

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 15-60821

SOUTHWESTERN ELECTRIC POWER COMPANY; UTILITY WATER ACT GROUP; UNION ELECTRIC COMPANY, doing business as Ameren Missouri; WATERKEEPER ALLIANCE, INCORPORATED; ENVIRONMENTAL INTEGRITY PROJECT; SIERRA CLUB; AMERICAN WATER WORKS ASSOCIATION; NATIONAL ASSOCIATION OF WATER COMPANIES; CITY OF SPRINGFIELD, MISSOURI, by and through the Board of Public Utilities; DUKE ENERGY INDIANA, INCORPORATED,

Petitioners

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; SCOTT PRUITT, in his official capacity as Administrator of the United States Environmental Protection Agency,

Respondents

Petitions for Review of an Order of the
Environmental Protection Agency

ORDER :

IT IS ORDERED that the Respondents' opposed motion to sever and hold in abeyance all judicial proceedings as to all issues relating to the portion of the 2015 Rule concerning the new, more stringent BAT

limitations and PSES applicable to (1) bottom ash transport water, (2) FGD wastewater, and (3) gasification wastewater pending Respondents' completion of further agency action is GRANTED.

IT IS FURTHER ORDERED that Respondents' opposed motion for the court to direct that they file status reports at 90-day intervals and promptly upon the completion of further rulemaking is GRANTED.

IT IS FURTHER ORDERED that Respondents' opposed motion for the court to direct the parties to confer and, within 21 days after the court's resolution of this motion, file a joint motion or separate motions setting forth a proposed revised briefing schedule for those issues that have not been severed and held in abeyance by the court is GRANTED.



EDWARD C. PRADO
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

August 22, 2017

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 15-60821 Southwestern Elec Power Co., et al v. EPA, et
al
Agency No. 80 Fed. Reg. 67,838


Enclosed is an order entered in this case.

Status reports due every 90 days beginning on November 20, 2017.

Joint or separate motions setting forth a proposed revised briefing
schedule is due by September 12, 2017.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Connie Brown, Deputy Clerk
504-310-7671

Ms. Kristy A. N. Bulleit
Mr. Thomas Joseph Cmar
Mr. Avi S. Garbow
Mr. Matthew Gerhart
Mr. Thomas J. Grever
Mr. Harry Margerum Johnson III
Mr. Martin Francis McDermott
Ms. Jessica O'Donnell
Ms. Casey Austin Roberts
Mr. John Andrew Sheehan
Mr. Joshua Smith
Mr. Sean Michael Sullivan