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10 *Counsel for Defendants*

11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13
 14 ALERT PROJECT/EARTH ISLAND
 15 INSTITUTE; ALASKA COMMUNITY
 16 ACTION ON TOXICS; COOK
 17 INLETKEEPER; CENTER FOR
 18 BIOLOGICAL DIVERSITY; ROSEMARY
 19 AHTUANGARUAK; AND KINDRA
 20 ARNESEN,

21 Plaintiffs,

22 v.

23 MICHAEL S. REGAN, in his official capacity
 24 as Administrator of the United States
 25 Environmental Protection Agency; and the
 26 UNITED STATES ENVIRONMENTAL
 27 PROTECTION AGENCY,
 28

Defendants.

Case No. 3:20-cv-00670-WHO

**EPA’S FIRST STATUS REPORT:
 PROPOSED AMENDMENTS TO
 THE NATIONAL CONTINGENCY
 PLAN SUBPART J**

Hearing date: N/A

Judge: Hon. William H. Orrick

1 Defendant Michael S. Regan, in his official capacity as Administrator of the United
2 States Environmental Protection Agency and the United States Environmental Protection Agency
3 (collectively “EPA”) hereby submit the first status report pursuant to the court’s order, dated
4 August 9, 2021. Dkt. No. 73. EPA submits the following update on the proposed amendments
5 to Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan.

6 Since August 09, 2021, EPA:

- 7 • Continued to engage with the rulemaking workgroup established for this final action
8 under the EPA’s Action Development Process.
- 9 • Reviewed relevant comments received on the proposed rule and prepared comments
10 summaries by topic.
- 11 • Continued work on briefing materials, background documents, and administrative
12 requirements, including the Fall 2021 update to the OMB Unified Agenda and
13 Regulatory Plan, to support development of a final regulatory action, as appropriate.

14 In the next 180 days, EPA expects to:

- 15 • Continue to follow EPA’s Action Development Process.
- 16 • Continue to develop supporting regulatory documents (e.g., Regulatory Impact Analysis),
17 and draft responses to comments.
- 18 • Engage with and seek feedback from National Response Team interagency partners on
19 final action development.

20 Respectfully submitted:

21 Dated: February 2, 2022

TODD KIM
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to the NCP Subpart J
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