

**ARUGED MARCH 16, 2018
DECISION ISSUED AUGUST 17, 2018**

No. 17-1155 (and consolidated cases)

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

AIR ALLIANCE HOUSTON, et al.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,

Respondents.

**EPA'S CONCURRENCE IN INDUSTRY INTERVENORS' EMERGENCY
MOTION FOR RECONSIDERATION OF THE COURT'S DECISION TO
GRANT PETITIONERS JOINT MOTION FOR EXPEDITED ISSUANCE
OF THE COURT'S MANDATE**

Respondent United States Environmental Protection Agency ("EPA") hereby informs the Court that it concurs in Industry Intervenors' Emergency Motion to reconsider the granting of Petitioners' Motion to expedite the issuance of the mandate without providing EPA and other parties an opportunity to respond to that motion. EPA was planning to file its response on the due date, September 4, 2018. That response would explain why EPA believes that Petitioners' Motion fails to establish the required good cause to expedite the issuance of the mandate.

Respectfully submitted,

Date: August 31, 2018

JEFFREY H. WOOD
Acting Assistant Attorney General

OF COUNSEL:

JONATHAN D. BRIGHTBILL
Deputy Assistant Attorney General

BRIAN DOSTER
JONATHAN AVERBACK
Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., NW
Mail Code 2344A
Washington, D.C. 20460

/s/ Perry M. Rosen
PERRY M. ROSEN
United States Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington D.C. 20044
Tel: (202) 353-7792
perry.rosen@usdoj.gov

Counsel for Respondents

**CERTIFICATE OF COMPLIANCE UNDER
FED. R. APP. P. 27(d)(2) and 32(g)**

I hereby certify that this Memorandum complies with the typeface and type-volume limitations of Fed. R. App. P. 27(d) and 32(g), because it was prepared in proportionally spaced typeface using Microsoft Word 14 point type, and it contains 109 words, excluding the title, signature block and documents permitted to be filed under Rule 27(a)(2)(B).

Date: August 31, 2018

/s/ Perry M. Rosen

Perry M. Rosen

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of said filing to the attorneys of record for Petitioners and all other parties, who have registered with the Court's CM/ECF system.

Date: August 31, 2018

/s/ Perry M. Rosen

Perry M. Rosen

Counsel for Respondents