

UPDATE: D.C. CIRCUIT DENIES STAY OF EPA'S CLEAN POWER PLAN

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EPA's Clean Power Plan calls for existing power plants to cut carbon emissions by 32 percent from 2005 levels by 2030. States must start submitting implementation plans by 2018 and start showing emissions reductions by 2022.

Industry representatives challenged the rule arguing the EPA doesn't have the authority under the Clean Air Act to craft the rule. The petitioners requested a stay of its implementation until the challenge could be heard, which was denied by the D.C. Circuit on January 21, 2016.

In their motions to stay, petitioners said that the court will likely invalidate the CPP once it hears the challenge, and the cost to comply with the plan in the interim would be significant and unnecessary, in that event. At least one company threatened to shut down its coal-fired power plants to avoid the cost.

The federal government argued that EPA has authority under the CAA to implement the CPP and that the moving parties do not face any irreparable harm during the "relatively short period" that the court reviews the new rules. The government noted that states are being given up to three years to come up with their own plans to implement the CPP (or, if they can't meet that deadline, they may elect to have the EPA do that work for them).

The D.C. Circuit ruled to deny the stay, but suggested it may expedite hearing the case to address the concerns of the moving parties. Thus, it is likely we will have resolution on the validity of the CPP sooner rather than later.

Click [here](#) to read the original blog post on EPA's Clean Power Plan.