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

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

19 Plaintiffs,

20 v.

21 **MICHAEL S. REGAN, in his official capacity**
 22 **as Administrator of the United States**
 Environmental Protection Agency; and the
 23 **UNITED STATES ENVIRONMENTAL**
PROTECTION AGENCY,

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

**EPA’S SECOND 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 second 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. Since
6 February 2022, EPA:

- 7 • Developed responses to public comments the Agency received on the proposed rule.
- 8 • Continued to engage with the rulemaking workgroup established for this final action
9 under the EPA’s Action Development Process, including internal review of draft
10 responses to comments.
- 11 • Consulted with National Response Team interagency partners on the final action
12 requirements.
- 13 • Began drafting of the Federal Register notice for the final action, considering the public
14 comments, Agency policy, and interagency feedback.
- 15 • Continued work on briefing materials for senior leadership and interagency reviewers, as
16 well as on developing background and regulatory support documents, including the draft
17 Regulatory Impact Analysis.
- 18 • Complied with administrative requirements in support of the final regulatory action,
19 including the Spring 2022 update to the OMB Unified Agenda and Regulatory Plan.

19 In the next 180 days, EPA expects to:

- 20 • Continue following EPA’s Action Development Process.
- 21 • Continue developing the supporting regulatory documents (e.g., Regulatory Impact
22 Analysis), and the Federal Register notice.
- 23 • Continue engaging with the rulemaking workgroup for review and comments on the draft
24 responses to comments, the Federal Register notice, and the supporting regulatory
25 documents.
- 26 • Continue consultations with National Response Team interagency partners on final action
27 development.

28 EPA’s Second Status Report:
Proposed Amendments
to the NCP Subpart J
Case No. 3:20-cv-00670-WHO

1 Respectfully submitted:

2 Dated: July 29, 2022

TODD KIM
Assistant Attorney General

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4 /s/ Mark A. Rigau
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