

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

<p>CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, AMERICAN PETROLEUM INSTITUTE, NATIONAL MINING ASSOCIATION, and THE BUSINESS COUNCIL OF NEW YORK STATE, INC.,</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>LETITIA JAMES, in her official capacity as the New York Attorney General, AMANDA LEFTON, in her official capacity as Commissioner of the New York Department of Environmental Conservation,</p> <p><i>Defendants.</i></p>	<p>No. 1:25-cv-1307(BKS/DJS)</p> <p><b>ANSWER</b></p>
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Defendants Letitia James, in her official capacity as the New York Attorney General, and Amanda Lefton, in her official capacity as Commissioner of the New York State Department of Environmental Conservation<sup>1</sup> (collectively “Defendants”), by and through their attorney the New York State Office of the Attorney General, for their answer to the Complaint, filed February 28, 2025, allege and state as follows:

1. As to the allegations in Paragraph 1, admit that the Climate Change Superfund Act (the “Act), adopted as 2024 New York Session Laws Chapter 679 was amended by 2025 N.Y. Session Laws Chapter 100 on February 28, 2025, and deny the allegation in the first sentence of this paragraph. The remaining allegations are

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Commissioner Lefton replaces Interim Commissioner Sean Mahar as defendant.

Plaintiffs' characterizations of the Act. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the remaining allegations to the extent they are incomplete or inconsistent with the Act.

2. As to the allegations in Paragraph 2, admit that the State of Vermont has enacted a climate superfund law, and that two of the Plaintiffs in this case have also challenged Vermont's climate superfund law. Deny the remaining allegations in this paragraph.

3. Paragraph 3 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

4. Deny the allegations in Paragraph 4.

5. As to the allegations in Paragraph 5, deny Plaintiffs' characterization of the Act's cost recovery amount as a "penalty." The remaining allegations are Plaintiffs' characterizations of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

6. Paragraph 6 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

7. Paragraph 7 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

8. Paragraph 8 states legal conclusions to which no response is required.

To the extent a response is required, the allegations are denied.

9. Paragraph 9 states legal conclusions to which no response is required.

To the extent a response is required, the allegations are denied.

10. As to the allegations in Paragraph 10, deny that the Act “penalizes” other States, deny the allegations that the Act negatively impacts energy production and costs in other States, and deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding other States’ reliance on the energy sector, and deny that the Act “penalizes” other States that rely heavily on the energy sector. The remaining allegations in Paragraph 10 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

11. Paragraph 11 states legal conclusions to which no response is required.

To the extent a response is required, the allegations are denied.

12. Paragraph 12 states legal conclusions to which no response is required.

To the extent a response is required, the allegations are denied.

13. Paragraph 13 is a statement of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, the allegations are denied.

### **PARTIES AND STANDING**

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. Deny knowledge or information sufficient to form a belief as to the truth

of the allegations in Paragraph 15.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Paragraph 18 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

19. The allegations in Paragraph 19 contain references to a memorandum, statements in the Act's legislative history, and a press release, and as to these allegations, respectfully refer the Court to the cited memorandum, legislative history and press release as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny the remaining allegations in Paragraph 19. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the last two sentences of Paragraph 20 and deny the remaining allegations in this paragraph.

21. Deny the allegations in the first and last sentences of Paragraph 21 and deny knowledge or information sufficient to form a belief as to truth of the remaining allegations in this paragraph.

22. The allegations in the first sentence of Paragraph 22 state legal

conclusions to which no response is required. To the extent a response is required, these allegations are denied. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

23. Paragraph 23 states legal conclusions and Plaintiffs' claims for relief to which no response is required. To the extent a response is required, the allegations are denied.

24. Admit that Letitia James is the New York Attorney General. The remaining allegations in Paragraph 24 state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

25. Deny that Sean Mahar is currently the Interim Commissioner of the New York Department of Environmental Conservation (DEC) and affirmatively aver that Amanda Lefton is the DEC Commissioner. The remaining allegations in Paragraph 25 state legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

### **JURISDICTION AND VENUE**

26. Paragraph 26 states legal conclusions to which no response is required. To the extent a response is required, respectfully refer the Court to the cited statutes

and caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

27. Paragraph 27 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Affirmatively aver that the United States District Court for the Northern District of New York has venue over this action because Defendants reside there, *see* 28 U.S.C. § 1391(b)(1), and are subject to personal jurisdiction there.

28. Admit that Defendant Letitia James maintains offices, conducts business, and regularly files lawsuits in the Southern District of New York. The remaining allegations in Paragraph 28 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

### **BACKGROUND**

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. As to the allegations in Paragraph 31, deny Plaintiffs' characterization of the Act's cost recovery amount and cost recovery demands as "penalties," and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

32. As to the allegations in the second sentence of Paragraph 32,

respectfully refer the Court to the cited statute as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

33. As to the allegations in Paragraph 33, admit that President Trump issued Executive Order No. 14,156, 90 Fed. Reg. 8433 (Jan. 20, 2025), respectfully refer the Court to the cited executive order as the best evidence and most complete statement of its contents, and deny that the executive order (14,156) is valid and lawful. As to the cited caselaw and government websites in Paragraph 33, respectfully refer the Court to the caselaw and government websites cited in Paragraph 33 as the best evidence and most complete statements of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

34. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 34.

35. As to the allegations in Paragraph 35, admit that Governor Hochul issued Executive Order No. 22 on September 20, 2022, respectfully refer the Court to Executive Order No. 22 and the cited New York State Energy Research & Development Authority and DEC websites as the best evidence and most complete statement of their contents, meaning and effect and deny the allegations to the extent

they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36.

37. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. The allegations in footnote 7 in Paragraph 38 consist of Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 38.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. The allegations in Paragraph 40 contain references to caselaw and as to these allegations, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph contain references to Executive Orders Nos. 14,154 and 14,156 and as to these allegations, respectfully refer the Court to these executive orders as the best evidence and most complete statement of their contents, and deny

that the executive orders (14,154 and 14,156) are valid and lawful. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 40.

41. The allegations in Paragraph 41 contain references to caselaw, and as to these allegations Defendants respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 41.

42. Deny the allegations in Paragraph 42.

43. As to the allegations in Paragraph 43, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith.

44. The allegations in Paragraph 44 contain references to caselaw, and as to these allegations, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 44.

45. Deny the allegations in Paragraph 45.

46. Deny the allegations in Paragraph 46.

47. Deny the allegations in Paragraph 47.

48. Deny the allegations in Paragraph 48.

49. Deny the allegations in Paragraph 49.

50. As to the allegations in Paragraph 50, deny the allegations in the first sentence, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

51. Admit the allegations in the fourth sentence of Paragraph 51. Deny the allegations in the last sentence of Paragraph 51 and affirmatively state that the Clean Energy Standard sets goals for achieving 70% renewably sourced electricity by 2030 and a zero-emission electric grid by 2040. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

54. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

57. Deny knowledge or information sufficient to form a belief as to the truth

of the allegations in Paragraph 57.

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

59. As to the allegations in Paragraph 59, deny the allegations in the first and third sentences, and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence. Affirmatively aver that responsible parties that will be identified pursuant to the Act “shall not include any person who lacks sufficient contacts with the state to satisfy the due process clause of the United States Constitution.” N.Y. Env. Conserv. L. § 76-0101(21).

60. Deny the allegations in Paragraph 60.

61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61.

62. As to the allegations in Paragraph 62, deny that the Act has the potential to increase costs to consumers and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

63. As to the allegations in Paragraph 63, admit that the Vermont Legislature enacted a climate superfund law, deny the allegations in the first sentence, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

64. As to the allegations in Paragraph 64, respectfully refer the Court to the cited statute as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or

inconsistent therewith.

65. Admit that the New York State Legislature enacted S.2129B, entitled the “Climate Change Superfund Act,” and admit the allegations in the second sentence of Paragraph 65. The remaining allegations in this paragraph consist of Plaintiffs’ characterizations of the Act and CERCLA. As to these remaining allegations, deny Plaintiffs’ characterization of the Act as “punish[ing],” “target[ing],” and “lev[ing] fines” against certain entities, respectfully refer the Court to the Act and CERCLA as the best evidence and most complete statement of their contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith.

66. Admit the allegations in Paragraph 66.

67. Admit the allegations in Paragraph 67.

68. As to the allegations in Paragraph 68, admit the allegations in the first sentence and deny the allegations in the second sentence.

69. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in Paragraph 69 to the extent they are incomplete or inconsistent with the Act.

70. As to the allegations in Paragraph 70, deny Plaintiffs’ characterization of the Act as “target[ing]” certain entities, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in this paragraph to the extent they are incomplete or inconsistent with the Act. Affirmatively aver that responsible parties that will be

identified pursuant to the Act “shall not include any person who lacks sufficient contacts with the state to satisfy the due process clause of the United States Constitution.” N.Y. Env. Conserv. L. § 76-0101(21).

71. As to the allegations in Paragraph 71, deny Plaintiffs’ characterization of the Act as a “penalty” and allegations that “the liability of the responsible parties has absolutely nothing to do with their contacts with the State,” respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in this paragraph to the extent they are incomplete or inconsistent with the Act.

72. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in Paragraph 72 to the extent they are incomplete or inconsistent with the Act.

73. As to the allegations in Paragraph 73, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in Paragraph 73 to the extent they are incomplete or inconsistent with the Act.

74. As to the allegations in Paragraph 74, deny the allegation that it is “clear that New York will issue cost recovery demands to one or more of the Chamber’s, API’s, NMA’s, and BCNY’s members,” respectfully refer the Court to the Act and its legislative history as the best evidence and most complete statement of their contents, meaning and effect and affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

75. As to the allegations in Paragraph 75, admit that the Act's sponsors created the cited memorandum but deny knowledge or information sufficient to form a belief as to the truth of whether it was "circulated." Respectfully refer the Court to the cited memorandum as the best evidence and most complete statement of its contents and deny the remaining allegations to the extent they are incomplete or inconsistent therewith. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

76. Deny the allegations in the first sentence of Paragraph 76. The remaining allegations in this paragraph consist of quotations, citations to, and Plaintiffs' characterization of statements of members of the N.Y. Legislature and a memorandum from a member of the N.Y. Legislature in support of the Act. As to these remaining allegations, respectfully refer the Court to the referenced transcripts and memorandum as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

77. Respectfully refer the Court to the referenced press release as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations in Paragraph 77 to the extent they are incomplete or inconsistent therewith.

78. Deny the allegations in Paragraph 78 and affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

79. Deny the allegations in Paragraph 79.

80. As to the allegations in Paragraph 80, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

81. As to the allegations in Paragraph 81, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

82. As to the allegations in Paragraph 82, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

83. As to the allegations in Paragraph 83, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 84. The remaining allegations in this paragraph consist of Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to

the extent they are incomplete or inconsistent with the Act.

85. Deny the allegations in the second sentence of Paragraph 85. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the remaining allegations in this paragraph to the extent they are incomplete or inconsistent with the Act.

86. As to the allegations in Paragraph 86, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

87. As to the allegations in Paragraph 87, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

88. As to the allegations in Paragraph 88, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

89. As to the allegations in Paragraph 89, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

90. The allegations in Paragraph 90 contain quoted text from the Act, and

as to these allegations, respectfully refer the Court to the referenced section of the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act. Deny the remaining allegations in Paragraph 90.

91. The allegations in footnote 15 of Paragraph 91 state legal conclusions and Plaintiffs' statement of their requested relief, to which no response is required. To the extent a response is required, the allegations are denied. Further, the allegations in this paragraph refer to a memorandum, and as to these allegations, respectfully refer the Court to the referenced memorandum as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with therewith. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

92. As to the allegations in Paragraph 92, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

93. As to the allegations in Paragraph 93, deny that the Act imposes "penalties." The remaining allegations in Paragraph 93 are Plaintiffs' characterizations of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

94. As to the allegations in Paragraph 94, deny that the Act imposes “penalties.” The remaining allegations in Paragraph 94 are Plaintiffs’ characterizations of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

95. As to the allegations in Paragraph 95, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent with the Act.

96. Deny the allegations in Paragraph 96.

## **CLAIMS**

### **COUNT I**

97. Defendants repeat and reallege each and every response made to paragraphs 1 through 96 with the same force and effect as if set forth in this paragraph.

98. As to the allegations in Paragraph 98, respectfully refer the Court to the Supremacy Clause as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

99. The allegations in Paragraph 99 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

100. As to the allegations set in Paragraph 100, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

101. The allegations in Paragraph 101 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

102. The allegations in Paragraph 102 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

103. The allegations in Paragraph 103 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

104. The allegations in Paragraph 104 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

105. The allegations in Paragraph 105 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

106. As to the allegations set in Paragraph 106, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their

contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

107. As to the allegations set in Paragraph 107, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

108. As to the allegations set in Paragraph 108, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

109. As to the allegations set in Paragraph 109, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

110. As to the allegations set in Paragraph 110, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

111. As to the allegations set in Paragraph 111 respectfully refer the Court to Due Process Clause of the Fourteenth Amendment and the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

Further, the allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

112. As to the allegations set in Paragraph 112 respectfully refer the Court to the Due Process Clause and the cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

113. The allegations in Paragraph 113 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

114. As to the allegations set in Paragraph 114 respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

115. The allegations in Paragraph 115 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

116. The allegations in Paragraph 116 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

117. The allegations in Paragraph 117 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

118. The allegations in Paragraph 118 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

119. The allegations in Paragraph 119 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

120. The allegations in Paragraph 120 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

121. As to the allegations in Paragraph 121, deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence regarding collaboration between the United States, other countries and the support of energy producers of the Paris Agreement, admit that the Paris Agreement is an international agreement, admit that President Trump issued an order directing submittal of a notification of withdrawal from the Paris Agreement, and admit that different federal administrations have held different positions regarding whether to remain a party to the Paris Agreement. Respectfully refer the Court to the Paris Agreement and the cited executive order as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Furthermore, the allegations in the last sentence in Paragraph 121 state legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

122. Deny knowledge or information sufficient to form a belief as to the truth

of the allegations in the first sentence of Paragraph 122. As to the allegations in the second sentence, respectfully refer the Court to the referenced written statement as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny the allegations in the last sentence of Paragraph 122.

123. As to the allegations in Paragraph 123, admit that President Trump issued Executive Order No. 14,156, respectfully refer the Court to the referenced executive order as the best evidence and most complete statement of its contents, and deny that the executive order (14,156) is valid and lawful. Deny the remaining allegations in this paragraph.

124. The allegations in Paragraph 124 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

125. The allegations in Paragraph 125 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

126. The allegations in Paragraph 126 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

127. Paragraph 127 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

128. The allegations in Paragraph 128 state legal argument and legal

conclusions to which no response is required. To the extent a response is required, the allegations are denied.

129. Paragraph 129 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

130. Paragraph 130 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

131. The allegations in Paragraph 131 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

132. Deny knowledge or information sufficient to form a belief as to the allegations in the second and fourth sentences of Paragraph 132. The remaining allegations in Paragraph 132 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

133. The allegations in Paragraph 133 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

134. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first three sentences of Paragraph 134 and deny the allegations in the last sentence in this paragraph.

135. As the allegations in Paragraph 135, admit that the Solicitor General of the United States filed the cited amicus brief in the cited case. The remaining allegations in this paragraph state legal argument to which no response is required.

To the extent a response is required, the remaining allegations are denied.

136. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence in Paragraph 136. As to the remaining allegations in Paragraph 136, respectfully refer the Court to the referenced transcript and brief as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

137. The allegations in Paragraph 137 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

138. Paragraph 138 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

139. Paragraph 139 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

## **COUNT II**

140. Defendants repeat and reallege each and every response made to paragraphs 1 through 139 with the same force and effect as if set forth in this paragraph.

141. As to the allegations in Paragraph 141, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents,

meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

142. Paragraph 142 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

143. As to the allegations in Paragraph 143, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

144. As to the allegations in Paragraph 144, respectfully refer the Court to the Clean Air Act and the referenced regulations as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

145. Paragraph 145 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

146. Paragraph 146 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

147. As to the allegations in Paragraph 147, respectfully refer the Court to the Clean Air Act and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

148. Paragraph 148 states legal argument legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

149. Paragraph 149 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

150. Paragraph 150 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

151. Paragraph 151 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

152. Paragraph 152 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Paragraph 152 also contains Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

153. Paragraph 153 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

154. Paragraph 154 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

155. Paragraph 154 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

### **COUNT III**

156. Defendants repeat and reallege each and every response made to

paragraphs 1 through 155 with the same force and effect as if set forth in this paragraph.

157. Paragraph 157 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Affirmatively aver that responsible parties that will be identified pursuant to the Act “shall not include any person who lacks sufficient contacts with the state to satisfy the due process clause of the United States Constitution.” N.Y. Env. Conserv. L. § 76-0101(21).

158. As to the allegations in Paragraph 158, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

159. As to the allegations in Paragraph 159, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

160. Paragraph 160 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

161. Paragraph 161 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied. Paragraph 161 also contains Plaintiffs’ characterizations of the Act and CERCLA, and as to these allegations, respectfully refer the Court to the Act and CERCLA as the best evidence and most complete statement of their contents, meaning and effect,

and deny the allegations to the extent they are incomplete or inconsistent therewith.

162. The allegations in Paragraph 162 state legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

163. Paragraph 163 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

164. Deny the allegations in the first sentence and the last sentence of Paragraph 164, and deny Plaintiffs' characterization of the Act's cost recovery amount as a "penalty." Respectfully refer the Court to the referenced transcript as the best evidence and most complete statement of its contents, meaning and effect, and deny the remaining allegations to the extent they are incomplete or inconsistent therewith.

165. Paragraph 165 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

166. Deny the allegations in the first, fourth, and fifth sentences of Paragraph 166. Sentences two and three of Paragraph 166 contain Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

167. Deny the allegations in the first and third sentences of Paragraph 167. Respectfully refer the Court to the Act and cited caselaw as the best and most

complete statement of their contents, meaning and effect and deny the allegations in the second, fourth and fifth sentences to the extent they are incomplete or inconsistent therewith.

168. Deny the allegations in the first, third, fourth and fifth sentences of Paragraph 168. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in the second sentence to the extent they are incomplete or inconsistent therewith.

169. As to the allegations in Paragraph 169, deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of footnote 21, deny the remaining allegations in this paragraph.

170. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170.

171. Deny the allegations in sentences two and three of Paragraph 171. Respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations in the first sentence to the extent they are incomplete or inconsistent therewith.

172. As to the allegations in Paragraph 172, deny the allegations in the first sentence and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence.

173. Deny the allegations in the last sentence of Paragraph 173. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

174. The allegations in the third and fourth sentences of Paragraph 174 consist of Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith. Deny the remaining allegations in this paragraph. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

175. Paragraph 175 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

176. Paragraph 176 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

177. Paragraph 177 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

178. Paragraph 178 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

179. As to the allegations in Paragraph 179, deny knowledge or information sufficient to form a belief as to the truth of the allegations in the third and fourth sentences, and deny the remaining allegations in this paragraph. Affirmatively aver that DEC has not yet determined which entities will receive cost recovery demands.

180. As to the allegations in Paragraph 180, deny the allegations in the first and last sentence of this paragraph, and deny Plaintiffs' characterization of the Act's cost recovery demands as "penalt[ies]." The allegations in the second sentence of this

paragraph are Plaintiffs' characterization of the Act, and as to these allegations, respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect and deny the allegations to the extent they are incomplete or inconsistent therewith.

181. Paragraph 181 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

182. Paragraph 182 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

#### **COUNT IV**

183. Defendants repeat and reallege each and every response made to paragraphs 1 through 182 with the same force and effect as if set forth in this paragraph.

184. As to the allegations in Paragraph 184, respectfully refer the Court to the Commerce Clause as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

185. As to the allegations in Paragraph 185, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

186. As to the allegations in Paragraph 186, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

187. As to the allegations in Paragraph 187, respectfully refer the Court to the foreign Commerce Clause cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

188. Deny the allegations in Paragraph 188, except deny knowledge or information sufficient to form a belief as to the truth of the allegation that “there are no energy producers that conduct coal mining or fossil fuel refining in New York.”

189. Deny the allegations in the first sentence of Paragraph 189. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

190. Deny the allegations in Paragraph 190.

191. Deny the allegations in the first sentence of Paragraph 191. The second sentence of Paragraph 191 states legal argument to which no response is required. To the extent a response is required, the allegations are denied.

192. Paragraph 192 states legal conclusions and Plaintiffs’ statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

193. Paragraph 193 states legal conclusions and Plaintiffs’ statement of their

requested relief to which no response is required. To the extent a response is required, the allegations are denied.

### COUNT V

194. Defendants repeat and reallege each and every response made to paragraphs 1 through 193 with the same force and effect as if set forth in this paragraph.

195. Paragraph 195 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

196. As to the allegations in Paragraph 196, respectfully refer the Court to the Eighth Amendment as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

197. As to the allegations in Paragraph 197, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

198. As to the allegations in Paragraph 198, respectfully refer the Court to the Eighth Amendment and cited caselaw as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

199. As to the allegations in Paragraph 199, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents,

meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

200. Deny the allegations in Paragraph 200.

201. Deny the allegations in Paragraph 201 and respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect.

202. Deny the allegations in Paragraph 202.

203. Paragraph 203 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

204. As to the allegations in Paragraph 204, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

205. Deny the allegations in the first sentence of Paragraph 205, and deny knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of this paragraph.

206. Deny the allegations in Paragraph 206 and affirmatively aver that the Act's covered period, as defined in the Act, extends from January 1, 2000 to December 31, 2024. N.Y. Env. Conserv. L. § 76-0101(9).

207. Deny the allegations in Paragraph 207.

208. Deny the allegations in Paragraph 208 and respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning

and effect.

209. Paragraph 209 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

210. Paragraph 210 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

211. Paragraph 211 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

## COUNT VI

212. Defendants repeat and reallege each and every response made to paragraphs 1 through 211 with the same force and effect as if set forth in this paragraph.

213. Paragraph 213 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

214. As to the allegations in Paragraph 214, respectfully refer the Court to the Takings Clause and the Fourteenth Amendment as the best evidence and most complete statement of their contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

215. Paragraph 215 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

216. Paragraph 216 contain Plaintiffs' characterization of the Act,

respectfully refer the Court to the Act as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, deny that the State is required to provide “just compensation to energy producers.”

217. Paragraph 217 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

218. As to the allegations in Paragraph 218, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

219. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 219 and deny the remaining allegations in this paragraph.

220. Deny the allegations in Paragraph 220.

221. Paragraph 221 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

222. Paragraph 222 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

223. Paragraph 223 states legal conclusions and Plaintiffs’ statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

224. Paragraph 224 states legal conclusions and Plaintiffs’ statement of their

requested relief to which no response is required. To the extent a response is required, the allegations are denied.

### COUNT VII

225. Defendants repeat and reallege each and every response made to paragraphs 1 through 224 with the same force and effect as if set forth in this paragraph.

226. Paragraph 226 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

227. Paragraph 227 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

228. As to the allegations in Paragraph 228, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith.

229. Paragraph 229 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

230. Paragraph 230 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

231. As to the allegations in Paragraph 231, respectfully refer the Court to the cited caselaw as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or

inconsistent therewith.

232. Paragraph 232 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

233. Paragraph 233 states legal argument and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

234. Paragraph 234 states legal conclusions and Plaintiffs' statement of their requested relief to which no response is required. To the extent a response is required, the allegations are denied.

### **COUNT VIII**

235. Defendants repeat and reallege each and every response made to paragraphs 1 through 234 with the same force and effect as if set forth in this paragraph.

236. Paragraph 236 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

237. Paragraph 237 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

238. As to the allegations in Paragraph 238, respectfully refer the Court to the cited statute as the best evidence and most complete statement of its contents, meaning and effect, and deny the allegations to the extent they are incomplete or inconsistent therewith. Further, Paragraph 238 states legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

239. Paragraph 239 states legal conclusions and Plaintiffs' statement of their

requested relief to which no response is required. To the extent a response is required, the allegations are denied.

240. The remaining paragraphs of the Complaint consist of requests for relief to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to the relief requested in the Complaint, or to any relief whatsoever.

### **DEFENDANTS' DEFENSES**

Without limiting or waiving any other defenses available to them, Defendants hereby assert the following defenses to the Complaint:

#### **FIRST DEFENSE**

Some or all of Plaintiffs' claims are unripe for judicial review.

#### **SECOND DEFENSE**

Some or all of Plaintiffs lack standing to bring this action.

#### **THIRD DEFENSE**

Some or all of Plaintiffs' claims fail to state a claim upon which relief may be granted.

#### **FOURTH DEFENSE**

Some or all of Plaintiffs' claims are barred by the Court's lack of subject matter jurisdiction.

#### **FIFTH DEFENSE**

The allegations in Plaintiffs' Complaint are unreviewable for lack of final agency action.

**SIXTH DEFENSE**

The Act is not preempted by federal law.

**SEVENTH DEFENSE**

The Act is not preempted by the United States Constitution.

**EIGHTH DEFENSE**

The Act does not violate the United States Constitution.

**NINTH DEFENSE**

There is neither factual nor legal support for injunctive or equitable relief.

**TENTH DEFENSE**

Some or all Plaintiffs' claims are barred against Defendants by the doctrines of estoppel, waiver, and/or laches.

**ELEVENTH DEFENSE**

Some or all of Plaintiffs' claims and requests for relief as against one or more Defendants are barred by the Eleventh Amendment to the U.S. Constitution.

**TWELFTH DEFENSE**

The Court lacks authority to issue some or all of the relief sought against Defendants.

**THIRTEENTH DEFENSE**

Some or all of Plaintiffs' claims and requests for relief are barred by the comity doctrine.

**FOURTEENTH DEFENSE**

Defendants reserve the right to amend their answer, pursuant to Fed. R. Civ.

P. Rule 15, and to raise additional defenses.

**WHEREFORE**, Defendants respectfully request judgment against Plaintiffs as follows:

a. Dismissing and denying the claims in the Complaint against Defendants in their entirety;

b. and for such other and further relief as this Court deems appropriate.

Dated: October 8, 2025  
Albany, New York

Respectfully submitted,

LETITIA JAMES  
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*Attorney for Defendants*

By: */s/ Ayah F. Badran*

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