

**ORAL ARGUMENT HELD ON SEPTEMBER 27, 2016****IN THE UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT**

|   |   |                              |
|---|---|------------------------------|
| _____                                   | ) |                              |
| STATE OF WEST VIRGINIA, <i>et al.</i> , | ) |                              |
|   | ) |                              |
| Petitioners,                            | ) |                              |
|   | ) |                              |
| v.                                      | ) | No. 15-1363 and consolidated |
|   | ) | cases                        |
| UNITED STATES ENVIRONMENTAL             | ) |                              |
| PROTECTION AGENCY, <i>et al.</i> ,      | ) |                              |
|   | ) |                              |
| Respondents.                            | ) |                              |
| _____                                   | ) |                              |

**MOTION TO WITHDRAW AS PETITIONER**

Now comes Petitioner North Carolina Department of Environmental Quality (“NCDEQ”) and hereby moves to withdraw as a petitioner in this matter. This voluntary withdrawal is appropriate as there is no direct claim made against NCDEQ in this matter, and this withdrawal will not materially prejudice the rights of the other parties. NCDEQ recommends that all parties bear their own costs.

Date: February 23, 2017

Respectfully submitted,

JOSH STEIN  
Attorney General of North Carolina

/s/ Marc D. Bernstein

Marc D. Bernstein  
Special Deputy Attorney General  
Amy L. Bircher  
Special Deputy Attorney General  
Brenda Menard  
Special Deputy Attorney General  
Scott A. Conklin  
Assistant Attorney General  
Asher P. Spiller  
Assistant Attorney General  
North Carolina Department of Justice  
P.O. Box 629  
Raleigh, North Carolina 27602-0629  
Tel: (919) 716-6600  
Fax: (919) 716-6767

*Counsel for Petitioner North Carolina  
Department of Environmental Quality*

**CERTIFICATE OF COMPLIANCE**

This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 70 words.

/s/ Marc D. Bernstein

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of February, 2017, I caused a true and correct copy of the foregoing Motion to Withdraw as Petitioner to be served electronically through the Court's CM/ECF system on all ECF-registered counsel.

/s/ Marc D. Bernstein