

THE
NATIONAL LAW REVIEW

Start Your Clocks: EPA Publishes Greenhouse Gas Rules for Utilities

Friday, October 23, 2015

On October 23, the new **Environmental Protection Agency (EPA) Clean Air Act Rules** for greenhouse gas (GHG) emissions from existing electric generating utilities were published in the Federal Register. This starts the clock on possible challenges in the D.C. Circuit Court of Appeals, with 60 days to appeal the “Clean Power Plan” for existing sources. Prior challenges by some states and industries were dismissed as premature. See, *In re Murray Energy Corp.*, 788 F.3d 330, 2015 BL 180996 (D.C. Cir. 2015).

EPA also promulgated a proposed rule for a federal implementation plan for GHG emissions from new electric utility generating units. See *Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations*, 80 Fed. Reg. 64966 (Oct. 23, 2015). Comments on the proposed federal implementation plan, providing carbon trading as the default program for states which fail to adopt their own implementation plan, are due by January 21, 2016.

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