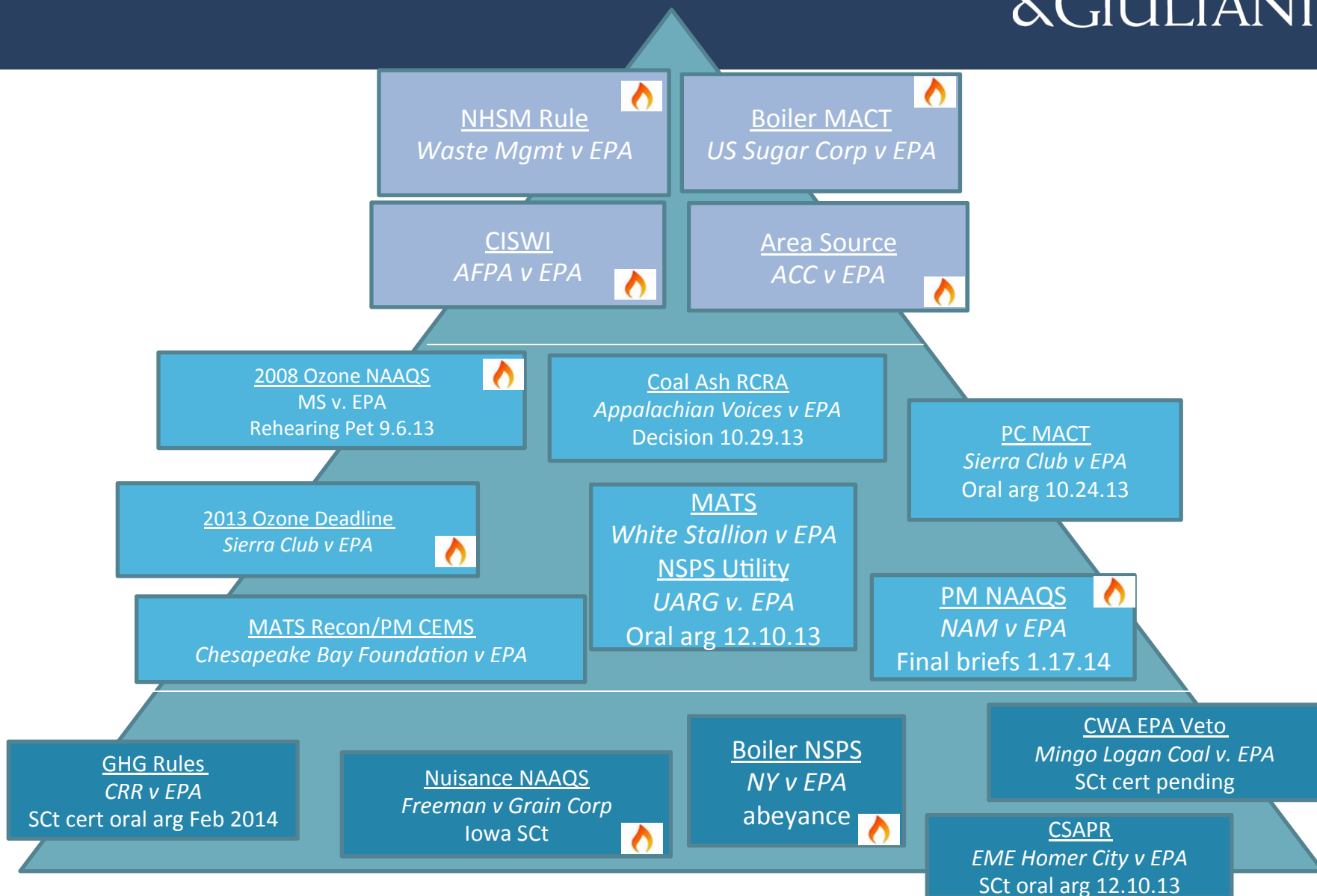


# REGULATORY & LITIGATION UPDATE

CIBO E&E Meeting  
December 3-4, 2013

Lisa M. Jaeger  
Bracewell & Giuliani

# MAJOR RULES IN COURT



- GHG
  - *UARG, ACC, Energy-Intensive Manufacturers, Southeastern Legal Foundation, Texas, and Chamber of Commerce v. EPA*
  - Cert granted on 6 petitions
  - Oral arg – 2.24.2014
  - Question presented:
    - Whether EPA permissibly determined that its regulation of GHG emissions from new motor vehicles triggered permitting requirements under the CAA for stationary sources that emit GHGs

- NSPS GHG EGU – New
  - Rule not in Federal Register yet
  - Comments due 60 days after publication
  - EPA not likely to extend comment deadline
- CSAPR – Supreme Court
  - *US v. EME Homer City Generation*
  - Issues:
    - 1) Does “contribute significantly” allow EPA to balance achievable emission reduction levels against cost?
    - 2) Can states wait for EPA to quantify each state’s significant contribution before they adopt a SIP?

- 2013 Ozone NAAQS Deadline
  - *Sierra Club v. EPA* (ND CA No. 3-13-2809)
  - Coalition intervened for Respondent
  - Court denied intervention 10-9-13
  
- *US v. Oklahoma Gas & Energy*
  - EPA NSR enforcement in W. District of OK
  - EPA: OG&E should abandon an “unenforceable” plan for keeping emissions below NSR threshold
  - OG&E: EPA lacks authority to “second-guess” emission projections
  - Gets around NSR enforcement statutes of limitations

# MAJOR RULES

NSPS GHG EGU -  
New  
Proposed

CWA "Waters  
of the US"  
Proposed?

CWA  
316(b)  
Final

CWA  
EGU ELG  
Proposed

June  
2013

Sept

Oct

Nov

Dec

Jan  
2014

PC MACT  
DC Cir  
oral arg

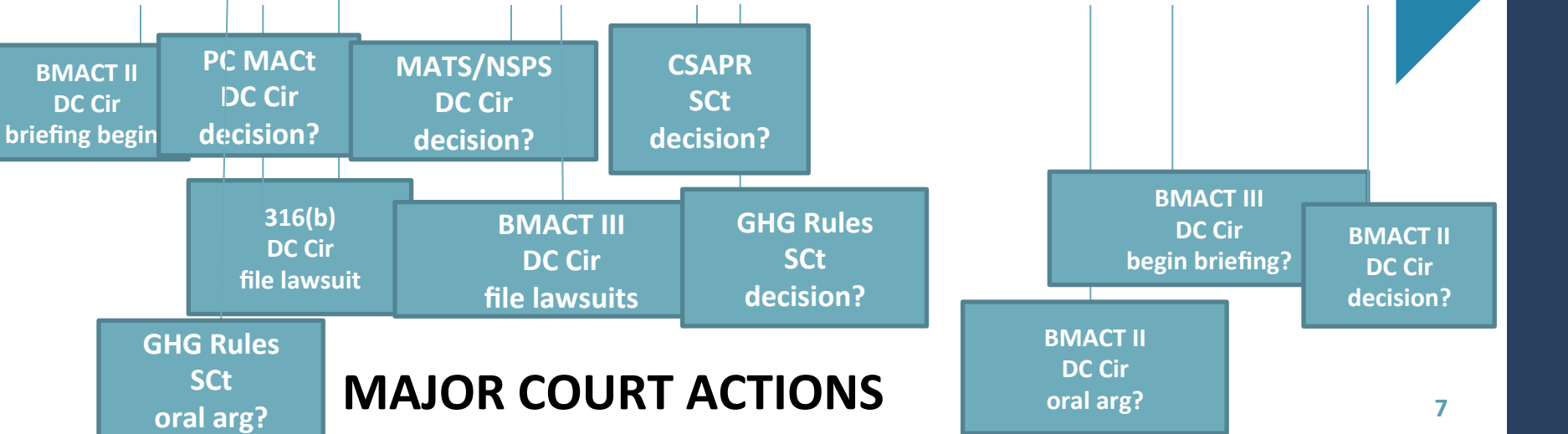
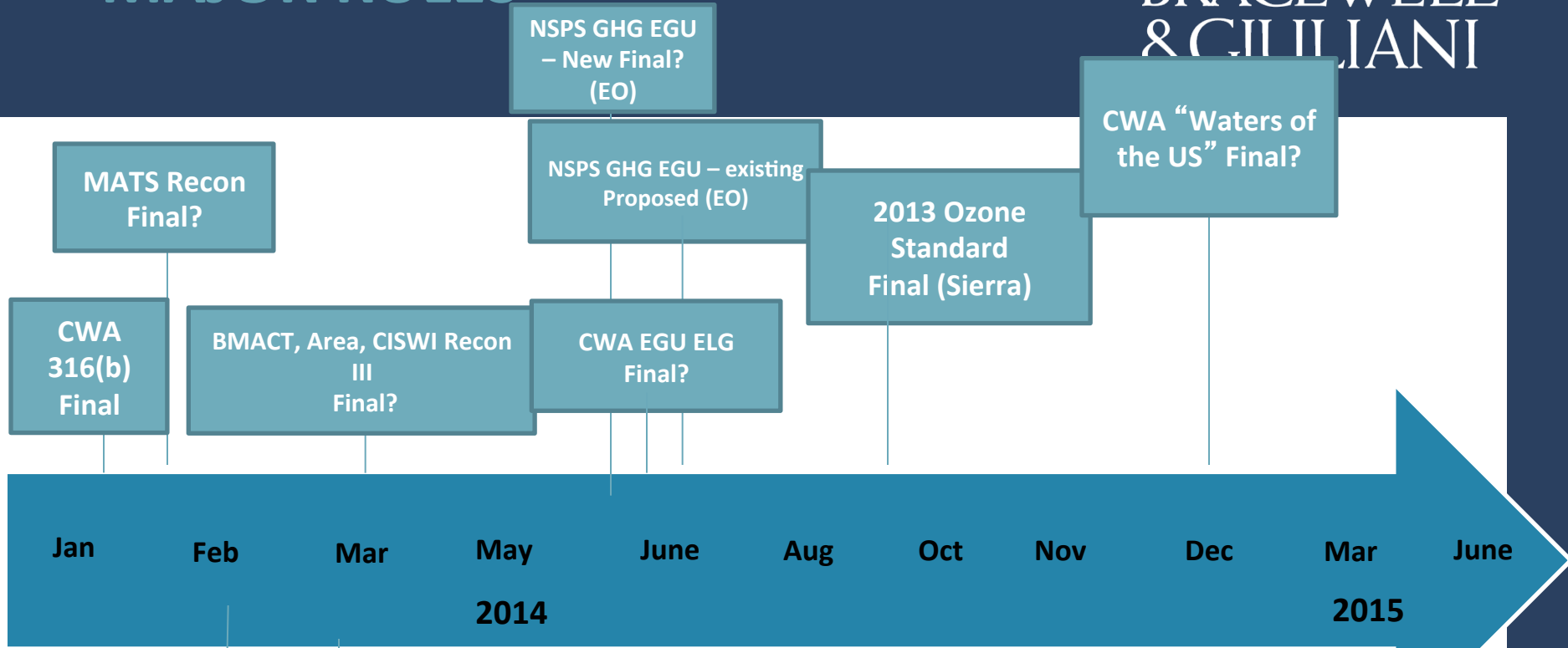
Coal Ash  
DC Dist  
decision

MATS/NSPS  
DC Cir  
oral arg

CSAPR  
Supreme Court  
oral arg

# MAJOR COURT ACTIONS

# MAJOR RULES



## MAJOR COURT ACTIONS

# CIBO CASE DOCKET

