



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

AUG - 7 2015

Elbert Lin
Solicitor General of West Virginia
Office of the Attorney General
State Capitol Building 1
Room E-26
1900 Kanawha Boulevard East
Charleston, WV 25305

Dear Mr. Solicitor General:

At the request of Administrator McCarthy, I am sending this letter to acknowledge receipt of your August 5, 2015 letter enclosing an Application for Administrative Stay of the Clean Power Plan that the Administrator signed on Monday, August 3.

As the EPA made clear when it announced the final rule, the Clean Power Plan was "built on a strong legal and scientific foundation." The rule was developed with extensive public input, including a number of public hearings, and after the consideration of over four million comments from individuals, industry, and environmental groups. It is fair, flexible and designed to strengthen the fast-growing trend towards cleaner and lower-polluting American energy. It contains strong, achievable standards and customized goals for states to cut the carbon pollution that is driving climate change. The Clean Power Plan provides national consistency, accountability and a level playing field while reflecting each state's energy mix. Additionally, in response to concerns raised by states, we have structured the rule to provide states with ample time to develop plans to implement the standards (extensions providing up to three years for final plan submittals are available), as well as ample time before the compliance period begins (2022).

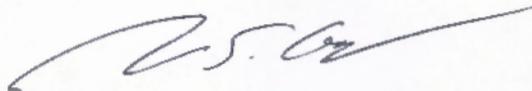
Furthermore, we note that under well-settled law, any challenge to a final rule before it is published in the Federal Register would be premature and subject to dismissal. The EPA is currently moving expeditiously to have the final rule published in the Federal Register. Once the rule is published, Section 307(b) of the Clean Air Act allows parties to file petitions for review with the United States Court of Appeals for the District of Columbia Circuit. The Court will have jurisdiction to hear challenges that are filed in the 60-day period starting on the date of publication.

Internet Address (URL) ● <http://www.epa.gov>

Recycled/Recyclable ● Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

The EPA will take your application under consideration, and this letter should not be construed as a denial of your application.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Garbow', with a long horizontal flourish extending to the right.

Avi Garbow
General Counsel

cc: Andrew Brasher
John R. Lopez IV
Jamie L. Ewing
Timothy Junk
Jeffrey A. Chanay
Jack Conway
Megan K. Terrell
Justice D. Lavene
Eric E. Murphy
Patrick R. Wyrick
James Emory Smith, Jr.
Steven R. Blair
Parker Douglas
Daniel P. Lennington
James Kaste