

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ENVIRONMENTAL DEFENSE FUND,  
CENTER FOR ENVIRONMENTAL  
HEALTH, ENVIRONMENTAL HEALTH  
STRATEGY CENTER, NATURAL  
RESOURCES DEFENSE COUNCIL, and  
SIERRA CLUB,

Plaintiffs,

v.

ANDREW WHEELER, in his official  
capacity as Administrator, U.S.  
Environmental Protection Agency; and U.S.  
ENVIRONMENTAL PROTECTION  
AGENCY,

Defendants.

Case No. 20-cv-762

**Answer**

Defendants (collectively, EPA) answer plaintiffs' complaint, ECF No. 1:<sup>1</sup>

**Introduction**

1. The allegations in the first three sentences of paragraph 1 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The allegations in the last sentence consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

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<sup>1</sup> Topic headings are from the complaint and incorporated here solely for ease of reference. Their use does not constitute any admission by EPA.

2. The allegations in the first sentence of paragraph 2 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize a Senate report, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the report, EPA denies them.
3. The allegations in paragraph 3 characterize a Senate report, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the report, EPA denies them.
4. The allegations in the first three sentences of paragraph 4 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The remaining allegations characterize a Senate report, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the report, EPA denies them.
5. The allegations in the first sentence of paragraph 5 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. These allegations also consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The allegations in the second sentence characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

6. The allegations in paragraph 6 characterize a Federal Register notice, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the notice, EPA denies them.
7. The allegations in the first sentence of paragraph 7 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. EPA also lacks sufficient information to admit or deny the remaining allegations.
8. The allegations in the first two sentences of paragraph 8 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The allegations in the remaining sentences characterize the Toxic Substances Control Act and EPA's regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulations, EPA denies them. These allegations also consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.
9. The allegations in the first three sentences of paragraph 9 characterize the complaint, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the complaint, EPA denies them. The remaining allegations consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

**Jurisdiction and venue**

10. The allegations in paragraph 10 state legal conclusions that require no response.
11. The allegations in paragraph 11 characterize certain letters and receipts, which speak for themselves and are the best evidence of their content. To the extent the allegations are

inconsistent with those documents, EPA denies them. The allegations also state legal conclusions that require no response.

12. In response to paragraph 12, EPA admits that it resides in the District of Columbia. The remaining allegations in this paragraph state legal conclusions that require no response.

**Parties**

13. EPA lacks sufficient information to admit or deny the allegations in paragraph 13.
14. EPA lacks sufficient information to admit or deny the allegations in paragraph 14.
15. EPA lacks sufficient information to admit or deny the allegations in paragraph 15.
16. EPA lacks sufficient information to admit or deny the allegations in paragraph 16.
17. EPA lacks sufficient information to admit or deny the allegations in paragraph 17.
18. EPA admits the allegations in paragraph 18.

**Legal framework**

19. The allegations in paragraph 19 characterize congressional reports, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the reports, EPA denies them.
20. The allegations in paragraph 20 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
21. The allegations in paragraph 21 characterize a Senate report, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the report, EPA denies them.

22. The allegations in paragraph 22 characterize an earlier version of the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with that version, EPA denies them.
23. The allegations in the first sentence of paragraph 23 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. Those allegations also consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
24. The allegations in paragraph 24 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
25. The allegations in paragraph 25 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.
26. The allegations in paragraph 26 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
27. The allegations in paragraph 27 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

28. The allegations in paragraph 28 characterize a House report, the Toxic Substances Control Act, and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the report, the Act, or the regulation, EPA denies them.
29. The allegations in the first sentence of paragraph 29 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The remaining allegations characterize EPA's regulations, which speaks for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the regulations, EPA denies them.
30. The allegations in paragraph 30 characterize the 2016 amendment to the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the amendment, EPA denies them.
31. The allegations in paragraph 31 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
32. The allegations in paragraph 32 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
33. The allegations in paragraph 33 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

34. The allegations in paragraph 34 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.
35. The allegations in the first sentence of paragraph 35 characterize the Toxic Substances Control Act and a Federal Register notice, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the notice, EPA denies them. The remaining allegations characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
36. The allegations in paragraph 36 characterize a regulation, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the regulation, EPA denies them.
37. The allegations in paragraph 37 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.
38. The allegations in paragraph 38 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

**Factual background**

39. EPA admits the allegation in paragraph 39 that plaintiffs have requested the public files for PMN applications. The remaining allegations consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

40. EPA lacks sufficient information to admit or deny the allegations in paragraph 40.
41. The allegations in paragraph 41 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.
42. The allegations in paragraph 42 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.
43. The allegations in paragraph 43 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.
44. The allegations in paragraph 44 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
45. The allegations in paragraph 45 cite unidentified research findings. If those findings are documented, that document speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the document, EPA denies them. The allegations also consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
46. The allegations in paragraph 46 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
47. The allegations in paragraph 47 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
48. The allegations in paragraph 48 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
49. The allegations in paragraph 49 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.



50. The allegations in paragraph 50 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

51. EPA lacks sufficient information to admit or deny the allegations in paragraph 51.

52. EPA lacks sufficient information to admit or deny the allegations in paragraph 52.

53. The allegations in paragraph 53 quote a statement from the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry. If the statement has been documented, that document speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the document, EPA denies them.

54. EPA admits the allegation in paragraph 54 that it has allowed the manufacture of certain new PFAS chemical substances since 2006. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

55. The allegations in paragraph 55 characterize EPA's determination about PMN P-17-0245 under section 5(a)(3) of the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the determination, EPA denies them.

56. The allegations in paragraph 56 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

57. The allegations in paragraph 57 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

58. EPA admits the allegations in paragraph 58 that release of an isocyanate was involved in the incident in Bhopal, India. EPA lacks sufficient information to admit or deny the remaining allegations.

59. The allegations in paragraph 59 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

60. The allegations in paragraph 60 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

61. The allegations in the first and last sentences of paragraph 61 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize the public file for PMN P-18-0282, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the file, EPA denies them.

62. The allegations in the third and fourth sentences of paragraph 62 characterize EPA's determination about PMN P-16-0483 under section 5(a)(3) of the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the determination, EPA denies them. The remaining allegations consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

63. The allegations in the first two sentences of paragraph 63 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize a Senate report, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the report, EPA denies them.

64. EPA lacks sufficient information to admit or deny the allegations in paragraph 64.
65. EPA lacks sufficient information to admit or deny the allegations in paragraph 65.
66. EPA lacks sufficient information to admit or deny the allegations in paragraph 66.
67. EPA lacks sufficient information to admit or deny the allegations in the first three sentences of paragraph 67. The allegations in the last sentence consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
68. EPA lacks sufficient information to admit or deny the allegations in paragraph 68.
69. EPA admits the allegation in paragraph 69 that Environmental Defense Fund, Environmental Health Strategy Center, Natural Resources Defense Council, and Sierra Club submitted comments to EPA on PMN applications about PFAS. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
70. The allegations in the first, second, and fourth sentences of paragraph 70 characterize unidentified comments, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the comments, EPA denies them. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
71. EPA lacks sufficient information to admit or deny the allegations in the first and last sentences of paragraph 71. The allegations in the second sentence consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize plaintiffs' comment documents, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the documents, EPA denies them.

72. EPA lacks sufficient information to admit or deny the allegations in paragraph 72.

73. EPA lacks sufficient information to admit or deny the allegations in paragraph 73.

74. EPA lacks sufficient information to admit or deny the allegations in paragraph 74.

75. EPA lacks sufficient information to admit or deny the allegations in paragraph 75.

76. EPA admits the allegation in paragraph 76 that plaintiff Environmental Defense Fund has requested PMN public files from EPA. EPA lacks sufficient information to admit or deny the remaining allegations.

77. EPA lacks sufficient information to admit or deny the allegations in paragraph 77.

78. EPA lacks sufficient information to admit or deny the allegations in paragraph 78.

79. EPA lacks sufficient information to admit or deny the allegations in paragraph 79.

80. EPA lacks sufficient information to admit or deny the allegations in paragraph 80.

81. EPA lacks sufficient information to admit or deny the allegations in paragraph 81.

82. The allegations in paragraph 82 characterize the complaint, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the complaint, EPA denies them.

83. The allegations in the first sentence of paragraph 83 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.

84. The allegations in paragraph 84 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

85. EPA lacks sufficient information to admit or deny the allegations in the first and third sentences of paragraph 85. The remaining allegations characterize the Toxic Substances

Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

86. The allegations in the first and third sentences of paragraph 86 state legal conclusions that require no response. The allegations in the second sentence consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

87. The allegations in the first clause of the first sentence of paragraph 87 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

88. The allegations in paragraph 88 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

89. The allegations in the first sentence of paragraph 89 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.

90. The allegations in the first, third, and fourth sentences of paragraph 90 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.

91. The allegations in the first sentence of paragraph 91 characterize EPA's regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the regulations, EPA denies them. The allegations also

state legal conclusions that require no response. EPA lacks sufficient information to admit or deny the remaining allegations.

92. EPA admits the allegation in paragraph 92 that plaintiffs have requested certain public files from EPA's Docket Center. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
93. EPA admits the allegations in the first sentence of paragraph 93. EPA lacks sufficient information to admit or deny the remaining allegations.
94. EPA lacks sufficient information to admit or deny the allegations in paragraph 94.
95. EPA admits the allegations in paragraph 95 that it is making PMN public files available on ChemView, which, as of March 18, 2020 (when the complaint was filed), did not include the public files submitted before May 2019. EPA also admits the allegation that its regulations have not been updated to reflect the existence of ChemView. The remaining allegations consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.
96. The allegations in paragraph 96 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations also state legal conclusions that require no response.
97. The allegations in paragraph 97 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
98. The allegations in paragraph 98 state legal conclusions that require no response.
99. The allegations in paragraph 99 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

100. The allegations in paragraph 100 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

101. The allegations in paragraph 101 characterize the Toxic Substances Control Act and EPA's regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulations, EPA denies them.

102. The allegations in paragraph 102 characterize the Toxic Substances Control Act and EPA's regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulations, EPA denies them.

103. The allegations in the first sentence of paragraph 103 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations in the second sentence characterize the complaint, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the complaint, EPA denies them. The remaining allegations state legal conclusions that require no response.

104. The allegations in the first sentence of paragraph 104 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations in the second sentence characterize the Occupational Safety and Health Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The remaining allegations characterize provisions from the U.S. Code and Code of Federal Regulations, which

speaks for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with those provisions, EPA denies them.

105. The allegations in the first sentence of paragraph 105 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize the complaint, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the complaint, EPA denies them.

106. The allegations in paragraph 106 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

107. The allegations in paragraph 107 characterize the public file for PMN P-17-2045, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the file, EPA denies them.

108. The allegations in paragraph 108 characterize the public file for PMN P-17-2045, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the file, EPA denies them.

109. The allegations in paragraph 109 characterize an EPA determination, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the determination, EPA denies them.

110. The allegations in paragraph 110 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

111. The allegations in paragraph 111 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.



112. EPA admits the allegation in paragraph 112 that, as a general matter, when reviewing PMN submissions, it communicates with submitters. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
113. In response to paragraph 113, EPA admits that a PMN submitter may submit multiple versions of the PMN application and multiple pieces of correspondence. The remaining allegations characterize an EPA document, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the document, EPA denies them.
114. The allegations in the first and third sentences of paragraph 114 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize an EPA document, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the document, EPA denies them.
115. The allegations in paragraph 115 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
116. The allegations in paragraph 116 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
117. EPA lacks sufficient information to admit or deny the allegations in paragraph 117.
118. The allegations in paragraph 118 characterize EPA's determination about PMN P-17-0245 under section 5(a)(3) of the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the file, EPA denies them.

119. The allegations in paragraph 119 characterize documents in the public file for PMN P-17-0245, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the documents, EPA denies them.
120. The allegations in paragraph 120 characterize documents in the public file for PMN P-17-0245, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the documents, EPA denies them.
121. EPA lacks sufficient information to admit or deny the allegations in paragraph 121.
122. The allegations in paragraph 122 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
123. The allegations in the first sentence of paragraph 123 characterize the complaint and the public files of the PMNs listed in the complaint, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the complaint or the public files, EPA denies them. The allegations also consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.
124. The allegations in the first sentence of paragraph 124 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.
125. The allegations in the first two sentences of paragraph 125 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. The remaining allegations state legal conclusions that require no response.
126. The allegations in paragraph 126 state legal conclusions that require no response.

127. The allegations in paragraph 127 state legal conclusions that require no response.
128. The allegations in the first sentence of paragraph 128 characterize the Toxic Substances Control Act and a Federal Register document, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the document, EPA denies them. The remaining allegations characterize EPA's regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the regulations, EPA denies them.
129. The allegations in the first sentence of paragraph 129 characterize the public files of PMNs listed in table 9 of the complaint, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the files, EPA denies them. The allegations in the second sentence consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.
130. The allegations in paragraph 130 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
131. The allegations in paragraph 131 state legal conclusions that require no response.
132. The allegations in paragraph 132 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
133. The allegations in paragraph 133 state legal conclusions that require no response.
134. The allegations in paragraph 134 state legal conclusions that require no response.
135. The allegations in paragraph 135 state legal conclusions that require no response.

**Claims for relief**

**Count I**

136. In response to paragraph 136, EPA incorporates its responses to paragraphs 1 to 135.

137. The allegations in paragraph 137 state legal conclusions that require no response.

138. The allegations in paragraph 138 state legal conclusions that require no response.

**Count II**

139. In response to paragraph 139, EPA incorporates its responses to paragraphs 1 to 138.

140. The allegations in the first sentence of paragraph 140 characterize Federal Register notices, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the notices, EPA denies them. The remaining allegations state legal conclusions that require no response.

141. The allegations in paragraph 141 state legal conclusions that require no response.

**Count III**

142. In response to paragraph 142, EPA incorporates its responses to paragraphs 1 to 141.

143. The allegations in paragraph 143 state legal conclusions that require no response.

144. The allegations in paragraph 144 state legal conclusions that require no response.

**Count IV**

145. In response to paragraph 145, EPA incorporates its responses to paragraphs 1 to 144.

146. The allegations in paragraph 146 state legal conclusions that require no response.

**Count V**

147. In response to paragraph 147, EPA incorporates its responses to paragraphs 1 to 146.

148. The allegations in paragraph 148 state legal conclusions that require no response.

149. The allegations in paragraph 149 state legal conclusions that require no response.

150. The allegations in paragraph 150 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

151. The allegations in the first sentence of paragraph 151 characterize the public files of PMNs listed in table 4 of the complaint, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the files, EPA denies them. The remaining allegations state legal conclusions that require no response.

#### **Count VI**

152. In response to paragraph 152, EPA incorporates its responses to paragraphs 1 to 151.

153. The allegations in paragraph 153 state legal conclusions that require no response.

#### **Count VII**

154. In response to paragraph 154, EPA incorporates its responses to paragraphs 1 to 153.

155. The allegations in the first sentence of paragraph 155 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations state legal conclusions that require no response.

#### **Count VIII**

156. In response to paragraph 156, EPA incorporates its responses to paragraphs 1 to 155.

157. The allegations in paragraph 157 state legal conclusions that require no response.

#### **Count IX**

158. In response to paragraph 158, EPA incorporates its responses to paragraphs 1 to 157.

159. The allegations in paragraph 159 characterize documents in the public files for PMNs listed in table 9 of the complaint, which speak for themselves and are the best evidence of

their content. To the extent the allegations are inconsistent with the files, EPA denies them.

160. The allegations in paragraph 160 states legal conclusions that require no response.

161. The allegations in paragraph 161 state legal conclusions that require no response.

162. The allegations in paragraph 162 state legal conclusions that require no response.

#### **Count X**

163. In response to paragraph 163, EPA incorporates its responses to paragraphs 1 to 162.

164. The allegations in paragraph 164 state legal conclusions that require no response.

165. The allegations in paragraph 165 state legal conclusions that require no response.

The remainder of the complaint consists of plaintiffs' request for relief, to which no response is required. If a response is required, EPA denies that plaintiffs are entitled to relief.

#### **General denial**

If any allegation is not admitted or specifically responded to, EPA denies that allegation.

#### **Defenses**

EPA reserves the right to assert every affirmative or other defense that may be available, including any defenses available under Federal Rules of Civil Procedure 8 or 12.

Submitted on May 29, 2020.

/s/ Sue Chen

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**Certificate of Service**

I certify that on May 29, 2020, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

/s/ Sue Chen  
Sue Chen