IN THE SUPREME COURT FOR THE STATE OF MONTANA

Supreme Court Cause No. DA 23-0479

COTTONWOOD ENVIRONMENTAL LAW CENTER,

Plaintiff-Appellant,

v.

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,

Defendant-Appellee,

and

YELLOWSTONE MOUNTAIN CLUB,

Defendant-Intervenor and Appellee

On Appeal from the Montana Eighteenth Judicial Court,
Gallatin County, Hon. Andrew J. Breuner, Presiding
Cause No. DV 21-833B

REPLY BRIEF OF PLAINTIFF/APPELLANT

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INTRODUCTION

This case challenges the first permit the Montana Department of Environmental Quality ("DEQ") has issued in the state allowing a ski resort (Defendant-Intervenor "Yellowstone Club") to make snow using treated effluent. The agency violated the Montana Environmental Policy Act ("MEPA") by failing to take the requisite "hard look" at the environmental impacts of pharmaceutical pollution reaching the surface water of the Gallatin River. The DEQ prepared an Environmental Assessment ("EA") and issued a Finding of No Significant Impact ("FONSI") without disclosing the information and data in its possession—some of which it created—that states pharmaceutical pollution is causing fish and amphibians to change sexes. The DEQ answered the complaint in this case by admitting pharmaceutical pollution "may" threaten aquatic life—the touchstone for preparing a more thorough Environmental Impact Statement ("EIS"). On remand, the agency must prepare an EIS that analyzes the impacts of pharmaceutical pollution using the information and data in its possession.

The Montana Constitution requires that the government not take actions that may jeopardize Montana's natural environment without first thoroughly understanding the risks involved. Because this constitutional right is effectuated by MEPA, a violation of MEPA constitutes irreparable harm. Cottonwood has filed declarations from seven of its members that demonstrate the Yellowstone Club's snow-making is harming their conservation, business, and recreation interests. The

public interest always tips in favor of the government understanding the environmental impacts of its actions before it takes them. The Court should either vacate and set aside the challenged permit or permanently enjoin the Yellowstone Club from making snow using treated sewage under the challenged permit until an Environmental Impact Statement is completed.

ARGUMENT

I. The district court should have supplemented the administrative record with the relevant documents or considered the relevant documents as extra record evidence.

Cottonwood's opening brief explained that the parties engaged in discovery and the DEQ produced a document (prepared by the U.S. Environmental Protection Agency) that states "new information has shown that many of these chemicals may pose a threat to aquatic life such as feminizing changes observed in male fish exposed to endocrine-active [Pharmaceuticals, Personal Care Products, Endocrine Disruptors] PCCPs." Br. at 14 (citations omitted). The district court erred by allowing the parties to engage in discovery, but then denying Cottonwood's motion to supplement the administrative record with relevant evidence the agency had in its possession at the time it made the decision at issue. *See McColl v. Lang*, 2016 MT 255, ¶12 ("Generally, all relevant evidence is admissible…"). If the DEQ wanted to limit judicial review of its decision to the administrative record, it should have objected to discovery. *See J.M. Huber Corp. v. Gallatin County*, 2003 MT 1637, ¶12 (allowing discovery beyond

administrative record for limited purpose of ascertaining whether the agency considered all the relevant factors).

Cottonwood has sought to supplement the administrative record with two documents that show the agency failed to consider relevant factors in its possession regarding pharmaceutical pollution: (1) A DEQ PowerPoint titled "Pharmaceuticals, Personal Care Products, Endocrine Disruptors (PPCPs) and Microbial Indicators of Fecal Contamination in Ground Water in the Helena Valley, Montana" ("PowerPoint") (Ex. 1); and (2) Environmental Protection Agency (USEPA) Region 8 Emerging Contaminants Project Summary (Ex. 2). The EA states "[e]nvironmental impacts . . . will be managed through permit conditions and limitations." AR DEQ00046. The DEQ admitted there are no permit conditions or limitations that can be used to manage the impacts of pharmaceuticals. AR DEQ00056. The agency also admitted that pharmaceuticals in the treated effluent may threaten aquatic life. Doc. Seq. 13 at 13, ¶62. The DEQ's fifty-page PowerPoint contains relevant information the agency did not consider:

> Sex steroids (e.g., from oral contraceptives) can feminize male fish and change the behaviors of either sex…
>
> Acute toxicity, carcinogenesis, and mammalian endocrine disruption are highly visible concerns…

Ex. 1 at 000968; 000996. The presentation describes the five most detected Pharmaceuticals, Personal Care Products, Endocrine Disruptors (PCCPs), and highlights it is "[i]mportant to recognize that ALL municipal sewage, regardless of

location, will contain PCCPs. Issue is not unique to any particular municipal area." Ex. 1 at 000959; 000991 (emphasis in original). The record should be supplemented with these relevant documents that show the agency failed to consider an important aspect of the problem. *See Belk v. Mont. Dep't. of Envtl. Quality*, 2022 MT 38, ¶33, 408 Mont. 1, 504 P.3d 1090.

Defendants retreat to their fallback position that if Cottonwood wanted the DEQ to discuss its presentation and the EPA notice, it should have submitted the two documents during the public comment period. DEQ Br. at 15; YC Br. at 9. The Defendants have the law backwards. "It is the agency, not an environmental plaintiff" that has the "duty to gather and evaluate" the "information relevant to the environmental impact of its actions[.]" *Friends of Clearwater v. Dombeck*, 222 F.3d 552, 558 (9th Cir. 2000). The Montana Constitution required the DEQ to take a "hard look" at the science and information in its possession. *Clark Fork Coal. V. Mont. Dep't Envtl. Quality*, 2008 MT 407, ¶47, 347 Mont. 197, 197 P.3d 482 (citation omitted). The DEQ cannot escape its "hard look" requirement simply because the Plaintiffs did not provide the agency with the science and data that was already in its possession. *See Friends of Clearwater,* 222 F.3d at 559.

The Yellowstone Club argues Cottonwood cannot supplement the record with the documents because they are old. YC Br. at 11. The DEQ acknowledged the impacts of pharmaceutical pollution is an emerging area of concern while it was preparing the MEPA analysis. AR DEQ00056. The "hard look" requirement

contained within the Constitution required the DEQ to consider all relevant data and information. *Clark Fork Coal.*, ¶47 (emphasis added). Any statutory provision that allows the DEQ to avoid its constitutional duty to compile, analyze, and disclose the relevant information and data in its possession does not satisfy the agency's constitutional requirements to take a hard look at the environmental impacts of the proposed action. *See id.*

The Yellowstone Club has taken the untenable legal position that if a commentor raises a significant issue, but does not provide information regarding the issue, the DEQ can simply ignore the relevant information in its possession by excluding the documents from the administrative record. Br. at 9-12. The Yellowstone Club argues this approach will "ensure courts afford 'great deference' to decisions implicating substantial agency expertise." Br. at 9 (citation omitted). The Court affords great deference to the DEQ when it utilizes its expertise, not when it avoids using it. *See e.g, Mont. Envtl. Info. Ctr. v. Mont. Dep't of Envtl. Quality*, 2019 MT, ¶26, 397 Mont. 161, 451 P.3d 493 ("An agency has an obligation to "examine the relevant data and articulate a satisfactory explanation for its action. . ."); *see also Alliance for the Wild Rockies v. U. S. Forest Serv.*, 907 F.3d 1105, 1112 (9th Cir. 2018) ("a court is not to substitute its judgment for that of the agency. . . Nevertheless, the agency must 'examine the relevant data and articulate a satisfactory explanation for its action.'" (citations omitted)). Allowing the DEQ to ignore relevant information and data in its MEPA analysis by excluding it from the administrative record violates Plaintiff's

constitutional "guarantee" of "fully informed and considered decision making." *Park Cnty. Envtl. Council v. Mont. Dep't. of Envtl. Quality*, 2020 MT 234, ¶70.

MEPA requires a would-be plaintiff to "raise all reasonably ascertainable issues and submit all reasonably available arguments" during the comment period. ARM 17.30.175; *see also Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 764, 124 S. Ct. 2204, 159 L.Ed.2d 60 (2004) (plaintiffs' participation must "'alert[ ] the agency to the parties' position and contentions, in order to allow the agency to give the issue meaningful consideration" (quoting *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519, 553, 98 S. Ct. 1197, 55 L.Ed.2d 460 (1978)).

Cottonwood told the DEQ it violated MEPA by failing to analyze the impacts of pharmaceutical pollution reaching surface waters and by failing to prepare an Environmental Impact Statement (EIS). AR: DEQ00094-96. Because Cottonwood raised the issue of pharmaceutical impacts and the DEQ had relevant information on pharmaceuticals, the agency was required to "make an adequate compilation of relevant information, to analyze it reasonably, and to consider all pertinent data" regarding the impacts of pharmaceuticals that reach surface waters from the snow-making "to the fullest extent possible." *Clark Fork Coal. V. Mont. Dep't Envtl. Quality*, 2008 MT 407, ¶ 47, 347 Mont. 197, 197 P.3d 482; *Bitterrooters for Planning, Inc. v. Mont. Dep't of Envtl. Quality*, 2017 MT 222, ¶34, 388 Mont. 453, 401 P.3d 712. NEPA places the burden of compiling, analyzing, and considering all pertinent data on the agency, not commenters turned plaintiffs. *See Friends of Clearwater*, 222 F.3d at 558.

The information and data with which Cottonwood sought to supplement the administrative record "was not buried in a report prepared by another agency, which might have escaped the [DEQ's] attention, but was generated by the [DEQ] itself." *See Dombeck*, 222 F.3d at 559. Even the Yellowstone Club recognizes the DEQ "possessed the documents and actively was litigating issues related to pharmaceuticals in *Montana Rivers* at the time [Cottonwood] submitted its comments in this case." YC Br. at 10. The DEQ admitted pharmaceutical pollution may threaten aquatic life (Doc. Seq. 13 at 13, ¶62), but then failed to include the relevant documents supporting that admission in the administrative record. The record should therefore be supplemented to show the relevant information the agency did not consider in its MEPA analysis.

The Court can consider the documents as extra-record evidence even if it does not supplement the record because they "make clear what the agency should have considered." *Belk v. Mont. Dep't of Envtl. Quality*, 2022 MT 38, ¶ 33, 408 Mont. 1, 504 P.3d 1090. The DEQ cannot "straightjacket" the Court by providing an overly narrow administrative record of its choosing. *Asarco, Inc. v. EPA*, 616 F.2d 1153, 1160 (9th Cir. 1980).

The Court can also consider the documents because of the agency's bad faith. *Lands Council v. Powell*, 395 F.3d 1019, 1030 (9th Cir. 2005); *Cmty. Ass'n for N. Shore Conservation v. Flathead Cty.*, 2019 MT 147, ¶54. The agency acted in bad faith by telling the public aquatic life will be protected while purposefully excluding relevant documents from the MEPA analysis which state pharmaceuticals may threaten aquatic

life, and then later attempting to insulate itself from judicial review by excluding the information from the administrative record and opposing supplementation of the record with the relevant documents—*some of which it created*. Ex. 1 (PowerPoint). The DEQ's footnoted response—that the new statutory language of MEPA allowed it to oppose Plaintiff's motion to supplement—does not excuse the agency's bad faith attempt to insulate itself from judicial review of whether it took the necessary "hard look." Br. at 16, n.7.

II. The Montana Department of Environmental Quality (DEQ) violated the Montana Environmental Policy Act (MEPA) by failing to take a "hard look" at the environmental impacts of the permit.

Cottonwood's opening brief argued the DEQ violated MEPA by failing to take a "hard look" at the impacts of pharmaceutical pollution when it did not compile relevant information, analyze it reasonably, and consider all pertinent data. Br. at 20 citing *Clark Fork Coal.*, 208 MT 407, ¶28.

The DEQ responded by stating the EA notes that "the MPDES permit imposed effluent limitations and permit conditions to ensure water quality, aquatic life, and human health, would be protected." Br. at 17 (citing AR DEQ00037-47). The agency admitted in its answer to the complaint that pharmaceuticals in the treated effluent may threaten aquatic life. Doc. Seq. 13 at 13, ¶62. The DEQ violated MEPA's hard look requirement because the EA does not disclose this potential impact. *E.g.*, *Clark Fork Coal.,* ¶47. The agency responds by blaming Cottonwood for not providing it with information suggesting further analysis was required. Br. at 18.

The agency response does not satisfy MEPA because it had all of the information in its possession, and even created some of it. *Friends of Clearwater*, 222 F.3d at 559.

The DEQ argues there are thousands of pharmaceuticals, but "[w]ithout established standards to assess potential water quality impacts, any limitation or condition placed on specific compounds within the extremely broad category of 'pharmaceuticals' would itself be unlawful, arbitrary, and capricious." Br. at 19. "MEPA is procedural and contains no regulatory language." *Park Cnty. Envtl. Council*, ¶80. MEPA required the agency to disclose the impacts of its actions, not place limitations or conditions on specific pharmaceuticals. *Id.* The DEQ had already created a fifty-page document that identified the "five most frequently-detected [PCCPs]" and provided their maximum detected concentration. Ex. 1 at 000959. The DEQ report provided data detection frequencies for twenty-three (23) other PCCPs. Ex. 1 at 000958. None of the pertinent PCCPs were discussed in the MEPA analysis. The agency violated MEPA by ignoring the data it created. *Ravalli Cnty. Fish and Game Ass'n, Inc.*, 273 Mont. at 381 (citation omitted).

The DEQ states the MEPA analysis analyzed whether the impacted waters would be "be maintained suitable for . . . propagation of salmonid fishes and associated aquatic life[.]" Br. at 19–20 (quoting ARM 17.30.623(1)). Cottonwood explained in its opening brief that the DEQ failed to take a "hard look" at whether fish that change sexes will propagate. Br. at 25. The DEQ failed to explain how it met the propagation standard in light of its admission that pharmaceutical pollution "may

threaten aquatic life." Br. at 25 (citation omitted). The agency failed to disclose and analyze the potentially significant impacts of certain pharmaceuticals such as antidepressants, which the agency reported can have "[p]rofound effects on the development, spawning, and other behaviors" in "aquatic organisms." Ex. 1 at 000994. "Sex steroids (e.g., from oral contraceptives) can feminize male fish and change the behaviors of either sex[.]" Ex. 1 at 000968. "Acute toxicity, carcinogenesis, and mammalian endocrine disruption are highly visible concerns[.]" Ex. 1 at 000996. If the agency had discussed the information and data in its possession regarding pharmaceuticals and made a rational connection between the facts found and the decision made, it would be entitled to deference. *Mont. Envtl. Info. Ctr. v. Mont. Dep't Envtl. Quality*, 2019 MT 213, ¶26 (citations omitted).

The DEQ violated MEPA because its conclusion that fish and aquatic life will be maintained is contradicted by its own information, as well as its answer to the complaint that pharmaceuticals may threaten aquatic life. Ex. 1 (PowerPoint); Doc. Seq. 13 at 13, ¶62. The agency's determination that "any related water quality changes would be nonsignificant" is similarly arbitrary and capricious because it failed to consider the impacts of pharmaceutical pollution in its analysis. Br. at 20. The agency's decision to issue the MPDES permit was unlawful, arbitrary, and capricious because it was made without consideration of all relevant factors. *E.g.*, *Bitterrooters for Planning, Inc.*, ¶16.

III. The DEQ was required to prepare an Environmental Impact Statement because there are substantial questions as to whether the challenged permit may have significant impacts on the environment.

The DEQ argues "[t]he fact that certain pharmaceuticals may threaten aquatic life is not enough to trigger an EIS, particularly where no state or federal standards are developed, and no lawful means exist to evaluate the impacts of pharmaceuticals or impose effluent limitations on snowmaking related discharges." Br. at 23. DEQ did not cite any cases to support its assertion. The DEQ failed to address the standard for requiring preparation of an EIS and instead states "DEQ's actions must be lawful, rational, and based on the record before it." Br. at 23 (citing *Mont. Wildlife Fed.* v. *Mont. Bd. of Oil & Gas Conserv.*, 2012 MT 128, ¶25). The DEQ's decision not to prepare an EIS is not lawful or rational.

"If substantial questions are raised whether a project may have a significant effect upon the environment, an EIS must be prepared." *Ravalli Cnty. Fish and Game Ass'n, Inc.,* 273 Mont. at 381 (citation omitted). In this case, the EA concludes that "water quality, aquatic life, and human health, would be protected." AR DEQ 00037-47. Cottonwood has raised substantial questions as to the DEQ's conclusion in light of its answer to Cottonwood's complaint that "pharmaceuticals are emerging contaminants of concern that may threaten aquatic life." Doc. Seq. 13 at 13, ¶62. The DEQ had a notice from the U.S. Environmental Protection Agency in its possession describing increasing concern about "adverse human health effects" because of pharmaceuticals. Ex. 2. The DEQ violated MEPA by failing to prepare an EIS

because Cottonwood raised substantial questions as to whether the challenged snowmaking "may" have a significant impact on the environment. *Ravalli Cnty. Fish and Game Ass'n, Inc.,* 273 Mont. at 381.

IV. The challenged permit should be permanently enjoined or vacated and set aside.

A. Cottonwood has suffered irreparable harm because of the MEPA violation.

The DEQ did not address how the Court should determine whether a Plaintiff has suffered irreparable harm after a MEPA violation is found. Br. at 24–25. The Yellowstone Club acknowledges the Court has not addressed MEPA's irreparable harm standard. Br. at 19. Federal courts have held irreparable harm is determined by the purposes of the statute for which enforcement is sought. *Garcia v. Google, Inc.*, 786 F.3d 733, 744–45 (9th Cir. 2015). "NEPA aims (1) to ensure that agencies carefully consider information about significant environmental impacts and (2) to guarantee relevant information is available to the public." *N. Plains Res. Council v. Surface Transp. Bd.* 668 F.3d 1067, 1085 (9th Cir. 2011). MEPA is similarly designed to ensure state agencies take a hard look before approving actions. *See, e.g.*, *Park Cnty. Envtl. Council*, ¶¶ 74, 89 ("MEPA is an essential aspect of the State's efforts to meet its constitutional obligations."). As noted in Cottonwood's opening brief, the Supreme Court determines whether a plaintiff has suffered harm to his/her interests. Br. at 27 (citing *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008)).

Cottonwood provided declarations from seven members explaining how the agency's failure to complete adequate MEPA analysis harms their conservation, recreational, and business interests. Doc. Seq 29; 30; 31; 46; 47; 48; 49; 50. Neither the DEQ nor the Yellowstone Club address any of the declarations. The DEQ's failure to prepare an adequate MEPA analysis before approving the challenged permit causes irreparable harm to plaintiff's members. *See, e.g.*, *Park Cnty. Envtl. Council*, ¶74; 89 ("MEPA is an essential aspect of the State's efforts to meet its constitutional obligations.").

Defendants complain that Cottonwood did not provide evidence of irreparable harm, but ignore the declarations of Cottonwood's members and the DEQ's answer to the complaint that pharmaceuticals may threaten aquatic life. Doc. Seq. 13 at 13, ¶62. The Yellowstone Club argues "Section 75-1-201(6)(c), MCA, would be superfluous if a violation of the statute automatically entitled the plaintiff to injunctive relief." Br. at 20. The framers of the Montana Constitution did not intend for a plaintiff to have to show irreparable harm before an injunction issues. *MT Environmental Information Center v. MT Department of Environmental Quality*, 1999 MT 248 ¶ 74 (*MEIC I*). As delegate Foster stated during the 1972 Constitutional Convention:

> [I]f we put in the Constitution that the only line of defense is a healthful environment and that I have to show, in fact, that my health is being damaged in order to find some relief, then we've lost the battle . . .

Id., quoting MONTANA CONSTITUTIONAL CONVENTION, Vol. V at 1243-44, March 1, 1972.

MEPA effectuates the Montana Constitution, which requires the state and each person to "maintain and improve a clean and healthful environment" Mont. Const. Art. IX, Sec. 1(1). The framers of the Montana Constitution intended for this section to "mandate[] the legislature to prevent degradation." *E.g., MEIC I,* ¶ 70 (citation omitted). "[P]revention depends on forethought. MEPA's procedural mechanisms help bring the Montana Constitution's lofty goals into reality by enabling fully informed and considered decionmaking. . ." *Park Cnty Envtl. Council*, ¶70. "Our constitution does not require that dead fish float on the surface of our state's rivers and streams before its farsighted environmental protections can be invoked." *MEIC I*, ¶77. The framers intended to provide the "strongest environmental protection provision found in any state constitution." *Id.*, ¶66. The framers intended to ensure the agency took a hard look at the environmental impacts before approving any action to protect Montanans' right to a clean and healthful environment. *Park Cnty. Envtl. Council*, ¶76.

The agency's failure to disclose the potential environmental impacts of the proposed snow-making caused irreparable harm by preventing the public from adequately participating in the MEPA process, which prevented the agency from making informed decision-making. *See Montana v. Halland*, 50 F.4th 1254, 1270 (9th Cir. 2022) ("Informed public participation in reviewing environmental impacts is essential to the proper functioning of NEPA."); *Park Cnty. Envtl. Council*, ¶76 ("MEPA

is unique in its ability to avert potential environmental harms through informed decision making.").

The Yellowstone Club tries to distinguish between a finding of irreparable harm when a provision of MEPA itself is found to be unconstitutional and when there is a violation of MEPA. YC Br. at 20, n.8. The distinction is irrelevant because both violations of law infringe upon a plaintiff's constitutional right to ensure the agency takes a "hard look" at environmental impacts before approving actions. "One of the ways that the Legislature has implemented Article IX, Section 1 is by enacting MEPA." *N. Plains Res. Council, Inc. v. Mont. Bd. of Land Comm'rs,* 2012 MT 234, ¶14. The framers of the Montana Constitution intended for its protections to be anticipatory and preventative, which can be accomplished by presuming irreparable harm when a MEPA violation has occurred.[1]

B. The public interest requires enjoining or setting aside the permit.

Defendants do not dispute that the public interest always tips in favor of the environment. MEPA's "hard look" requirement effectuates the Montana Constitution's promise of a clean and healthful environment. *E.g.*, *Park Cnty. Envtl. Council*, ¶74. The Yellowstone Club points out the DEQ had to "identify pollutants of

[1] There is no presumption of irreparable harm in NEPA cases because Congress did not intend to "put their thumb on the scales." *Cottonwood Environmental Law Center v. U.S. Forest Serv.*, 789 F.3d 1075, 1088-89 (9th Cir. 2015) (citations omitted).

concern" when drafting the snowmaking permit. Br. at 25 (citation omitted). During the drafting process, the DEQ told the Board of Environmental Review:

> DEQ is also concerned about pharmaceutical pollution, as those are emerging issues of concern with regard to pharmaceuticals, and also certain personal care products. And you're correct there are no water quality standards designed to protect beneficial uses from those types of pollutants, and so there are no standards that can be incorporated in a permit.

Ex. 3 at 3. The DEQ admitted in its answer to the complaint that "pharmaceuticals are emerging contaminants of concern that may threaten aquatic life." Doc. Seq. 13 at 13, ¶62. The public interest favors injunctive relief because the DEQ failed to take a hard look at the environmental impacts of pharmaceutical pollution. *See Park Cnty Envtl. Council*, ¶73 (stating "the need for fully informed and considered decision making could hardly be more pressing" when a challenged permit occurs within the Greater Yellowstone Ecosystem in an area adjacent to the world's first National Park).

C. The local and state economies will benefit from enjoining or vacating and setting aside the permit.

Enjoining the Yellowstone Club from discharging pharmaceutical pollution will benefit one of the most popular year-round recreation destinations in Montana and a tourism-dependent economy. Ex. 5. Moreover, Constitutional delegates did not intend for courts to factor in the economic consequences in their injunction analysis. *See MEIC I,* ¶ 67:

> the term "environmental life support system" is all-encompassing, including but not limited to air, water, and land; and whatever interpretation is afforded this phrase by the Legislature and courts, there is no question that it <u>cannot be degraded.</u>

MONTANA CONSTITUTIONAL CONVENTION, Vol. IV at 1201, March 1, 1972 (emphasis added).

CONCLUSION AND REQUESTED RELIEF

For the foregoing reasons, Cottonwood respectfully requests that the Court reverse the district court, rule that the DEQ violated the Montana Environmental Policy Act, and enjoin or vacate and set aside the challenged MPDES permit.

Respectfully submitted this 24th day of January, 2024.

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CERTIFICATE OF COMPLIANCE

I certify that pursuant to Mont. R. App. P. 11(4)(e), this brief is proportionately and double spaced, has a typeface of 14 points and contains 3,935 words. I used Microsoft Word 2017.

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CERTIFICATE OF SERVICE

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