

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1219****September Term, 2017****EPA-80FR21302****Filed On:** September 27, 2017

Utility Solid Waste Activities Group, et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent  
-----Waterkeeper Alliance, et al.,  
Intervenors  
-----Consolidated with 15-1221, 15-1222,  
15-1223, 15-1227, 15-1228, 15-1229**BEFORE:** Henderson, Millett, and Pillard, Circuit Judges**ORDER**

Upon consideration of respondents' motion to continue oral argument and hold these proceedings in abeyance, the opposition thereto, and the replies; and the joint provisional argument structure proposal and request to dismiss issues from the case as moot, it is

**ORDERED** that the motion to continue oral argument be granted in part and that these consolidated cases be removed from the October 17, 2017 oral argument calendar and be rescheduled for oral argument on November 20, 2017, at **2:00 p.m.** before Circuit Judges Henderson, Millett, and Pillard. It is

**FURTHER ORDERED** that the issues in the Industry petitioners' brief described in Part I, Section C of the joint provisional argument structure proposal and request to dismiss issues from the case as moot be dismissed. It is

**FURTHER ORDERED**, on the court's own motion, that by November 15, 2017, EPA file a status report specifying which provisions of the final rule, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities, 80 Fed. Reg. 21,302 (Apr. 17, 2015), are or are likely to be subject to reconsideration by the agency and setting forth with specificity the timeline for reconsideration. It is

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1219****September Term, 2017**

**FURTHER ORDERED**, on the court's own motion, that the parties file supplemental briefs addressing the relevance to and the implications for these consolidated cases of the Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628. The supplemental briefs may not exceed 10 pages and must be filed with the court by noon on Wednesday, October 11, 2017. In addition to electronic filing, paper copies of the submissions are to be hand-delivered to the court by the time and date due. It is

**FURTHER ORDERED**, on the court's own motion, that the parties be prepared to address at oral argument whether an additional period of abeyance in whole or in part is appropriate for this matter. Counsel for Industry and Environmental petitioners are to notify the court, by November 13, 2017, who will present oral argument on this issue. It is

**FURTHER ORDERED** that the following oral argument format will apply in these consolidated cases:

<u>Issue</u>	<u>Time Allotted</u>	<u>Counsel</u>
Issues 1 & 3	13 minutes	Douglas Green (Industry Petitioners)
	13 minutes	Perry Rosen (Respondents)
Issue 2	7 minutes	Paul Zidlicky (Industry Petitioners)
	7 minutes	Perry Rosen (Respondents)
Issues 4, 5, & 6	20 minutes	Thomas Cmar (Environmental Petitioners)
	20 minutes	Perry Rosen (Respondents)
Abeyance	5 minutes	Counsel for Environmental Petitioners
	5 minutes	Perry Rosen (Respondents) & Counsel for Industry Petitioners (to be divided as they deem appropriate)

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 15-1219**

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Arguments on these issues will be conducted separately and in the order listed. As is the court's practice, rebuttal time will be established at oral argument. Form 72 should be completed and returned to the Clerk's Office by November 13, 2017.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk

The following forms and notices are available on the Court's [website](#):

[Notification to the Court from Attorney Intending to Present Argument \(Form 72\)](#)