

“shall terminate and the action shall be dismissed with prejudice.” Consent Decree ¶ 10. On April 23, 2019, EPA issued a letter with a separate supporting document that fulfilled its obligations under Paragraphs 5 and 7 of the Consent Decree. *See* Exhibit 1. Since EPA determined in the April 23 letter that revisions to the relevant regulations and state plan guidelines were not necessary at this time, EPA has no obligations under Paragraphs 6 and 8 of the Consent Decree. Finally, EPA and Plaintiffs previously settled the Plaintiffs’ claim for costs of litigation. Having fulfilled its obligations under Paragraphs 5 through 8 of the Consent Decree, EPA now requests that the Court terminate the Consent Decree and dismiss the action with prejudice.

Accordingly, EPA requests that the Court enter an order terminating the Consent Decree and dismissing this action with prejudice.

Dated: May 20, 2019

By: /s/ Justin D. Heminger
JUSTIN D. HEMINGER
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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2019, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Justin D. Heminger

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ENVIRONMENTAL INTEGRITY PROJECT,
NATURAL RESOURCES DEFENSE COUNCIL,
EARTHWORKS,
CENTER FOR HEALTH, ENVIRONMENT
AND JUSTICE,
WEST VIRGINIA CITIZEN ACTION GROUP
D/B/A WEST VIRGINIA SURFACE OWNERS'
RIGHTS ORGANIZATION,
RESPONSIBLE DRILLING ALLIANCE, and
SAN JUAN CITIZENS ALLIANCE,

Plaintiffs,

v.

ANDREW WHEELER, in his official capacity as
Administrator, United States Environmental
Protection Agency,

Defendant.

Civil Action No. 1:16-cv-00842-JDB

[PROPOSED] ORDER

Upon consideration of the unopposed Motion to Terminate Consent Decree filed by Defendant Andrew Wheeler, Administrator, United States Environmental Protection Agency (EPA), the Court grants the Motion.

The Consent Decree entered by the Court in this matter, ECF No. 33 (Dec. 28, 2016) is terminated, and this action is dismissed with prejudice.

SO ORDERED.

The Honorable John D. Bates
United States District Judge