

Filed: July 18, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-2432
(5:14-cv-00039-JPB)

MURRAY ENERGY CORPORATION; MURRAY AMERICAN ENERGY, INC.; THE AMERICAN COAL COMPANY; AMERICAN ENERGY CORPORATION; THE HARRISON COUNTY COAL COMPANY; KENAMERICAN RESOURCES, INC.; THE MARION COUNTY COAL COMPANY; THE MARSHALL COUNTY COAL COMPANY; THE MONONGALIA COUNTY COAL COMPANY; OHIOAMERICAN ENERGY, INC.; THE OHIO COUNTY COAL COMPANY; UTAHAMERICAN ENERGY, INC.,

Plaintiffs - Appellees,

v.

ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY,

Defendant – Appellant,

and

MON VALLEY CLEAN AIR COALITION; OHIO VALLEY ENVIRONMENTAL COALITION; KEEPER OF THE MOUNTAINS FOUNDATION,

Movants.

No. 17-1093
(5:14-cv-00039-JPB)

MURRAY ENERGY CORPORATION; MURRAY AMERICAN ENERGY, INC.; AMERICAN COAL COMPANY; AMERICAN ENERGY CORPORATION; HARRISON COUNTY COAL COMPANY; KENAMERICAN

RESOURCES, INC.; MARION COUNTY COAL COMPANY; MARSHALL COUNTY COAL COMPANY; MONONGALIA COUNTY COAL COMPANY; OHIOAMERICAN ENERGY, INC.; OHIO COUNTY COAL COMPANY; UTAHAMERICAN ENERGY, INC.,

Plaintiffs – Appellees,

v.

THE ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Defendant – Appellee,

v.

KEEPER OF THE MOUNTAINS FOUNDATION; MON VALLEY CLEAN AIR COALITION; OHIO VALLEY ENVIRONMENTAL COALITION,

Movants – Appellants.

CAUSE OF ACTION INSTITUTE; STATE OF WEST VIRGINIA; STATE OF ARIZONA; STATE OF ARKANSAS; STATE OF GEORGIA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MICHIGAN; STATE OF NEBRASKA; STATE OF NEVADA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF TEXAS; STATE OF UTAH; STATE OF WISCONSIN; STATE OF WYOMING,

Amici Supporting Appellees.

No. 17-1170
(5:14-cv-00039-JPB)

MURRAY ENERGY CORPORATION; MURRAY AMERICAN ENERGY, INC.; AMERICAN COAL COMPANY; AMERICAN ENERGY CORPORATION; HARRISON COUNTY COAL COMPANY; KENAMERICAN RESOURCES, INC.; MARION COUNTY COAL COMPANY; MARSHALL COUNTY COAL COMPANY; MONONGALIA COUNTY COAL COMPANY;

OHIOAMERICAN ENERGY, INC.; OHIO COUNTY COAL COMPANY;
UTAHAMERICAN ENERGY, INC.,

Plaintiffs – Appellees,

v.

THE ADMINISTRATOR, UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant – Appellant,

v.

MON VALLEY CLEAN AIR COALITION; KEEPER OF THE MOUNTAINS
FOUNDATION; OHIO VALLEY ENVIRONMENTAL COALITION,

Movants.

CAUSE OF ACTION INSTITUTE; STATE OF WEST VIRGINIA; STATE OF
ARIZONA; STATE OF ARKANSAS; STATE OF GEORGIA; STATE OF
KANSAS; STATE OF LOUISIANA; STATE OF MICHIGAN; STATE OF
NEBRASKA; STATE OF NEVADA; STATE OF OHIO; STATE OF
OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF TEXAS; STATE
OF UTAH; STATE OF WISCONSIN; STATE OF WYOMING,

Amici Supporting Appellees.

ORDER

The Court amends its opinion filed June 29, 2017, as follows:

On page 13, footnote 3, line 5 -- the word “direction” is corrected to read
“discretion.”

For the Court – By Direction

/s/ Patricia S. Connor, Clerk