

						If rule or decision did not remain in effect and initial rule was issued pursuant to a statutory or court ordered deadline				
Final rule or Administrator action under the CAA that was challenged	Case	Petitioners (e=environmental, s=state, i=industry, o=other)	Outcome/status	As to any part remanded, did that part remain in effect pending any remand?	If vacated or remanded in whole or part, was decision based on Chevron I?	Identify any statutory or court ordered deadline pursuant to which the rule was issued	Date on which EPA issued challenged decision	Date of response to remand/vacature or anticipated date of response (if identified)	Sum of FTE over all years rule worked on	Sum of contract \$\$ over all years rule worked on
Determination that EPA lacked legal authority to regulate GHGs from utility and industrial boilers, 71 Fed. Reg. 9866 (Feb. 27, 2006)	<u>New York v. EPA</u> , No. 06-1322	e, s	voluntary remand	yes	N/A	N/A	N/A	Discussed in ANPR published July 30, 2008 (73 FR 44354)	0.05**	\$0
** Because the decision not to regulate GHGs from boilers was predicated upon the same legal analysis underlying the agency decision challenged in <u>Mass. v. EPA</u> a relatively small amount of time was used in preparing the rule for signature. Moreover, to conserve resources the Agency agreed with petitioners to hold the case in abeyance pending the Supreme Court's decision in <u>Mass. v. EPA</u> . Accordingly, most of this time reflects agency time spent on procedural motions intended to avoid waste of resources.										
NSR Equipment Replacement Rulemaking, 68 Fed. Reg. 61248 (Oct. 27, 2003)	<u>New York v. EPA</u> , 443 F.3d 880 (D.C. Cir 2006)	e,s,i	vacated	no	yes	N/A	N/A	Discretionary rule	6.6	\$100,000
MACT for Plywood and Composite Wood Products Facilities, 69 Fed. Reg. 45944 (July 30, 2004)	<u>NRDC v. EPA</u> , 489 F.3d 1364 (D.C. Cir. 2007)	e, i	upheld in part, remanded and vacated in part	no	yes	N/A	N/A	Response under way	6.6	\$450,000
Denial of ICTA petition to regulate GHG emissions from motor vehicles under section 202 of the CAA, 68 Fed. Reg. 52922 (Sept. 8, 2003)	<u>Mass. v. EPA</u> , 127 S.Ct. 1438 (2007)	e,s	vacated and remanded	no	yes	N/A	N/A	Discussed in ANPR published July 30, 2008 (73 FR 44354)	2.3	\$0
Section 112(n) Revision Rule and Clean Air Mercury Rule, 70 Fed. Reg. 15994 (Mar. 29, 2005) and 70 Fed. Reg. 28606 (May 18, 2005)	<u>State of New Jersey et al. v. EPA</u> , No. 05-1097	e,s,i,o	vacated and remanded; deadline for petition for cert. 9/17/08	no	yes, in part	N/A	N/A	No date, pending final disposition of the case	51.7	\$13,400,000

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Boiler MACT and CISWI Definitions Rule, 69 Fed. Reg. 55218 (Sept. 13, 2004) and 70 Fed. Reg. 55568 (Sept. 22, 2005)	<u>NRDC et al. v. EPA</u> , 489 F.3d 1250 (D.C. Cir. 2007)	e,o	vacated and remanded	no	yes, in part	2/27/2004 for Boiler MACT. N/A for CISWI definition.	2/26/2004 (Boiler MACT)	Deadline being negotiated with litigants	8.3	\$1,000,000
Clean Air Interstate Rule (CAIR), 70 Fed. Reg. 25162 (May 12, 2005)	<u>North Carolina v. EPA</u> , No. 05-1124	e,s,i	remanded and vacated but mandate has not yet issued	will not if mandate issues	yes, in part	N/A	N/A	Unknown, as mandate has not yet issued	78.7	\$35,000,000
Interpretive Monitoring Rule, 71 Fed. Reg. 75422 (Dec. 15, 2006)	<u>Sierra Club v. EPA</u> , 2008 U.S. App. LEXIS 17583 (D.C. Cir.)	e	vacated	N/A	yes	N/A	N/A	No further regulatory action needed	1.5	\$0
Brick and Structural Clay Products and Clay Ceramics MACT rules, 68 Fed. Reg. 26690 (May 16, 2003)	<u>Sierra Club v. EPA</u> , 479 F.3d 875 (D.C. Cir. 2007)	e, i	vacated	no	yes	11/15/2000	2/28/2003	Deadline litigation pending	5.2	\$400,000
Phase 1 Rule to Implement the 8-hour Ozone NAAQS, 69 Fed. Reg. 23951 (Apr. 30, 2004); Nonattainment NSR Reconsideration Rule, 70 Fed. Reg. 39413 (July 8, 2005); Phase 1 Implementation Reconsideration, 70 Fed. Reg. 30592 (May 26, 2005)	<u>South Coast Air Quality Management District v. EPA</u> , No. 04-1200	e, s, i	upheld in part, vacated and remanded in part	no	yes	N/A	N/A	Responding in two parts, August 2009 and December 2009	17.0	\$175,000

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Protection of Stratospheric Ozone; Listing of Substitutes in the Foam Sector, 67 Fed. Reg. 47703 (July 22, 2002)	<u>Honeywell International v. EPA</u> , 374 F.3d 1363 (D.C. Cir. 2004)	i	vacated	no	yes	Section 612(d) requirement to act on petitions to list a substitute within 90 days of submission (petition submitted in 1999)	7/12/2002	03/19/07 (published at 72 Fed. Reg. 14432 (3/28/2007))	1.2	\$600,000
Revisions to Regional Haze Rule to Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States and Eligible Indian Tribes Within That Geographic Area, 68 Fed. Reg. 33764 (June 5, 2003)	<u>Center for Energy and Economic Development v. EPA</u> , No. 03-1222	i	vacated	no	no	N/A	N/A	October 13, 2006 (71 FR 60612)	1.7	\$120,000
Large Municipal Waste Combustors NSPS and Emissions Guidelines 5-Year Update, 71 Fed. Reg. 27324 (May 10, 2006)	<u>Sierra Club v. EPA</u> , No. 06-1250	e	voluntary remand	yes	N/A	N/A	N/A	Response under way	5.1	\$415,200
Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed On or After August 30, 1999 Rulemaking, 68 Fed. Reg. 5144 (January 31, 2003)	<u>Northeast Maryland Waste Disposal Authority v. EPA</u> , No. 01-1053	e,i	upheld in part, remanded in part without vacatur	yes	N/A	N/A	N/A	Response under way	13.7	\$1,200,000
Polyvinyl Chloride MACT Rule, 67 Fed. Reg. 45886 (July 10, 2002)	<u>Mossville v. EPA</u> , 370 F. 3d 1232 (D.C. Cir. 2004)	e	vacated	no	no	11/15/2000	7/3/2002	Proposal Spring 2009. Final Spring 2010.	5.3	\$450,000

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Umbrella Monitoring Rule, 69 Fed. Reg. 3202 (Jan. 22, 2004)	<u>Environmental Integrity Project</u> v. EPA, 425 F.3d 992 (D.C. Cir. 2005)	e	vacated	no	no	N/A	N/A	See entry on Interpretive Monitoring Rule above. No further regulatory action needed	1.6	\$0
National Emission Standards for Hazardous Air Pollutants for Taconite Ore Processing, 68 Fed. Reg. 61868 (Oct. 30, 2003)	<u>National Wildlife Federation</u> v. EPA, No. 03-1458	e	case pending; partial voluntary remand	yes	N/A	N/A	N/A	Response under way	3.7	\$350,000