

United States Supreme Court Upholds Cross-State Air Pollution Rule And Continues To Afford EPA Substantial Discretion To Implement Clean Air Act

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On April 29, 2014, the United States Supreme Court upheld EPA's Cross-State Air Pollution Rule (CSAPR) in the *EPA v. EME Homer City Generation, L.P.* case on appeal from the D.C. Circuit Court of Appeals. The majority held that (1) the Clean Air Act (CAA) does not command EPA to give states a second opportunity to submit a State Implementation Plan after EPA quantifies the interstate pollution obligations of the states before implementing reductions through a federal implementation plan; and (2) the CAA Good Neighbor provision does not dictate proportional allocation of emissions reductions to satisfy interstate pollution obligations.

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