor
Indianapolis, IN 46204
(317) 234-6843
tom.fisher@atg.in.gov

Counsel for State of Indiana

Steven Travis Mayo
OFFICE OF THE ATTORNEY GENERAL
700 Capitol Avenue, Suite 106
Frankfort, KY 40601
(502) 564-2611
travis.mayo@ky.gov

Counsel for State of Kentucky, by and through Governor Matthew G. Bevin

Dean John Sauer
OFFICE OF THE MISSOURI ATTORNEY GENERAL
PO Box 899
Jefferson City, MO 65102
(573) 751-8807
john.sauer@ago.mo.gov

Counsel for State of Missouri

Justin D. Lavene
OFFICE OF THE ATTORNEY GENERAL
2115 State Capitol
PO Box 98920
Lincoln, NE 68509-8920
(402) 471-2064
justin.lavene@nebraska.gov

Counsel for State of Nebraska

Paul Martin Seby
GREENBERG TRAUIG, LLP
1144 15th Street, Suite 3300
Denver, CO 80202
(303) 572-6584
sebyp@gtlaw.com

Counsel for State of North Dakota

Mithun Mansinghani
OFFICE OF THE ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-4392
mithun.mansinghani@oag.ok.gov

Counsel for State of Oklahoma
Steven Robert Blair
OFFICE OF THE ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501
(605) 773-3215
steven.blair@state.sd.us

Counsel for State of South Dakota

Melissa Ann Holyoak
Parker Douglas
Tyler Richard Green
UTAH STATE CAPITOL COMPLEX
350 North State Street, Suite 230
Salt Lake City, UT 84114-2320
(801) 538-9600
melissaholyoak@agutah.gov
pdouglas@utah.gov
tyler@consvoymccarthy.com

Counsel for State of Utah

Benjamin Michael Flowers
OFFICE OF THE ATTORNEY GENERAL
30 East Broad Street, 17th Floor
Columbus, OH 43215-3428
(614) 728-7511
benjamin.flowers@ohioattorneygeneral.gov

Counsel for State of Ohio

James Emory Smith, Jr.
OFFICE OF THE ATTORNEY GENERAL
PO Box 11549
Columbia, SC 29211
(803) 734-3680
esmith@scag.gov

Counsel for State of South Carolina

Judd Edward Stone II
Kyle D. Hawkins
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, TX 78711-2548
(512) 936-1700
judd.stone@oag.texas.gov
kyle.hawkins@oag.texas.gov

Counsel for State of Texas

Lindsay S. See
WEST VIRGINIA OFFICE OF THE
ATTORNEY GENERAL
1900 Kanawha Boulevard, East
State Capitol, Room E-26
Charleston, WV 25305
(304) 558-2021
lindsay.s.see@wvago.gov

Counsel for State of West Virginia

James Kaste
OFFICE OF THE ATTORNEY GENERAL
2320 Capitol Avenue
Cheyenne, WY 82002
(307) 777-6946
james.kaste@wyo.gov

Counsel for State of Wyoming

Elizabeth Jones
CENTER FOR BIOLOGICAL DIVERSITY
660 S. Figueroa Street, Suite 1000
Los Angeles, CA 90017
(213) 785-5400
ljones@biologicaldiversity.org

*Counsel for Center for Biological
Diversity*

Kristin Merritt Bronson
CITY AND COUNTY OF DENVER
1437 Bannock Street, Suite 353
Denver, CO 80202
(720) 865-8600
kristin.bronson@denvergov.org

*Counsel for City and County of
Denver Colorado*

James P. Duffy
Ann Brewster Weeks
CLEAN AIR TASK FORCE
114 State Street, 6th Floor
Boston, MA 02109
(617) 359-4077
jduffy@catf.us
aweeks@catf.us

*Counsel for American Lung
Association, American Public Health
Association, Appalachian Mountain
Club, Clean Air Council, Clean
Wisconsin, Conservation Law
Foundation, and Minnesota Center for
Environmental Advocacy*

Brittany E. Wright
CHESAPEAKE BAY FOUNDATION
6 Herndon Avenue
Annapolis, MD 21403
(443) 482-2077
bwright@cbf.org

*Counsel for Chesapeake Bay
Foundation, Inc.*

Debra S. Kalish
Tom Carr
CITY ATTORNEY'S OFFICE
1777 Broadway, 2nd Floor
Boulder, CO 80302
(303) 441-3092
kalishd@bouldercolorado.gov
carrt@bouldercolorado.gov

Counsel for City of Boulder

Benna Ruth Solomon
CORPORATION COUNSEL OF THE CITY OF
CHICAGO, APPEALS DIVISION
30 North LaSalle Street, Suite 800
Chicago, IL 60602
(312) 744-7764
henna.solomon@cityofchicago.org

Counsel for City of Chicago

Christopher Gene King
NEW YORK CITY LAW DEPARTMENT
100 Church Street
New York, NY 10007
(212) 788-1235
cking@law.nyc.gov

Counsel for City of New York

Thomas Frank Pepe
PEPE & NEMIRE, LLC
1450 Madruga Avenue, Suite 202
Coral Gables, FL 33146
(305) 667-2564
thomaspepe@pepenemire.com

Counsel for City of South Miami

Aimee Diane Thomson
OFFICE OF THE ATTORNEY GENERAL
1600 Arch Street, Suite 300
Philadelphia, PA 19103
(267) 940-6696
athomson@attorneygeneral.gov

*Counsel for Commonwealth of
Pennsylvania*

Michael James Bostrom
LOS ANGELES CITY ATTORNEY'S OFFICE
AFFIRMATIVE LITIGATION DIVISION
200 N. Spring Street, 14th Floor
Los Angeles, CA 90012
(213) 978-1882
michael.bostrom@lacity.org

Counsel for City of Los Angeles

Scott Schwarz
CITY OF PHILADELPHIA LAW
DEPARTMENT
One Parkway Building
1515 Arch Street
Philadelphia, PA 19102-1595
(215) 683-5170
scott.schwarz@phila.gov

Counsel for City of Philadelphia

Christophe Gagnon Courchesne
David S. Frankel
MASSACHUSETTS OFFICE OF THE
ATTORNEY GENERAL
One Ashburton Place
Boston, MA 02108
(617) 963-2423
christophe.courchesne@state.ma.us
david.frankel@mass.gov

*Counsel for Commonwealth of
Massachusetts*

Paul Kugelman, Jr.
OFFICE OF THE ATTORNEY GENERAL
202 North 9th Street
Richmond, VA 23219
(804) 786-3811
pkugelman@oag.state.va.us

Counsel for Commonwealth of Virginia

Karl A. Racine
Loren L. AliKhan
OFFICE OF THE ATTORNEY GENERAL
400 6th Street, NW, Suite 8100
Washington, DC 20001
(202) 727-3400
Loren.AliKhan@dc.gov

Counsel for District of Columbia

Howard Learner
ENVIRONMENTAL LAW & POLICY
CENTER
35 E. Wacker Drive, Suite 1600
Chicago, IL 60601
(312) 673-6500
hlearner@elpc.org

*Counsel for Environmental Law and
Policy Center*

Joanne Marie Spalding
SIERRA CLUB
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5725
joanne.spalding@sierraclub.org

Counsel for Sierra Club

Scott Norman Koschwitz
Matthew Ivan Levine
OFFICE OF THE ATTORNEY GENERAL
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5250
scott.koschwitz@ct.gov
matthew.levine@ct.gov

Counsel for State of Connecticut

Sean H. Donahue
DONAHUE, GOLDBERG & WEAVER, LLP
1008 Pennsylvania Avenue, SE
Washington, DC 20003
(202) 277-7085
sean@donahuegoldberg.com

*Counsel for Environmental Defense
Fund*

Melissa Joy Lynch
David D. Doniger
NATURAL RESOURCES DEFENSE
COUNCIL
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 717-8296
llynch@nrdc.org
ddoniger@nrdc.org

*Counsel for Natural Resources Defense
Council*

Timothy Eugene Sullivan
Robert William Byrne
OFFICE OF THE ATTORNEY GENERAL
1515 Clay Street, PO Box 70550
Oakland, CA 94612-0550
(510) 622-4038
timothy.sullivan@doj.ca.gov
Robert.Byrne@doj.ca.gov

Counsel for State of California

Eric Olson
OFFICE OF THE ATTORNEY GENERAL
1300 Broadway
Denver, CO 80203
(720) 508-6548
eric.olson@coag.gov

Counsel for State of Colorado

Valerie Melissa Edge
DELAWARE DEPARTMENT OF JUSTICE
102 West Water Street
Dover, DE 19904
(302) 257-3219
valerie.edge@delaware.gov

Counsel for State of Delaware

Daniel Isaac Rottenberg
OFFICE OF THE ATTORNEY GENERAL,
ENVIRONMENTAL BUREAU
69 West Washington Street,
Suite 1800
Chicago, IL 60602
(312) 814-3816
drottenberg@atg.state.il.us

Counsel for State of Illinois

John B. Howard, Jr.
Joshua Segal
OFFICE OF THE ATTORNEY GENERAL
200 St. Paul Place
Baltimore, MD 21202-2021
(410) 576-6970
jbhoward@oag.state.md.us
jsegal@oag.state.md.us

Counsel for State of Maryland

Peter Surdo
OFFICE OF THE ATTORNEY GENERAL
Town Square Tower
445 Minnesota Street
St. Paul, MN 55101-2127
(651) 757-1061
peter.surdo@ag.state.mn.us

Counsel for State of Minnesota

William F. Cooper
STATE OF HAWAII DEPARTMENT OF THE
ATTORNEY GENERAL
425 Queen Street
Honolulu, HI 96813
(808) 586-1282
Bill.F.Cooper@Hawaii.gov

Counsel for State of Hawaii

Laura Jensen
OFFICE OF THE ATTORNEY GENERAL
6 State House Station
Augusta, ME 04333-0006
(207) 626-8868
laura.jensen@maine.gov

Counsel for State of Maine

Gillian E. Wener
MICHIGAN DEPARTMENT OF ATTORNEY
GENERAL
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
wenerg@michigan.gov

*Counsel for State of Michigan and the
People of the State of Michigan*

Heidi Parry Stern
OFFICE OF THE ATTORNEY GENERAL
555 East Washington Avenue
Suite 3100
Las Vegas, NV 89101
(702) 486-3594
hstern@ag.nv.gov

Counsel for State of Nevada

Lisa Jo Morelli
OFFICE OF THE ATTORNEY GENERAL
PO Box 112
Trenton, NJ 08625-0112
(609) 633-8713
lisa.morelli@dol.lps.state.nj.us

Counsel for State of New Jersey

Michael J. Myers
Brian Murray Lusignan
Steven Wu
OFFICE OF THE ATTORNEY GENERAL
The Capitol
Albany, NY 12224-0341
(518) 776-2382
michael.myers@ag.ny.gov
Brian.Lusignan@ag.ny.gov
steven.wu@ag.ny.gov

Counsel for State of New York

Paul Andrew Garrahan
OREGON DEPARTMENT OF JUSTICE
1515 SW Fifth Avenue, Suite 410
Portland, OR 97201
(971) 673-1943
paul.garrahan@doj.state.or.us

Counsel for State of Oregon

Nicholas Frank Persampieriz
OFFICE OF THE ATTORNEY GENERAL
109 State Street
Montpelier, VT 05609-1001
(802) 828-6902
nick.persampieri@vermont.gov

Counsel for State of Vermont

Anne Minard
OFFICE OF THE ATTORNEY GENERAL
Villagra Building
408 Galisteo Street
Santa Fe, NM 87504
(505) 490-4045
aminard@nmag.gov

Counsel for State of New Mexico

Asher Paris Spiller
OFFICE OF THE ATTORNEY GENERAL
PO Box 629
Raleigh, NC 27602
(919) 716-6050
aspiller@ncdoj.gov

Counsel for State of North Carolina

Gregory Stage Schultz
OFFICE OF THE ATTORNEY GENERAL
150 South Main Street
Providence, RI 02903
(401) 274-4400
gschultz@riag ri.gov

Counsel for State of Rhode Island

Christopher Huriaux Reitz
Emily C. Nelson
OFFICE OF THE ATTORNEY GENERAL
PO Box 40117
Olympia, WA 98504-0117
(360) 586-4614
chris.reitz@atg.wa.gov
emily.nelson@atg.wa.gov

Counsel for State of Washington

Gabe Johnson-Karp
WISCONSIN DEPARTMENT OF JUSTICE
17 West Main Street
PO Box 7857
Madison, WI 53707-7857
(608) 267-8904
johnsonkarp@doj.state.wi.us

Counsel for State of Wisconsin

Theodore Hadzi-Antich
TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, TX 78701
(512) 472-2700
tha@texaspolicy.com

*Counsel for Robinson Enterprises,
Inc., Nuckles Oil Company, Inc.,
doing business as Merit Oil
Company, Construction Industry Air
Quality Coalition, Liberty Packing
Company, LLC, Dalton Trucking,
Inc., Norman R. Brown, Joanne
Brown, Competitive Enterprise
Institute, Texas Public Policy
Foundation*

Jeffery Scott Dennis
ADVANCED ENERGY ECONOMY
1000 Vermont Avenue, NW
Suite 300
Washington, DC 20005
(202) 380-1950
jdennis@aee.net

*Counsel for Advanced Energy
Economy*

Eugene Marc Trisko
LAW OFFICES OF EUGENE M. TRISKO
PO Box 330133
Atlantic Beach, FL 32233
(304) 258-1977
emtrisko7@gmail.com

*Counsel for International Brotherhood
of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers,
AFLCIO, International Brotherhood of
Electrical Workers, AFL-CIO, and
United Mine Workers of America, AFL-
CIO*

David Michael Williamson
WILLIAMSON LAW & POLICY
1850 M Street NW, Suite 840
Washington, DC 20036
(202) 256-6155
maxwilliamson@williamsonlawpolicy.com

Counsel for Biogenic CO2 Coalition

Eugene Grace
AMERICAN CLEAN POWER ASSOCIATION
1501 M Street, NW
Washington, DC 20005
(202) 383-2500
ggrace@awea.org

Counsel for American Clean Power Association

Richard Umoff
SOLAR ENERGY INDUSTRIES
ASSOCIATION
600 14th Street, NW, Suite 400
Washington, DC 20005
(202) 556-2877
rumoff@seia.org

Counsel for Solar Energy Industries Association

Kevin James Poloncarz
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591-6000
kpoloncarz@cov.com

*Counsel for Consolidated Edison, Inc.,
Exelon Corporation, National Grid
USA, New York Power Authority,
Power Companies Climate Coalition,
Public Service Enterprise Group
Incorporated, and Sacramento
Municipal Utility District*

Dated: June 18, 2021



Andrew M. Grossman
BAKER & HOSTETLER LLP
1050 Connecticut Ave., N.W.
Washington, D.C. 20036
(202) 861-1697
agrossman@bakerlaw.com