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Subject: EPA Case

I want to give the Governor an update on this case. I'm late to the game because I haven't had any involvement in this case before now. Can you review the blurb below to make sure it's an accurate characterization of the case.

Last year, South Carolina joined 13 other states in challenging the EPA's regulation that was intended to impose limits on the carbon emissions from existing power plants. New power plants already have to comply with these standards.

Once implemented, the regulation would require each state to cut its carbon dioxide emissions rate from current coal-filled power plants to meet state-specific standards starting in 2020. Existing power plants would have to retrofit their operations or shut down if they can't meet the standards. It is predicted that, if implemented, this rule would increase power bills for South Carolinians.

The states petitioned the court to block the EPA from implementing the rule, arguing the EPA lacked the authority to issue the regulation. They argue the regulation is an attempt to make law, not enforce the law. Yesterday, the Supreme Court granted the states' application for a stay, meaning the implementation of the EPA's regulation is halted pending disposition of the case in the Court of Appeals and the Supreme Court. The case is now at the briefing stage in the Court of Appeals. Final briefs are due April 22nd and oral argument is scheduled for June 2.

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