

Filed: July 18, 2017

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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

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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.

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

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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.

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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.

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

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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.

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ORDER

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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