



D.C. Circuit Denies Motion of 15 States to Stay Deadlines for CPP Compliance

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The CPP establishes limits on carbon emissions from existing fossil-fuel, electric generating units under Section 111(d) of the Clean Air Act. The states' August 13, 2015, petition sought an immediate stay of the deadlines in the CPP for states to submit compliance plans detailing how they would achieve the rule's emission limit requirements. The states argued that they would suffer irreparable harm, including "significant unrecoverable costs and disruption to sovereign priorities," if these deadlines were not immediately stayed.

In a short unpublished order, the D.C. Circuit concluded that the states' petition did not satisfy "the stringent standards that apply to petitions for extraordinary writs that seek to stay agency action."

While litigation over the final CPP will no doubt continue, the denial of the states' motion likely forecloses the possibility that the courts will delay implementation of the rule in the near term, including the deadlines for state compliance plans. Petitions for review of the final CPP in the D.C. Circuit will be due 60 days after it is published in the *Federal Register*.

Categories

Energy Regulation, Markets & Enforcement

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