

ORAL ARGUMENT HEARD ON SEPTEMBER 27, 2016 IN NO. 15-1363
ORAL ARGUMENT NOT YET SCHEDULED IN NO. 17-1014

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

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STATE OF WEST VIRGINIA, et al.,))
))
<i>Petitioners,</i>))
))
v.)	No. 15-1363
)	(and consolidated cases)
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY, et al.,)	
)	
<i>Respondents.</i>)	
<hr/>)
STATE OF NORTH DAKOTA,)	
)	
<i>Petitioner,</i>)	
)	
v.)	No. 17-1014
)	(and consolidated cases)
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
<i>Respondent.</i>)	
<hr/>)

**RESPONDENT-INTERVENOR PUBLIC HEALTH AND
ENVIRONMENTAL ORGANIZATIONS’ OPPOSITION TO
MOTIONS TO SEVER AND CONSOLIDATE**

Respondent-Intervenors oppose the motions to sever and consolidate filed by Denbury Onshore, LLC, ECF No. 1671332 (Apr. 17, 2017), and Basin Electric Power Cooperative, ECF No. 1671347 (Apr. 17, 2017), for reasons set forth in our

responses to the five such motions sporadically filed by other Petitioners over the past two months. *See* ECF No. 1663907 (Mar. 2, 2017); ECF No. 1670225 (Apr. 7, 2017); ECF No. 1670623 (Apr. 11, 2017).¹ Nothing about this dilatory course of proceeding, or about Movants' underlying request for supplemental briefing in an expedited case that was argued *en banc* more than six months ago, furthers "judicial economy" (Denbury Mot. 3; Basin Mot. 4).

Respectfully submitted,

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¹ The State and Municipal Respondent-Intervenors have authorized the undersigned to note that, as these two new motions add no new arguments in support of severance and consolidation, State and Municipal Respondent-Intervenors likewise oppose the motions for the reasons set forth in their responses to the prior motions, which may be found at ECF No. 1665788 (Mar. 13, 2017); ECF No. 1670118 (Apr. 7, 2017); and ECF No. 1671309 (Apr. 17, 2017).

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing response was printed in a proportionally spaced font of 14 points and that, according to the word-count program in Microsoft Word 2016, it contains 182 words.

CERTIFICATE OF SERVICE

I certify that on April 18, 2017, the foregoing Opposition was filed via the Court's CM/ECF system, which will provide electronic copies to all registered counsel.

/s/ Sean H. Donahue