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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
 ACTION ON TOXICS; COOK
 16 INLETKEEPER; CENTER FOR
 17 BIOLOGICAL DIVERSITY; ROSEMARY
 AHTUANGARUAK; AND KINDRA
 18 ARNESEN,
 19 Plaintiffs,
 20 v.
 21 MICHAEL S. REGAN, in his official capacity
 as Administrator of the United States
 22 Environmental Protection Agency; and the
 23 UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY,
 24 Defendants.
 25

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

**EPA’S THIRD 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 third 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 August 2022, EPA:

- 7 • Drafted 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 including internal review of draft responses to comments.
- 10 • Continued to consult with National Response Team interagency partners on the final
11 action.
- 12 • Drafted the Federal Register notice for the final action, including the supporting
13 Regulatory Impact Analysis, considering the public comments, Agency policy, and
14 interagency feedback.
- 15 • Developed briefing materials for workgroup members to brief senior leadership on the
16 final action.
- 17 • Completed the Final Agency Review (FAR) step of the EPA Action Development
18 Process through engagement with the rulemaking workgroup

19 In the next 180 days, EPA expects to:

- 20 • Finalize the draft Federal Register notice, draft Regulatory Impact Analysis, and
21 supporting draft Responses to Comments documents.
- 22 • Submit final action to the Office of Management and Budget (OMB) for review and
23 approval pursuant to Executive Order 12777 for interagency review pursuant to
24 Executive Order 12866.
- 25 • Complete OMB review process and finalize the action.

26 At this time, EPA is on course to meet the May 31, 2023 deadline.

27 Respectfully submitted:

28 Dated: January 30, 2023

TODD KIM
Assistant Attorney General

/s/ Mark A. Rigau
MARK A. RIGAU (CA Bar No. 223610)
MARTHA C. MANN (FL Bar Number 155950)

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to the NCP Subpart J
Case No. 3:20-cv-00670-WHO

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