

**EXHIBIT A.****DECLARATIONS****Declarations of:**

|                         |    |                                      |
|-------------------------|----|--------------------------------------|
| Jane Z. Reardon         | -- | American Lung Association            |
| Harold Wimmer           | -- | American Lung Association            |
| Dr. Georges C. Benjamin | -- | American Public Health Association   |
| William C. Baker        | -- | Chesapeake Bay Foundation            |
| Robert Daniels          | -- | Chesapeake Climate Action Network    |
| Michael Tidwell         | -- | Chesapeake Climate Action Network    |
| Nicholas Rogers         | -- | Clean Air Council                    |
| Joseph O. Minott        | -- | Clean Air Council                    |
| Tamera J. Bounds        | -- | Downwinders At Risk                  |
| George Jugovic, Jr.     | -- | Citizens for Pennsylvania's Future   |
| Edward Perry            | -- | Citizens for Pennsylvania's Future   |
| Eric Schaeffer          | -- | Environmental Integrity Project      |
| Gina Trujillo           | -- | Natural Resources Defense Council    |
| Barbara M. VonBenken    | -- | Natural Resources Defense Council    |
| Dr. Catherine Thomasson | -- | Physicians for Social Responsibility |

DECLARATION OF JANE Z. REARDON

I, Jane Z. Reardon, declare as follows:

1. I am over the age of 18 years and suffer from no legal incapacity.

This declaration is based on my own personal knowledge, information, and belief.

2. I am a resident of Granby, Connecticut, a rural town approximately fifteen miles north of Hartford. Since 1975 I have been a member of the American Lung Association (ALA), and I have served on their National Board of Directors since July 1, 2011. I have previously served as Chair of the American Lung Association of Connecticut and most recently of the ALA of New England's Chartered Association. Based on my experience and work on the ALA Board of Directors, I am familiar with ALA's mission and its work to fulfill that mission.

3. In addition to my work with the American Lung Association, I have served on the board of the American Association of Cardiovascular and Pulmonary Rehabilitation, as well as its Racial and Cultural Diversity Task Force and its National Strategic Planning Committee.

4. Throughout my career in medical nursing, I have focused on issues of respiratory health. After graduating from nursing school in 1966, I worked for nine years as a nurse in the respiratory intensive care unit of Hartford's St. Francis Hospital. It was there that I first observed the impact the region's dirty air was having on those with chronic respiratory conditions. During Hartford's hot and

humid summer months, air pollution forced many with respiratory ailments to make frequent trips to the emergency room, often then requiring the intensive care unit. The struggle of these patients—which often came from Harford’s most impoverished populations—provided me with the initiative to become involved in the work of the American Lung Association. It also inspired my work with several other Harford nurses on an informational book, “Living with Lung Disease,” that was published by the ALA in the 1970s.

5. After nearly 3 decades at St. Francis Hospital, I joined Hartford Hospital’s Pulmonary Care Unit, then a ventilator-weaning unit. There I developed further interest and expertise in matters of pulmonary health.

6. In 1988, I graduated from Yale University School of Nursing with a Master of Science in Nursing degree and worked for many years as a Pulmonary Clinical Nurse Specialist and later as a nurse practitioner hospitalist at the Harford Hospital. In my current position, I continue to assist patients that are hospitalized as a result of respiratory ailments, among other conditions.

7. In my decades of providing hospital care, I have observed a definite correlation between poor air quality and an increase in respiratory-related hospital admissions.

8. I am also familiar with other health problems caused by hazardous air pollutants. I am aware that mercury is a potent toxin that is linked to

cardiovascular disease, neurological disorders, and developmental problems, including lowering children's IQ.

9. I am aware that coal-fired power plants emit significant quantities of mercury and scores of other hazardous air pollutants. I know that research has shown that the hazardous air pollutants emitted by coal-fired power plants pose a serious threat to public health. I have learned that hazardous air pollution from coal-fired power plants travels across state lines into Connecticut, and contributes to the serious and avoidable mercury contamination in our state. I understand that my State recommends that people limit their fish consumption due to mercury contamination.

10. I am aware of EPA's efforts to regulate hazardous air pollutant emissions from coal-fired and oil-fired power plants. I am aware that in 2012, after years of delay and litigation, EPA issued nationwide regulations to curb emissions of hazardous air pollution from coal-fired power plants and oil-fired power plants, known as the Mercury and Air Toxics Standards. These regulations place strict limits on the amount of mercury, acid gases, toxic metals, and other hazardous air pollutants that these plants could emit. I am also aware that EPA has released a supplemental finding that it is appropriate and necessary to regulate these hazardous air pollutants.

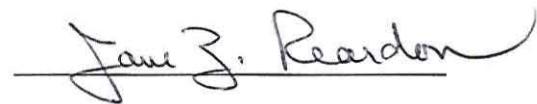
11. I understand that EPA has determined that its standards limiting

hazardous air pollution from power plants will protect people's health and welfare by reducing premature deaths, cancer cases, chronic bronchitis, asthma attacks, emergency room visits, and lost days from work and school. I believe that continued implementation of this regulation will provide long overdue and much needed protections for myself, my patients, ALA's members and their families, and the general public.

12. I am concerned that any delay or weakening of these regulations will subject my patients, ALA members and their families, and myself to excessive and unsafe levels of hazardous air pollutants. A court decision rejecting the challenges to EPA's regulations for power plant hazardous air pollution will redress my concerns.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: July 11, 2016



Jane Z. Reardon

Jane Z. Reardon

**DECLARATION OF HAROLD WIMMER**

I, Harold Wimmer, declare as follows:

1. I am the National President and Chief Executive Officer for the American Lung Association (ALA). I work in ALA's national headquarters, located at 55 W. Wacker Drive, Suite 1150, Chicago, IL 60601. I am responsible for the overall management and operation of the organization. In that capacity, I am required to be familiar with the organization's structure, function, purpose, and membership.

2. ALA is incorporated in Maine and has its headquarters in Chicago, Illinois. ALA has chartered organizations (which are akin to state chapters) covering all 50 states and the District of Columbia. ALA is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

3. ALA has a vision of a world free of lung disease. Its mission statement is "to save lives by improving lung health and preventing lung disease." As scientific research has shown that air pollution is a major contributor to the worsening of lung disease, the ALA has conducted advocacy and litigation to promote full and timely implementation of the Clean Air Act for many years. The ALA also is committed to improving lung health and preventing lung disease through research, advocacy, and education. The organization's educational efforts

include the publication of air-quality information, such as that provided in the ALA's annual *State of the Air* report (<http://www.stateoftheair.org/>). Our Board of Directors includes pulmonologists and other health professionals.

4. The ALA's members and supporters include healthcare professionals, researchers, and educators who share a commitment to reducing the burden of lung disease on patients and their families. ALA members reside in communities throughout the United States that are harmed by hazardous air pollution emitted from coal-fired and oil-fired power plants. These ALA members, their families, and their patients will benefit from strong, nationwide regulations to eliminate or sharply curtail emissions of hazardous air pollutants from coal-fired and oil-fired power plants.

5. In furtherance of ALA's mission, ALA has actively participated in proceedings to strengthen and enforce regulations that affect public health standards throughout the United States, including proceedings to enforce the Clean Air Act. ALA has been a party to proceedings to promote, strengthen, and enforce public health standards that address the health, safety, and well-being of children, adults, and people with lung disease.

6. In particular, ALA has actively participated in proceedings related to EPA's efforts to regulate hazardous air pollutant emissions from coal-fired and oil-fired power plants. ALA has been fully involved in the public comment process

that produced EPA's final national standards for hazardous air pollutants emitted by coal-fired and oil-fired power plants, which are also known as the final Mercury and Air Toxics Standards Rule, or final "MATS" Rule. ALA has submitted written comments and provided testimony at public hearings on the proposed MATS Rule. ALA has also commented on EPA's supplemental finding that it is appropriate and necessary to regulate hazardous air pollutants through the MATS Rule.

7. I am familiar with EPA's final MATS Rule and supplemental finding in support of the MATS Rule. The final MATS Rule prescribes emission limitations and standards to sharply reduce emissions of hazardous air pollutants emitted by coal-fired and oil-fired power plants. The final MATS Rule is one of the most important regulations for protecting people's health and well-being from one of the nation's largest industrial sources of hazardous air pollution.

8. I am aware that EPA has estimated that, once fully implemented, every year the final MATS Rule will prevent up to 11,000 premature deaths, 130,000 childhood asthma attacks, and 5,700 hospital and emergency room visits. Prompt implementation of the MATS Rule is particularly critical to people who are especially sensitive and vulnerable to hazardous air pollutants. Those who are most at risk include children and the elderly, people with lung diseases, cardiovascular diseases and diabetes and people who have low incomes, people who work or

exercise outdoors , as well as low-income and minority communities, who are disproportionately burdened by pollution from coal-fired and oil-fired power plants.

13. The MATS Rule provides long overdue standards to protect ALA's members, their families, their patients, and the general public from hazardous air pollution emitted by coal-fired and oil-fired power plants. ALA and its members have a direct interest in promoting and protecting public health, especially lung health, and preventing lung disease. ALA's members also have direct and concrete interests in protecting their health and the health of their families, and for those who are health professionals, in promoting and protecting the health of their patients. Therefore, timely implementation of EPA's final MATS Rule will directly promote the mission and interests of ALA, as well as the individual and professional interests of ALA's members.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 7-11-2016

  
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Harold Wimmer

**DECLARATION OF GEORGES C. BENJAMIN, MD, FACP**

I, Georges C. Benjamin, MD, FACP, declare as follows:

1. I am the Executive Director of the American Public Health Association (APHA). I work in APHA's principle place of business in Washington, DC. I have been the Executive Director of APHA since December 2002. In my role as Executive Director, I am responsible for developing, implementing and managing the organization's programs and activities in furtherance of APHA's goals. My work requires that I be familiar with APHA's purposes and activities, as well as the public health interests and concerns of APHA's members.

2. By virtue of my position, history, and experience with APHA, and based on my own personal knowledge, I am aware that APHA and our state and regional affiliates have close to 50,000 members. APHA and our state and regional affiliates have members who live and work in communities that are located in close enough proximity to be adversely affected by emissions of hazardous air pollutants from coal-fired and oil-fired power plants. I am also aware that APHA's members include women of child-bearing age, pregnant or nursing women, and parents of infants or young children.

3. APHA is a corporation organized and existing under the laws of

Massachusetts. APHA is a national nonprofit corporation consisting of public health researchers, health service providers, administrators, teachers, and other health workers and public health advocates. APHA's mission is to champion the health of all people and all communities, strengthen the profession of public health, share the latest research and information, promote best practices, and advocate for public health issues and policies grounded in research. APHA is the only organization that combines a 140-plus-year perspective, a broad-based member community, and the ability to influence federal policy to improve the public's health.

4. In furtherance of APHA's goals, APHA has actively participated in proceedings to strengthen and enforce regulations that affect public health standards throughout the United States. APHA has been a party to proceedings to promote, strengthen, and enforce health care standards that address the health, safety, and well-being of infants, children, adolescents, and young adults.

5. In particular, APHA has actively participated in proceedings related to EPA's efforts to regulate hazardous air pollutant emissions from coal-fired and oil-fired power plants. APHA intervened on behalf of petitioners to challenge EPA's attempt to remove coal-fired and oil-fired power plants from the list of sources that are subject to the Clean Air Act's

(the “Act”) hazardous air pollution provisions and to challenge EPA’s Clean Air Mercury Rule, a cap-and-trade scheme which EPA proposed as a substitute for regulating those sources under the Act’s hazardous air pollution provisions. *New Jersey v. EPA*, 517 F.3d 574 (D.C. Cir. 2008).

6. APHA reviewed EPA’s proposed Mercury and Air Toxics Rule (also known as the proposed “MATS Rule”) and submitted written comments to the EPA on August 4, 2011, along with other health and public health organizations when the docket was open for comments. APHA also has actively supported EPA’s proposed and final MATS Rules in Congress and has opposed efforts to repeal or weaken the Rule and to eliminate or curtail EPA’s authority to issue and implement it.

7. I am familiar with EPA’s final national emissions standards for hazardous air pollutants emitted by coal-fired and oil-fired power plants, which are also known as the final Mercury and Air Toxics Rule, or final “MATS” Rule. The EPA Administrator signed the final MATS Rule on December 16, 2011, and it was published in the Federal Register on February 16, 2012, at 77 Fed. Reg. 9,304. The final MATS Rule prescribes emission limitations and standards to sharply reduce emissions of four categories of hazardous air pollutants emitted by coal-fired and oil-fired power plants: (1) mercury; (2) filterable particulate matter, as a surrogate for

non-mercury metal hazardous air pollutants; (3) hydrogen chloride (with an option to control and monitor sulfur dioxide), as a surrogate for acid gases; and (4) hazardous organic pollutants, by means of best combustion practices. Once implemented, the final MATS Rule will be one of the single most important regulations for protecting people's health and well-being from one of the nation's largest industrial sources of hazardous air pollution.

8. I am also familiar with EPA's supplemental finding that it is appropriate and necessary to regulate hazardous air pollutants through the MATS Rule. APHA also participated in the public comment process in support of EPA's supplemental finding.

9. Coal-fired power plants are the largest industrial sources of mercury air pollution in the United States. Mercury is a potent neurotoxin and mercury contamination in the food chain and mercury "hotspots" adversely affect the health and well-being of developing fetuses, infants, and young children—all of whom are particularly vulnerable to adverse and irremediable health impacts. Mercury can also damage the kidneys and liver and cause cardiovascular disease in adults.

10. Coal-fired and oil-fired power plants also emit hazardous metals other than mercury including arsenic, antimony, beryllium, cadmium, chromium, nickel, selenium, manganese. These metals are known or

probable carcinogens that can cause lung cancer, bladder cancer, kidney cancer, and skin cancer. Coal-fired and oil-fired power plant also emit lead, which damages developing nervous systems and can adversely affect learning, memory, and behavior; lead also may damage the cardiovascular system and kidneys, and cause anemia and weakness of the ankles, wrists, and fingers.

11. Coal-fired and oil-fired power plants also emit huge quantities of hazardous acid gases, including hydrogen chloride and hydrogen fluoride. These hazardous air pollutants can cause irritation and inflammation of the skin, eyes, nose, throat, and respiratory system.

12. Coal-fired and oil-fired power plants also emit significant amounts of hazardous organic air pollutants, including dioxins and furans, polycyclic aromatic hydrocarbons, and volatile organic compounds, such as benzene, toluene, xylene, and formaldehyde. Many of these toxic organic compounds are known or probable carcinogens that can cause lung and nasopharyngeal cancer, liver cancer, kidney cancer, and cancer of the testes. Hazardous organic compounds also can cause irritation of the skin, eyes, nose, and throat; impaired lung function and difficulty breathing; delayed response to visual stimulus and impaired memory; stomach discomfort; and adverse affects to the liver, kidneys, testes, and reproduction. Additionally,

many of these toxicants attach to fine particulate matter and penetrate deep into the lungs, which can exacerbate harmful health effects.

13. I am aware that EPA has determined that, once fully implemented, every year the final MATS Rule will avoid up to 11,000 premature deaths, 2,800 cases of chronic bronchitis, 4,700 nonfatal heart attacks, 130,000 aggravated asthma attacks, 5,700 hospital and emergency room visits, 3.2 million fewer days of restricted activity due to respiratory illness, and 540,000 missed work days. Prompt implementation of MATS Rule is particularly critical to children and the elderly, who are especially sensitive and vulnerable to hazardous air pollutants, and to low-income and minority communities, who are disproportionately burdened by pollution from coal-fired and oil-fired power plants.

14. The MATS Rule provides long overdue standards to protect APHA's members, their families, their patients, and the general public from excess mercury and other hazardous air pollution emitted by coal-fired and oil-fired power plants. APHA and its members have a direct interest in promoting and protecting public health, including the health of developing fetuses, infants, and children, and the elderly; APHA's members also have direct and concrete interests in protecting their health and the health of their families, in addition to promoting and protecting the health of their patients.

Therefore, timely implementation of EPA's final MATS Rule will directly promote the mission and interests of APHA, as well as the individual and professional interests of APHA's members.

(Signature on following page)

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 23, 2016



Georges C. Benjamin, MD

**DECLARATION OF WILLIAM C. BAKER**

I, William C. Baker, hereby declare as follows:

1. This declaration is based on my personal knowledge, information, and belief.
2. I am the President of the Chesapeake Bay Foundation, Inc. ("CBF"), which is located at 6 Herndon Ave., Annapolis, Maryland 21403. I was Executive Director of CBF from 1982 until 1984, when my title changed to President. I have held that position since 1984. Because of my position and responsibilities, I am familiar with CBF's mission, organization, and activities, and with the environmental interests and concerns of CBF's members and trustees. I am also familiar with the demographics of CBF's membership and board of trustees.
3. CBF is a regional, nonprofit, nonpartisan, public-interest advocacy organization with members throughout the Chesapeake Bay region (District of Columbia, Maryland, Pennsylvania, New York, Virginia, and West Virginia). CBF was created in 1967 under the laws of the state of Maryland. CBF maintains offices in Annapolis, MD; Richmond and Virginia Beach, Virginia; Harrisburg, Pennsylvania; and Washington, D.C. CBF is the only independent organization dedicated solely to restoring and protecting the Bay and its tributary rivers. Our goal is to improve water quality by reducing pollution, including air pollutants such as mercury. CBF's vision for the future is: a restored Bay with healthy rivers and clean water; sustainable populations of crabs, fish, and oysters; thriving water-based and agricultural economies; and a legacy of success for our children and grandchildren.
4. CBF currently has over 233,000 members. The organization currently has approximately 88,500 members residing in Maryland, 69,000 members residing in Virginia, 29,850 members residing in Pennsylvania, and 5,200 members residing in the District of Columbia, with the rest spread out throughout the country. CBF's total members include electronic subscribers nationwide.

5. CBF operates seventeen (17) field educational programs that provide hands-on experiences to thousands of students and teachers from all over the Bay watershed each year. These programs teach Bay ecology and the impacts of pollution on the Bay and its tributaries. These programs include day and overnight trips to our four education centers located on Fox, Smith, and Tangier Islands in the Bay and on the Eastern Shore near Cambridge, Maryland. Canoe rig education programs also operate in Pennsylvania and Virginia. As part of this program, CBF operates several marine vessels in the Chesapeake Bay and its tributaries including several Bay workboats and a skipjack. CBF spends several million dollars a year on these educational programs.

6. CBF also conducts numerous advocacy and restoration programs within the watershed designed to improve water quality in the Bay and its tributaries. These restoration programs include tree plantings, underwater grass plantings, oyster aquaculture and plantings, farm conservation projects, and shoreline protection projects. CBF spends several million dollars a year on these projects in the Bay region. These projects include efforts designed to reduce pollution loading and toxic contamination of the Bay and its tributaries.

7. CBF's staff of approximately 185 employees includes scientists, policy experts, attorneys, educators, and citizen organizers. They pursue our goals through environmental advocacy, environmental education, litigation, strategic communications, and habitat restoration throughout the Bay watershed. CBF is committed to strengthening and ensuring full enforcement of local, state, and federal environmental laws including the Clean Air Act in order to reduce emissions of air pollution, including mercury and other pollutants. We advise our members, trustees, and the general public of the hazards of air pollution and specifically mercury contamination of fish. Air pollution and mercury pollution adversely impact CBF's ability to restore the Chesapeake Bay and to teach students about what a restored Bay ecosystem looks like

and adversely affects CBF's members as explained below.

8. As a result of my work at CBF, I am aware that CBF trustees and members reside in states where coal-fired power plants are in operation. I am also aware that coal-fired power plants are among the largest industrial air emitters of mercury and other air pollutants and that these emissions contribute pollution to the Chesapeake Bay watershed.

9. As a result of my work at CBF, I am aware that, when deposited, mercury transforms into methylmercury, which bioaccumulates in fish tissue. I am also aware that the primary pathway for human exposure to methylmercury is the consumption of contaminated fish. Methylmercury can affect human neurological, cardiovascular, and immune systems.

10. Many of CBF's members reside in Maryland, Pennsylvania, and Virginia. Each state has methylmercury-related fish consumption health advisories for rivers and lakes for Maryland and Virginia's portions of the and the Chesapeake Bay. These advisories warn people to limit their consumption of certain types of fish or fish from specific waterbodies because of the likelihood that such fish are contaminated with methylmercury at levels that present human health risks. For example, the state of Maryland has issued a mercury health advisory for small and largemouth bass and sunfish (bluegill) throughout the state. Women of childbearing age are warned to eat no more than one to five 8 oz. meals of bass a month from the Potomac River depending where in the river the fish is caught. The U.S. Food and Drug Administration and the U.S. Environmental Protection Agency ("U.S. EPA") also have issued a joint fish consumption health advisory, warning people to check local advisories about the safety of fish caught in local lakes, rivers, and coastal areas, and, if no advisory is available, to eat only up to six ounces (less for children) per week of fish caught in local waters and not to consume any other fish during that week.

11. I am also aware that many people who fish in the Chesapeake Bay watershed are

subsistence fishermen and are identified within lower socio-economic groups. These fishermen count on locally caught fish as an economical way to feed their families and provide valuable protein to their diet. Although many of these fishermen are aware of fish consumption advisories, I understand from local studies that they either still consume the fish or pass them on to others to eat. Thus, advisories do little to reduce the consumption of contaminated fish.

12. The deposition of mercury into the Bay watershed will adversely impact fisheries resources within the region, will lead to further degradation of water quality in the watershed, and will continue to cause injury to CBF and its programs as well as to its members who regularly use and enjoy the waters within the Bay region for swimming, boating, kayaking, canoeing, sport fishing (including the consumption of fish and crabs from regional waters), and other educational and recreational pursuits.

13. Many of the CBF's employees and trustees are concerned about mercury contamination in the Chesapeake Bay region and worry that the ingestion of fish caught in Bay waters which are contaminated by mercury will adversely impact their health and the health of family members. As a means of expressing their concern, several CBF trustees and staff submitted declarations supporting our petitions for review of EPA's mercury delisting rule in 2005.

14. CBF has over 8,300 members residing within a 15 mile radius and recreating in and around waters that are subject to mercury and air toxics standards from coal power plants in Delaware, Maryland, Virginia and Pennsylvania.

15. As a result of my work at CBF, I am aware that U.S. EPA has issued a final action entitled "Supplemental Finding that it is Appropriate and Necessary to Regulate Hazardous Air Pollutants from Coal-and Oil-Fired Electric Utility Steam Generating Units" and published at 81 Fed. Reg. 24,420 (Apr. 25, 2016).

16. As a result of my work at CBF, I am aware that the deposition of mercury into the Bay watershed adversely impacts fisheries resources within the region, has led to further degradation of water quality in the watershed, and will continue to cause injury to myself, CBF, and its programs, as well as to its members who regularly use and enjoy the waters within the Bay region for swimming, boating, kayaking, canoeing, sport fishing, and other educational and recreational pursuits.

17. For most of my life, I have regularly consumed fish caught in the Chesapeake Bay and its tributaries. Several years ago when CBF first participated in litigation concerning mercury and toxic emissions from power plants, I had my hair tested for mercury. I was found to have mercury in my body in excess of recommended levels. Several CBF trustees and staff members were also found to have high levels of mercury in their bodies. Since that time, I have limited my consumption of fish because mercury contamination continues to plague this region.

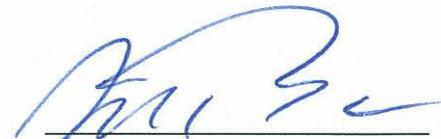
18. CBF was a party to *New Jersey v. EPA*, 517 F.3d 574 (D.C. Cir. 2008), which challenged EPA's attempt to delist and revise the hazardous air pollutant rules for coal fired power plants, 70 Fed. Reg. 28,606 (Mar. 29, 2005). After EPA issued the mercury and air toxics standards ("MATS") for coal-fired power plants in 2012, CBF intervened in support of those standards in *White Stallion Energy Center v. EPA*, 748 F.3d 1222 (D.C. Cir. 2014), *rev'd in part sub nom., Michigan v. EPA*, No. 14-46 (U.S. June 29, 2015). The MATS standards went into effect in 2015, and the *White Stallion* litigation ended with a remand of the MATS rule to EPA without vacatur. As a result, the MATS standards are currently in effect and achieving significant reductions in toxic air pollution from coal-fired power plants each year.

19. I understand that the Petitioners in this lawsuit are likely to ask that the MATS rule be vacated, weakened, or delayed. These outcomes would prevent or delay the reductions in pollution that the rule will provide and would have a direct impact on my wellbeing and the

wellbeing of CBF's members who also consume Bay fish, or would like to.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2016.



William C. Baker

## **DECLARATION OF ROBERT DANIELS**

I, Robert Daniels, declare and state as follows:

1. My name is Robert Daniels. I live at 983 Chestnut Manor Court, Chestnut Hill Cove, MD 21226. My home is located approximately one mile South of the Fort Smallwood coal-fired power plant complex, and I can see the stacks of the plant from my backyard. I have lived at this location since 2007. I also recreate and work near my home.
2. I have been a member of the Chesapeake Climate Action Network (CCAN) for about six years. I joined CCAN because I am concerned about global warming and want to do what I can to help reduce our carbon footprint and other pollution from power plants. I am aware that the Fort Smallwood plant and other power plants are significant emitters of greenhouse gas emissions. As an oceanographer studying the role of oceans in the carbon cycle, I am aware of the severe consequences global warming can have on the environment and human populations.
3. I am also aware that power plants like Fort Smallwood emit large quantities of mercury, heavy metal, particulate matter, and other pollution that causes asthma and has other harmful effects on health when humans inhale and are otherwise exposed to these pollutants. I am concerned about

the impact of pollution from the Fort Smallwood complex and other power plants on my health, the health of my community, and the environment.

4. I currently kayak, fish, and bike near my home and am concerned about how toxic air pollution from Fort Smallwood and other facilities affect my health. I would consider doing these activities less often if the MATS Rule was not in effect.

5. I appreciate the U.S. Environmental Protection Agency's (EPA) efforts — through the Mercury and Air Toxics Standards (MATS Rule) — to set standards to reduce toxic pollution from coal-fired power plants and limit the impact of this pollution on my health. I understand that the emission limits under the MATS Rule are intended to protect public health.

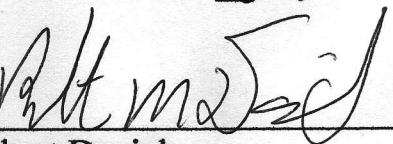
6. I am aware that the U.S. Supreme Court in 2015 ruled that the EPA was mistaken to conclude that cost did not need to be considered in evaluating whether it was appropriate to develop the MATS Rule. I know that the EPA in April 2016 responded to the Supreme Court decision by publishing a final supplemental finding, which found that it remained appropriate to regulate power plant's toxic emissions after considering cost.

7. I understand that the EPA weighed the cost of the rule against the advantages of regulating hazardous air pollutants to find that the cost is

reasonable. I appreciate that the EPA focused heavily on the substantial risks from these emissions on public health and the environment.

8. I understand that several industry trade groups have challenged EPA's supplemental finding in court. I am concerned that this lawsuit, if successful, could result in the MATS emissions limits being weakened, delayed, or eliminated.

Executed on this 13day of July, 2016.

  
\_\_\_\_\_  
Robert Daniels

## DECLARATION OF MICHAEL TIDWELL

I, Michael Tidwell, declare and state as follows:

1. I am the founder and director of the Chesapeake Climate Action Network (“CCAN”).
2. CCAN is a grassroots non-profit organization dedicated to raising awareness regarding the health and environmental impacts of global warming, and promoting the transition to clean energy generation in the mid-Atlantic region—specifically Maryland, Virginia, and Washington, D.C.
3. The education and mobilization of citizens in order to create a societal switch towards clean energy solutions and away from fossil fuel energy generation is a centerpiece of CCAN’s mission.
4. CCAN’s efforts to transition to a clean energy-powered society include ensuring that fossil fuel-powered facilities, such as coal-fired power plants, do not threaten public health or the environment through emissions of hazardous air pollutants such as mercury, acidic gases, and non-mercury metallic toxics, and are held to the health-protective mandates of the Clean Air Act.
5. CCAN’s efforts include educating the public as to the risks associated with toxic pollution from power plants and advocating for the reduction or elimination of such pollution. CCAN and its members have dedicated considerable time, effort,

and other resources to advocating for stronger air pollution standards, including standards relating to emissions from fossil-fuel fired power plants.

6. CCAN has brought Clean Air Act citizen suits on behalf of its members to combat illegal emissions of air pollutants from coal-fired power plants and has participated in the Clean Air Act Title V permitting process for coal-fired power plants. CCAN is dedicated to preventing future harm to the environment and public health from these types of dangerous air pollutants on behalf of its members.

7. CCAN has over 40,000 members in Maryland, Virginia, and Washington, D.C. As CCAN's Director, I know that CCAN's members live, exercise, work, raise children, garden, fish, and recreate on a regular basis in the vicinity of coal-fired power plants located in Maryland, Virginia, and Washington, D.C., where they inhale and are exposed to toxic emissions from these plants.

8. I am aware that the U.S. Environmental Protection Agency (EPA) has issued the Mercury and Air Toxics Standards (MATS) Rule to reduce toxic pollution from coal-fired power plants and limit the impact of this pollution public health.

9. I am aware that the U.S. Supreme Court in 2015 ruled that the EPA was mistaken to conclude that cost did not need to be considered in evaluating whether it was appropriate to develop the MATS Rule. I know that the EPA in April 2016 responded to the Supreme Court decision by publishing a final supplemental finding, which found that it remained appropriate to regulate power plant's toxic

emissions after considering cost. EPA weighed the cost of the rule against the advantages of regulating hazardous air pollutants to find that the cost is reasonable.

10. I understand that several industry trade groups have challenged EPA's supplemental finding in court. CCAN and its members are concerned about the environmental harms that could result if the industry lawsuit are successful in weakening, delaying, or eliminating the MATS rule. The lawsuit could also, if successful, excuse power plants from complying with the monitoring and reporting provisions of the MATS rule, depriving CCAN's members of information about the pollution to which they are exposed and preventing CCAN from fulfilling its mission to educate and organize citizens who are affected by these harmful emissions and interested in promoting a transition to clean energy sources.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of July, 2016.



Michael Tidwell, Director  
Chesapeake Climate Action Network



**DECLARATION OF NICHOLAS A. ROGERS**

I, Nicholas A. Rogers, hereby declare and state:

1. I am a member of Clean Air Council (“CAC”).
2. I currently reside at 1839 South Hicks Street, Philadelphia, Pennsylvania 19145. I have lived in Philadelphia for ten years.
3. I run, bike, and walk throughout east, central, and northeast Pennsylvania. I spend approximately ten hours a week outdoors recreating. I am also a competitive cyclist. I compete in approximately five races a year throughout southeastern Pennsylvania including Philadelphia, Chester, Delaware, Berks, Lancaster, and York counties. I bike several times a year through Nesquehoning, Northampton, and McAdoo. Accordingly I breathe whatever air pollution is present in the ambient air in these counties and towns.
4. I am also an asthmatic. I have had asthma since I was a child. I use my inhaler most weekends as a precautionary measure and suffer from aggravated asthma occasionally throughout the year. I have acute asthma attacks that are triggered by poor outdoor and indoor air quality, especially while I am exercising.
5. As a member of CAC, I am aware that the United States Environmental Protection Agency (“EPA”) signed the mercury and air toxics standards (MATS) to reduce emissions of air pollutants from power plants on December 16, 2011. I am also aware that EPA issued its supplemental finding on April 15, 2016 in which it concluded that considering cost does not change that fact that it is appropriate to regulate hazardous air pollution from power plants. MATS has now gone into effect, and is preventing up to 530 premature deaths each year in Pennsylvania, according to EPA’s estimates in the rule.

6. An important component of MATS consists is a limit on particulate matter emissions as a surrogate for hazardous metals like cadmium, arsenic, and manganese. Another important component is a limit on SO<sub>2</sub> as a surrogate for hazardous acid gas pollutants.
7. These standards cut sulfur dioxide and fine particle pollution, which reduces particle concentrations in the ambient air and is preventing thousands of premature deaths and tens of thousands of heart attacks, bronchitis cases and asthma episodes each year. The rule is reducing my exposure to particulate matter and the health hazards associated with it including the number of asthma episodes I experience.
8. There are 38 power plants located in Pennsylvania that are covered by MATS. I live, work, and recreate downwind from many of these power plants and breathe the air pollution present in the ambient air. I am therefore at an increased risk of adverse health effects from toxic air pollution. By placing limits on the pollution these plants can emit, MATS safeguards my health and my enjoyment of recreational activities.
9. The following power plants located in southeastern Pennsylvania are covered by the pollution limits in MATS: Schulykill Generating Station in Philadelphia, Pennsylvania; Cromby Generating Station in Chester County; Chester Operations in Delaware County; Eddystone Generating Station in Delaware County; P H Glatfelter in York County; PPL Brunner Island in York County; and Titus in Burks County. These additional power plants in eastern Pennsylvania are also covered: Kline Township Cogen Facility in McAdoo; Northampton Generating Company in Northampton County; and Panther Creek Energy Facility in Nesquehoning. I live, work, and recreate in areas affected by the air pollution from each of these power plants. Accordingly I breathe whatever air pollution

is present in the ambient air in these counties and my health and well-being will be positively affected by implementation of the MATS.

10. I understand that an industry lawsuit against EPA's supplemental finding, if successful, could cause MATS to be vacated, weakened, or delayed. These outcomes would prevent or delay the reductions in pollution that MATS will provide and, thus, prolong and increase my exposure to pollution from power plants and the adverse health effects that such pollution causes such as aggravating my asthma. Vacating, weakening, or staying MATS also would prolong and increase the harm that pollution from power plants causes to my aesthetic and recreational interests, including competitive cycling, and otherwise enjoying ordinary activities in and around my home and the places where I work and recreate.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 18th day of July, 2016.



Nicholas Rogers

**DECLARATION OF JOSEPH O. MINOTT**

I, Joseph O. Minott, declare and state as follows:

1. I am the Executive Director and Chief Counsel of the Clean Air Council (“CAC”). I have served in this position for thirty years. I was also a staff attorney at CAC for four years. As Executive Director, I am responsible for making sure CAC achieves its goals and mission. I am also required to be up-to-date and knowledgeable about current and future threats to the environment in Pennsylvania.
2. CAC is a 501(c)(3), non-profit, environmental organization and was established in 1967. CAC is headquartered at 135 South 19th Street, Suite 300, Philadelphia, Pennsylvania 19103.
3. CAC’s mission is to protect and defend everyone’s right to breathe clean air. CAC works to achieve its goals and mission through public education, community action, government oversight, and enforcement of environmental laws.
4. CAC has approximately 9,000 members, some of whom are harmed by the air pollution emitted from coal- and oil-fired power plants.
5. Through my work, I am familiar with CAC goals, current projects, its membership information, and its activities surrounding mercury and air toxics. I am also familiar with EPA’s efforts to reduce mercy and air toxic emissions from coal- and oil-fired power plants.
6. CAC intervened to support EPA’s 2012 mercury and air toxics standards (“MATS”) for coal-fired power plants in *White Stallion Energy Center v. EPA*, 748 F.3d 1222 (D.C. Cir. 2014), *rev’d in part sub nom., Michigan v. EPA*, No. 14-46 (U.S. June 29, 2015). I understand that in the aftermath of that litigation, the MATS are in effect, reducing

hazardous air pollutants from sources throughout Pennsylvania, resulting in tangible air quality benefits to CAC members.

7. It is my expectation that the Petitioners will seek to have the MATS rule vacated, weakened, or delayed. Any such outcome would harm CAC and its members.
8. The MATS rule directly affects key CAC program areas. CAC works hard to protect low-income and minority communities — referred to as environmental justice (“EJ”) communities — from being disproportionately impacted by air pollution. Power plants are traditionally sited in EJ communities and thus these communities are more likely to be affected by the MATS rule. Further, CAC is specifically focused on air quality issues in Allegheny County where Cheswick Power Station, a coal fired power plant, is located. The reduction in air toxics from the Cheswick Power Station that result from the MATS is of great institutional importance to CAC.
9. In addition, I am personally aware that many of CAC’s members bike, live, and recreate around power plants. CAC’s members will be exposed to, and affected by, the mercury and air toxics regulated by the MATS rule that are emitted by power plants.
10. I am also aware that air pollution is responsible for one out of every 20 American deaths and that coal-fired power plants are one of the largest sources of these deadly emissions.
11. This rule will reduce the exposure of the harmful pollutants, such as sulfur dioxide and fine particle pollution, emitted by coal- and oil-fired power plants. This rule will allow CAC to fulfill its mission of protecting and defending everyone’s right to breathe clean air.

12. CAC believes that strong emissions regulation, like those set out in the MATS, will further CAC's goals and obligations to protect its members and the general public from harmful pollutants.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 13 day of July, 2016.

A handwritten signature in blue ink, appearing to read "Joseph Otis Minott". It is written in a cursive style with some loops and variations in letter height.

Joseph Otis Minott, Esq.  
Executive Director



**DECLARATION OF TAMERA J. BOUNDS**

I , Tamera J. Bounds, hereby declare and state:

1. I am the chair of Downwinders At Risk and have been a member since 2015.
2. I live in Mansfield, Texas, a suburb of DFW area and heart of the Barnett Shale.
3. I live downwind from three coal-fired power plants that are subject to the

Environmental Protection Agency's mercury and air toxics standards (known as "MATS")—the Big Brown, Limestone and Martin lake coal-fired plants.

4. I am aware that coal-fired power plants emit large quantities of air pollution, including particulate matter, mercury, arsenic, cadmium, and acid gases like hydrochloric acid. According to EPA, particulate matter inhalation is known to cause adverse health effects like asthma, heart attack, and stroke. Exposure to toxic metals like mercury, arsenic, and cadmium causes neurological problems, cancer, and other serious health problems. Exposure to acid gases causes respiratory distress.

5. The Big Brown, Limestone and Martin lake coal-fired plants contribute to serious air pollution problems in my community.

6. As a physical therapist assistant, I am well aware of the importance of regular exercise for health. I regularly walk, hike, and bike outdoors in my neighborhood. I have grandchildren and we go to the city parks to picnic, swim and play on the equipment. We used to spend more time outdoors closer to home, swimming and sailing at Joe pool lake, but now we limit travel a few times a month to those areas, because of my concerns about air pollution in the DFW area. Both myself and two of my grandchildren have asthma. We would like to exercise more and enjoy recreational activities in and around my home, but I consider it risky to be

outdoors too much due to air pollution in this area. I am told to just stay indoors. My concerns about air pollution have affected all my outdoor activities. I have nowhere to move.

7. I am aware that the MATS rule imposes limits on the levels of particulate matter, toxic metals, acid gases, and other pollution that coal-fired power plants are allowed to emit. I support actions by the EPA and Downwinders at Risk to ensure that my health and my family's health is protected from pollution through full and timely implementation of the Clean Air Act.

8. I am also aware that currently pending industry lawsuits, if successful, could weaken, delay, or eliminate the protections in the MATS rule. As a result, the coal-fired power plants in my area would be allowed to emit higher levels of air pollution, increasing the risk to my health and the health of my family. If the air pollution in my area increased, I would feel forced to spend even less time recreating and exercising outdoors.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of July 2016



Tamera J. Bounds

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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| <b>MURRAY ENERGY CORPORATION,</b>  | ) |   |
|  | ) |   |
| <b>Petitioner,</b>   | ) | <b>Case No. 16-1127,<br/>consolidated with<br/>Cases Nos. 16-1175,<br/>16-1204, 16-1206,<br/>16-1208, and 16-1210</b> |
| <b>v.</b>  | ) |   |
|  | ) |   |
| <b>UNITED STATES ENVIRONMENTAL<br/>PROTECTION AGENCY, <i>et al.</i>,</b> | ) |   |
|  | ) |   |
| <b>Respondents.</b>  | ) |   |
|  | ) |   |

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**DECLARATION OF GEORGE JUGOVIC, JR.  
FOR CITIZENS FOR PENNSYLVANIA'S FUTURE**

1. This declaration is based on my personal and professional knowledge, information, and belief. I am over the age of eighteen years and suffer from no legal incapacity. I submit this declaration in support of Citizens for Pennsylvania's Future's ("PennFuture's") motion to intervene in this matter in support of Respondent United States Environmental Protection Agency ("EPA").

2. I am the Chief Counsel of PennFuture, a statewide public interest membership organization organized and exiting under the laws of the Commonwealth of Pennsylvania. I am a member of PennFuture.

3. PennFuture works to create a just future where nature, communities and the economy thrive. PennFuture enforces environmental laws and advocates for the transformation of public policy, public opinion and the marketplace to restore and protect the environment and safeguard public health. PennFuture advances effective solutions for the problems of pollution, sprawl and global warming; mobilizes citizens; crafts compelling communications; and provides excellent legal services and policy analysis.

4. Limiting our members' exposure to toxic air pollution has been a major component of PennFuture's mission and work.

5. I am aware of the harmful effects of mercury on human health and the environment, which are well-documented in scientific literature and government publications. Methylmercury, the most common organic mercury compound, bioaccumulates in fish, and fish consumption poses the most significant route of human and wildlife exposure. At high doses, methylmercury has caused severe human health effects, including death. Methylmercury poses particular risks of neurological problems to developing fetuses and nursing infants. Estimates of the number of infants that are born each year with blood mercury levels above the level considered safe by EPA range upwards from 300,000. In the environment, methylmercury also has harmful impacts on fish, and on birds and mammals that consume fish.

6. In Pennsylvania, state agencies have posted a statewide fish consumption advisory recommending that Pennsylvanians eat no more than one meal each week from fish caught in Pennsylvania waters. This advisory is intended in part to help protect children from developmental problems resulting from exposure to mercury. The state agencies recommend even lower levels of consumption – one or two meals per month – for particular species of fish caught in several dozen specified Pennsylvania water bodies (lakes, reservoirs, or reaches of rivers or streams).

7. I am aware that many coal-fired power plants, which have been among largest emitters of mercury in the country, are located in Pennsylvania, and that based on the data in EPA's 2014 Toxic Release Inventory, Pennsylvania ranked second among the states in the emission of toxic mercury from the electric utility sector.

8. On August 9, 2004, PennFuture, along with several other organizations, responded to the high emissions of mercury from coal-fired power plants, and the absence of federal or state regulation thereof, by petitioning the Pennsylvania Environmental Quality Board under 25 Pa. Code Chapter 23 to develop a rule that would reduce mercury emissions from coal-fired power plants. That petition ultimately resulted in the promulgation of a final rule ("PA Mercury Rule") by the Environmental Quality Board at its meeting of October 17, 2006,

which was published in the Pennsylvania Bulletin on February 17, 2007, 37 Pa.

Bull. 883, and codified at 25 Pa. Code Chapter 123.201-215.

9. Several owner-operators of coal-fired electric generating units located in Pennsylvania challenged the PA Mercury Rule. In an unreported decision dated January 30, 2009, the Commonwealth Court of Pennsylvania declared the PA Mercury Rule invalid, reasoning that the decision in *New Jersey v. Environmental Protection Agency*, 517 F.3d 574 (D.C. Cir. 2008), removed the authority of the Environmental Quality Board to promulgate the PA Mercury Rule under Pennsylvania's Air Pollution Control Act,. On appeal, the Commonwealth Court's decision was upheld by the Supreme Court of Pennsylvania in *PPL Generation, LLC v. Dep't of Env'l. Prot.*, 604 Pa. 326, 986 A.2d 48 (2009).

10. I am aware that on February 16, 2012, the EPA promulgated a final rule titled "National Emission Standards for Hazardous Air Pollutant Emissions from Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil Fuel-Fired Electric Utility, Industrial-Commercial Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units." 77 Fed. Reg. 9,304 (Feb. 16, 2012) ("MATS Rule").

11. I am aware that the MATS Rule was subject to challenges in the United States Court of Appeals and the United States Supreme Court in proceedings in which PennFuture participated as a Respondent Intervenor. I also

am aware that the MATS Rule has remained in effect throughout those proceedings and is in effect today.

12. I am aware that in response to a directive from the Supreme Court to evaluate the costs associated with the MATS Rule, the EPA recently issued a final supplemental finding that, after considering costs, the regulation of toxic air emissions from coal- and oil-fired power plants is appropriate and necessary (“Supplemental Finding”). 81 Fed. Reg. 24,420 (Apr. 25, 2016). I further am aware that EPA’s Supplemental Finding is under challenge in this proceeding, in which PennFuture seeks to defend the Supplemental Finding. I understand that the Supplemental Finding provides further support for the MATS Rule, and that a decision overturning it would jeopardize the MATS Rule itself.

13. I understand that the MATS Rule establishes emission limits for the largest stationary sources of mercury, particulate matter (as a surrogate for non-mercury toxic metals like chromium, arsenic, and lead), and hydrogen chloride (as a surrogate for acid gases) from coal- and oil-fired power plants, as well as sets a work-practice standard to reduce emissions of dioxins, formaldehyde, and other organic air toxics generated by coal- and oil-fired power plants. I know that coal-fired power plants were to be in compliance with these standards from and after April 2015, or at the latest, by April 16, 2016 with an extension, and that the reduction in emissions required by the MATS Rule are, and will continue to be,

beneficial to PennFuture members' enjoyment of their recreational pursuits in Pennsylvania and will help fill the regulatory void that was created when the PA Mercury Rule was declared invalid.

14. Through my work at PennFuture, I am aware that, in part as a result of the MATS Rule, a number of Pennsylvania coal-fired power plants have been shut down (e.g., the Armstrong, Hatfield's Ferry, and Mitchell Power Stations), have converted or are converting to firing natural gas (e.g., Hummel Station (formerly Sunbury Generation), or are adding the capability to fire natural gas (e.g., the Shawville Generating Station), and that other Pennsylvania power plants, including the Homer City Generating Station, have installed controls in order to comply with the MATS Rule, all of which have the effect of reducing the emission of mercury and other hazardous air pollutants from Pennsylvania's power plants.

15. Should the MATS Rule be overturned in this proceeding, I understand that the owners of coal- and oil-fired power plants in Pennsylvania and upwind states could reduce or eliminate controls they install to comply with the MATS Rule, thereby continuing or increasing their releases of toxic air emissions, including mercury.

16. Should the MATS Rule be overturned in this proceeding, I further understand that the owners coal-fired power plants that were shut in response to the MATS Rule might seek to repower them, and that the owners of coal-fired power

plants that have added or are adding the capability to fire natural gas in addition to coal might seek to burn more coal than they would if the MATS Rule remained in effect.

17. I am concerned that if the MATS Rule does not remain in effect, PennFuture members will be exposed to high levels of mercury and other hazardous air pollutants emitted by coal- and oil-fired power plants.

18. I therefore make this declaration in support of PennFuture's intervention in this matter for the benefit of its members, and with the goal of upholding the Supplemental Finding and the MATS Rule.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on July 15, 2016.

*George Jugovic Jr.*

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George Jugovic, Jr.

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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|--|---|-----------------------------|
| <b>MURRAY ENERGY CORPORATION,</b>        | ) |                             |
|  | ) |                             |
| <b>Petitioner,</b>                       | ) | <b>Case No. 16-1127,</b>    |
|  | ) | <b>consolidated with</b>    |
| <b>v.</b>                                | ) | <b>Cases Nos. 16-1175,</b>  |
|  | ) | <b>16-1204, 16-1206,</b>    |
| <b>UNITED STATES ENVIRONMENTAL</b>       | ) | <b>16-1208, and 16-1210</b> |
| <b>PROTECTION AGENCY, <i>et al.</i>,</b> | ) |                             |
|  | ) |                             |
| <b>Respondents.</b>                      | ) |                             |
|  | ) |                             |

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**DECLARATION OF EDWARD PERRY  
FOR CITIZENS FOR PENNSYLVANIA'S FUTURE**

1. This declaration is based on my personal and professional knowledge, information, and belief. I am over the age of eighteen years and suffer from no legal incapacity. I submit this declaration in support of Citizens for Pennsylvania's Future's ("PennFuture's") motion to intervene in this matter in support of Respondent United States Environmental Protection Agency ("EPA").

2. I am a resident of Centre County, Pennsylvania. My primary residence in Centre County is located downwind from several coal-fired power plants in and

around Pennsylvania, including the Homer City Generating Station in Indiana County.

3. I am the Pennsylvania Outreach Coordinator for the National Wildlife Federation’s (“NWF’s”) global warming campaign. PennFuture is the state affiliate of NWF. I have been a member of PennFuture since 1999.

4. I am an aquatic biologist who retired in 2002 after a 30-year career with the U.S. Fish and Wildlife Service, where I supervised the section responsible for protecting streams and wetlands. I have a Bachelor of Science degree in fishery biology and a Master of Science degree in aquatic biology from Ohio State University.

5. I am 71 years old.

6. I am married and have two sons, ages 37 and 43, and two grandchildren, ages 10 and 2.

7. I moved into my current residence in 1980.

8. I enjoy fishing with my family. We fish throughout Pennsylvania, including the Susquehanna River in Susquehanna County and the Allegheny River in Warren, Forest and Venango Counties.

9. I am aware, though my occupation with the U.S. Fish and Wildlife Service, and my involvement with the NWF and PennFuture, that mercury levels

in fish in waters throughout Pennsylvania pose a threat to people who might consume them.

10. I am aware that the Commonwealth of Pennsylvania has issued fish consumption advisories warning all people, but particularly young children and women of child-bearing age, to limit consumption of fish caught in Pennsylvania to no more than one meal per week. I am further aware that for smallmouth bass in the Susquehanna and Allegheny Rivers where my family and I fish, the advisories recommend limiting consumption of smallmouth bass to no more than two meals per month. Based on these fish consumption advisories, and my involvement with NWF and PennFuture, I have long been aware that eating freshwater fish contaminated with mercury may have long-term adverse effects on my health and on the health of my family. I therefore avoid eating smallmouth bass caught from these rivers and would not permit my grandson to keep any fish caught from these rivers.

11. I am hopeful that at some point in the future the mercury contamination levels in Pennsylvania's freshwater lakes and streams will decrease to a level where it is safe for me and my family to eat more of the fish that we catch.

12. I am aware through my involvement with NWF and PennFuture that coal- and oil-fired power plants emit into the air large amounts of other toxic

metals like arsenic, chromium, and nickel, as well as acid gases, and that uncontrolled coal-fired power plants have been among the largest emitters of mercury in the country and in Pennsylvania.

13. I am aware through my involvement with NWF and PennFuture that on February 16, 2012 the EPA promulgated a final rule titled “National Emission Standards for Hazardous Air Pollutant Emissions from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.” 77 Fed. Reg. 9,304 (Feb. 16, 2012) (“MATS Rule”). I further am aware that the MATS Rule was subject to challenges in the United States Court of Appeals and the United States Supreme Court in proceedings in which PennFuture participated as a Respondent Intervenor. I also am aware that the MATS Rule has remained in effect throughout those proceedings and is in effect today.

14. Through my involvement with NWF and PennFuture, I am aware that in response to a ruling by the Supreme Court, the EPA recently issued a supplemental finding that, after considering costs, the regulation of toxic air emissions from coal- and oil-fired power plants is appropriate and necessary (“Supplemental Finding”). I further am aware that EPA’s Supplemental Finding is being challenged in this proceeding, in which PennFuture seeks to defend the

Supplemental Finding. I understand that the Supplemental Finding provides further support for the MATS Rule, and that a decision overturning it would jeopardize the MATS Rule itself.

15. I understand that the MATS Rule establishes emission limits for the largest stationary sources of mercury, particulate matter (as a surrogate for non-mercury toxic metals like chromium, arsenic, and lead), and hydrogen chloride (as a surrogate for acid gases) from coal- and oil-fired power plants, as well as sets a work-practice standard to reduce emissions of dioxins, formaldehyde, and other organic air toxics generated by coal- and oil-fired power plants. I am aware that coal-fired power plants like the Homer City Generating Station were to be in compliance with these standards from and after April 2015, or at the latest, by April 16, 2016 with an extension.

16. I am concerned that if the MATS Rule does not remain in effect, the Homer City Generating Station and the other power plants upwind from my primary residence in Centre County could reduce or eliminate controls they install to comply with the MATS Rule, and will continue to emit mercury and other hazardous air pollutants. I further am concerned that adverse effects of these emissions on public health, on the environment where I live, and on myself and my family will continue.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on July 15, 2016.



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Edward Perry

## DECLARATION OF ERIC SCHAEFFER

I, Eric Schaeffer, declare and state as follows:

1. My name is Eric Schaeffer, and I am the Executive Director of the Environmental Integrity Project (“EIP”). I founded the organization in 2002, and have served as the Executive Director since then.
2. EIP is a non-profit organization based in Washington, D.C., dedicated to ensuring the effective enforcement of state and federal environmental laws to protect public health and the environment. EIP’s offices are located at 1000 Vermont Avenue, NW, Suite 1100, Washington D.C., 20005, and 1303 San Antonio, Suite 200, Austin, TX 78701.
3. EIP was specifically founded to advocate for the effective enforcement of environmental laws pertaining to large sources of air pollution, including power plants, due to their significant impacts on public health and the environment and the political pressures that can come into play in regulating and enforcing against these facilities.
4. As part of its mission to protect public health and the environment from the negative effects of air pollution, EIP has invested substantial time and effort documenting how air pollution caused by coal-fired power plants threatens human health and the environment. For example, in June 2012, EIP published a report with Professor Jonathan Levy of the Boston University School of Public Health,

detailing how the social costs associated with the premature deaths of citizens living near certain coal-fired power plants outweigh the value of the energy these plants produce. EIP uses information like this to educate the public and help ensure large pollution sources comply with state and federal environmental laws.

5. In addition to informing the public about power-plant emissions through reports, EIP represents citizens and groups, on a pro bono basis, whose recreational, health, aesthetic and other environmental interests are harmed by coal-fired power plants in their communities. EIP advocates on their behalf by reviewing permits required under the Clean Air Act and challenging them when necessary, and by bringing enforcement actions when plants violate conditions of state-issued permits or federal law.

6. EIP has also invested substantial time and effort since 2011 reviewing and commenting on EPA's proposed and final versions of the Mercury and Air Toxics Standards (the "MATS rule"), as well as EPA's subsequent rulemaking related to the MATS rule. For example, after EPA took final action on the startup and shutdown provisions of the MATS rule on November 19, 2014, EIP invested significant resources in drafting a petition for administrative reconsideration of these provisions. For this reconsideration petition, EIP analyzed publicly-available emissions data to determine whether EPA's final action on the startup and shutdown provisions complies with the requirements of the Act. EIP also spent

significant resources commenting on EPA's "technical corrections" to the MATS rule, which were formally proposed in the Federal Register in February 2015.

7. Along with other environmental groups, EIP has also participated in extensive litigation over the MATS Rule. For example, EIP and others previously challenged certain monitoring and other provisions of the final MATS rule in the U.S. Court of Appeals for the D.C. Circuit. In November 2014, EIP filed a complaint in federal district court in D.C. to cure EPA's unreasonable delay in responding to a petition to reconsider certain monitoring provisions of the MATS rule. In January 2015, EIP also filed a petition for judicial review of EPA's final action on the MATS startup and shutdown provisions in the D.C. Circuit. And in June 2015, EIP joined in a petition for judicial review of EPA's denial of a 2012 petition for reconsideration asking EPA to establish "beyond the floor" particulate-matter limits in the MATS rule. Relatedly, EIP has also intervened in industry's cases filed over the final MATS startup and shutdown provisions and EPA's denial of industry's 2012 petitions for reconsideration. Finally, in June 2016, EIP filed a petition for judicial review of EPA's final technical corrections to the MATS Rule.

8. If certain States and industry groups and companies are successful in their argument that it is not "appropriate" under Clean Air Act § 112(n) to regulate power plants' toxic emissions, this would greatly hinder EIP's organizational interests in strong and effective enforcement of the Clean Air Act and reducing air

toxics and other pollution from power plants to protect public health. From my previous work at EPA and my work with EIP, I know that power plants can emit massive amounts of air toxics. The inability of EPA to regulate power plants through the MATS rule would expose the individuals and community groups that EIP represents to greater air toxics — and would harm their health, recreational, aesthetic and other interests.

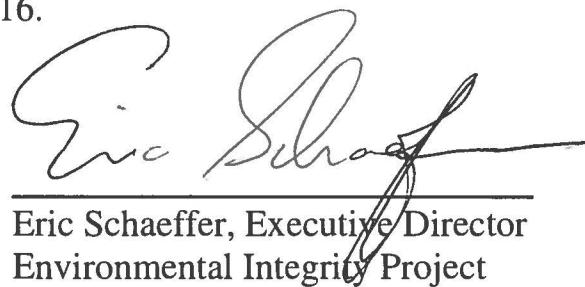
9. Among other things, EPA's inability to regulate power plants through the MATS rule would cause EIP to invest considerably more of its own limited resources to, among other things:

- a. analyze emissions of air toxics from power plants and prepare reports on these emissions to disseminate to the public if these plants are not required to comply with numerical emission limits under the MATS rule; and
- b. pursue other means to limit the emissions of air toxics from power plants, including (but not limited to) reviewing, objecting to and litigating over Clean Air Act "Title V" permits in the hope of obtaining meaningful and enforceable permit conditions during periods of startup and shutdown, when power plants can emit massive amounts of non-mercury metals and other air toxics.

10. EPA's regulation of power plants under § 112 of the Clean Air Act would allow EIP to use its limited resources to continue other work to ensure effective enforcement of environmental laws, educate the public on power plant and other pollution, and represent communities harmed by power plant and other pollution. Strong regulation of power plants through the MATS rule would also greatly support EIP's efforts to protect the public and the environment from toxic air pollutants.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 29 day of June, 2016.



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Eric Schaeffer, Executive Director  
Environmental Integrity Project

**DECLARATION OF GINA TRUJILLO**

I, Gina Trujillo, declare as follows:

1. I am the director of Membership at the Natural Resources Defense Council, Inc. (“NRDC”). I have been the director of membership since January 1, 2015 and have worked at NRDC in the membership department for more than 22 years.

2. My duties include supervising the preparation of materials that NRDC distributes to members and prospective members. Those materials describe NRDC and identify its mission.

3. NRDC is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. NRDC’s mission statement declares that “The Natural Resources Defense Council’s purpose is to safeguard the Earth: its people, its plants and animals, and the natural systems on which all life depends.” The mission statement goes on to declare that NRDC works “to restore the integrity of the elements that sustain life – air, land, and water – and to defend endangered natural places.”

5. Since its inception in 1970, NRDC has worked on issues relating to clean air, and in particular air pollution from power plants, in an effort to reduce unhealthy levels of air pollution that some Americans breathe. To that end, NRDC has engaged in legislative advocacy, undertaken public outreach and education, and engaged in both administrative proceedings and litigation relating to air pollution. In particular, NRDC’s Clean Air Project works on, among other things, EPA rules issued under the Clean Air Act.

6. When an individual becomes a member of NRDC, his or her residential address is recorded in NRDC's membership database. When a member renews his or her membership or otherwise makes a contribution to NRDC, the database entry reflecting the member's residential address is verified or updated.

7. NRDC currently has approximately 294,800 members. There are NRDC members residing in each of the fifty United States and in the District of Columbia.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2016.



A handwritten signature in black ink, appearing to read "Gina Trujillo". Below the signature, the name "Gina Trujillo" is printed in a smaller, standard font.

**DECLARATION OF BARBARA M. VONBENKEN**

I, Barbara M. VonBenken, hereby declare as follows:

1. I am currently a member of the Natural Resources Defense Council (“NRDC”). I have been a member for 20 years.
2. I live in Broadview Heights, Ohio in Cuyahoga County. I have lived at my current address for 21 years and in Cuyahoga County for 57 years.
3. I am an active person and I spend a good deal of time outdoors. I go on walks outside two to three times a week. I also spend time outside in my yard enjoying nature.
4. I have had asthma for approximately 24 years. I take a daily inhaler to control my asthma, and I also carry a rescue inhaler. I notice when the air outside smells bad or looks smoggy. When I drive to my volunteering activities or on errands, I can see the smog that hangs over the area.
5. I am very concerned about air pollution from power plants. I am concerned that the pollution will continue to get worse if we don’t do anything to clean it up. Even though I don’t have any children of my own, I’m concerned about the children in my community, and the impact that air pollution will have on their lives.
6. I have followed the development of the United States Environmental Protection Agency (EPA)’s finalized mercury and air toxics standards for power plants, which limit toxic air pollution such as mercury, lead and dioxins from power

plants. The pollution control equipment that will limit this toxic air pollution will also reduce pollutants that cause smog and soot.

7. I am aware from published reports that mercury is a potent neurotoxin that can impede fetal development and interfere with brain development in children. I am also aware from published reports that smog and soot pollution can irritate lungs, exacerbate asthma attacks, and increase a person's risk of developing serious and even life-threatening illnesses. For these reasons, I am very concerned that pollution from power plants poses a threat to my health and the health of my community.

7. I believe that the regulation of toxic air pollution from power plants will help reduce the amount of air pollution to which I am exposed. I'm aware that parts of EPA's mercury and air toxics standards have been challenged. I am concerned that if any parts of these standards are weakened or delayed, there will be a negative impact on my health and the health of my community. I support litigation by NRDC to ensure that requirements of the Clean Air Act for controlling air pollution from power plants are fully and expeditiously implemented so as to protect my health.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed in Broadview Heights, Ohio on July 21 , 2016

/s/ Barbara VonBenken

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Barbara M. VonBenken

**DECLARATION OF CATHERINE THOMASSON, M.D.**

I, Catherine Thomasson, M.D., declare as follows:

1. I am the Executive Director of Physicians for Social Responsibility (“PSR”). I am also the past President of PSR’s National Board of Directors. I work in PSR’s principal place of business, located at 1111 14<sup>th</sup> St. NW #700, Washington DC 20005. I have been Director of PSR since January 1, 2012 and am responsible for developing, implementing and managing the organization’s programs and activities in furtherance of PSR’s goals. My work requires that I be familiar with PSR’s purpose and activities, as well as the public health interests and concerns of PSR’s members. Prior to becoming PSR’s Executive Director, I served for five years as the Board President for PSR’s Oregon Chapter from 2000 – 2005; and I was President of PSR’s National Board of Directors in 2007. I am also a medical doctor, specializing in internal medicine; I practiced clinical medicine at Oregon State University Student Health prior to taking my current position.

2. By virtue of my position, history, and experience with PSR, and based on my own personal knowledge, I am aware that PSR’s members include women of child-bearing age, pregnant or nursing women, and parents of infants or young children.

3. PSR is a corporation organized and existing under the laws of Massachusetts and Washington, DC. It is a national nonprofit organization of medical and public health professionals and lay advocates dedicated to promoting peace, strengthening public health and child health, supporting environmental integrity, and articulating robust, non-nuclear national security policies.

4. PSR has 40,000 members and activists in all 50 states.

5. In furtherance of PSR's goals, PSR has actively participated in proceedings to strengthen and enforce regulations that affect public health standards throughout the United States, including proceedings to enforce the Clean Air Act. PSR has been a party to proceedings to promote, strengthen, and enforce public health standards that address the health, safety, and well-being of infants, children, adolescents, and young adults.

6. In particular, PSR has actively participated in proceedings related to EPA's efforts to regulate hazardous air pollutant emissions from coal- and oil-fired power plants. PSR intervened on behalf of petitioners to challenge EPA's attempt to remove coal- and oil-fired power plants from the list of sources that are subject to the Clean Air Act's (the "Act") hazardous air pollution provisions and EPA's Clean Air Mercury Rule, a cap-and-trade scheme which EPA proposed as a substitute for regulation under the Act's

hazardous air pollution provisions. *New Jersey v. EPA*, 517 F.3d 574 (D.C. Cir. 2008).

7. Following this Court's decision in *New Jersey v. EPA*, which vacated the Clean Air Mercury Rule, PSR was a petitioner in a lawsuit to compel EPA first to propose and then to promulgate final national emission standards for the hazardous air pollutants emitted by new and existing coal-and oil-fired power plants. *American Nurses Assn. v. EPA*, No. 1:08cv-02198-RMC (D.D.C. filed Dec. 18, 2008). As a result of a consent decree entered by PSR and the other petitioners with EPA, on February 16, 2012, EPA promulgated the final national emissions standards for hazardous air pollutants emitted by coal- and oil-fired power plants.

8. After entry of the consent decree, PSR continued to actively participate in the proceedings to develop final regulations covering hazardous air pollutant emissions from coal-fired and oil-fired power plants. PSR was fully involved in the public comment process that produced EPA's final national emissions standards for hazardous air pollutants emitted by coal-fired and oil-fired power plants, which are also known as the final Mercury and Air Toxics Rule, or final "MATS" Rule. PSR submitted written comments to EPA on the proposed MATS Rule. PSR representatives also provided oral testimony at public hearings on the

proposed MATS Rule in Philadelphia and Chicago.

9. I am familiar with EPA's final MATS Rule. The EPA Administrator signed the final MATS Rule on December 16, 2011, and it was published in the Federal Register on February 16, 2012, at 77 Fed. Reg. 9,304. The final MATS Rule prescribes emission limitations and standards to sharply reduce emissions of four categories of hazardous air pollutants emitted by coal-fired and oil-fired power plants: (1) mercury; (2) filterable particulate matter, as a surrogate for non-mercury metal hazardous air pollutants; (3) hydrogen chloride (with an option to control and monitor sulfur dioxide), as a surrogate for acid gases; and (4) hazardous organic pollutants, by means of best combustion practices. Once implemented, the final MATS Rule will be one of the single most important regulations for protecting people's health and well-being from one of the nation's largest industrial sources of hazardous air pollution.

10. I am also familiar with EPA's supplemental finding that it is appropriate and necessary to regulate hazardous air pollutants through the MATS Rule. PSR also participated in the public comment process in support of EPA's supplemental finding.

11. Coal-fired power plants are the largest industrial sources of mercury air pollution in the United States. Methyl mercury is a potent

neurotoxin and mercury contamination in the food chain and mercury “hotspots” adversely affect the health and well-being of developing fetuses, infants, and young children—all of whom are particularly vulnerable to adverse and irremediable health impacts. Mercury can also damage the kidneys and liver and cause cardiovascular disease in adults.

12. Coal-fired and oil-fired power plants also emit hazardous metals other than mercury including arsenic, antimony, beryllium, cadmium, chromium, nickel, selenium, manganese. These metals are known or probable carcinogens that can cause lung cancer, bladder cancer, kidney cancer, and skin cancer. Coal-fired and oil-fired power plants also emit lead, which damages developing nervous systems and can adversely affect learning, memory, and behavior; lead also may damage the cardiovascular system and kidneys, and cause anemia and weakness of the ankles, wrists, and fingers.

13. Coal-fired and oil-fired power plants also emit huge quantities of hazardous acid gases, including hydrogen chloride and hydrogen fluoride. These hazardous air pollutants can cause irritation and inflammation of the skin, eyes, nose, throat, and respiratory system.

14. Coal-fired and oil-fired power plants also emit significant amounts of hazardous organic air pollutants, including dioxins and furans,

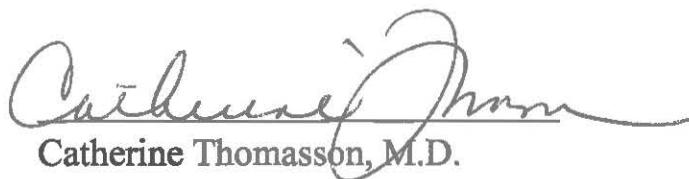
polycyclic aromatic hydrocarbons, and volatile organic compounds, such as benzene, toluene, xylene, and formaldehyde. Many of these toxic organic compounds are known or probable carcinogens that can cause lung and nasopharyngeal cancer, liver cancer, kidney cancer, and cancer of the testes. Hazardous organic compounds also can cause irritation of the skin, eyes, nose, and throat; impaired lung function and difficulty breathing; delayed response to visual stimulus and impaired memory; stomach discomfort; and adverse affects to the liver, kidneys, testes, and reproduction. Additionally, many of these toxicants attach to fine particulate matter and penetrate deep into the lungs, which can exacerbate harmful health effects.

15. I am aware that EPA has determined that every year the final MATS Rule will avoid up to 11,000 premature deaths, 2,800 cases of chronic bronchitis, 4,700 nonfatal heart attacks, 130,000 aggravated asthma attacks, 5,700 hospital and emergency room visits, 3.2 million fewer days of restricted activity due to respiratory illness, and 540,000 missed work days. Prompt implementation of MATS Rule is particularly critical to children and the elderly, who are especially sensitive and vulnerable to hazardous air pollutants, and to low-income and minority communities, who are disproportionately burdened by pollution from coal-fired and oil-fired power plants.

16. The MATS Rule will provide long overdue standards to protect PSR's members, their families, their patients, and the general public from excess mercury and other hazardous air pollution emitted by coal-fired and oil-fired power plants. PSR and its members have a direct interest in promoting and protecting public health, including the health of developing fetuses, infants, and children, and the elderly; PSR's members also have direct and concrete interests in protecting their health and the health of their families, in addition to promoting and protecting the health of their patients. Therefore, timely implementation of EPA's final MATS Rule will directly promote the mission and interests of PSR, as well as the individual and professional interests of PSR's members.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 7/17/16



Catherine Thomasson, M.D.

