**State Actions Post Clean Power Plan Stay (as of 9/12/16)**

**(Alaska, Vermont, and Hawaii, as well as D.C., are exempt from the CPP)**

**This summary was developed by ECOS using publicly available information. Many states have complex and diverse public positions on the CPP. The summary below may not include all government officials’ statements or all legislative actions.**

**Please direct any additions or suggestion to ECOS’ Law Clerk** [**Kate Almen**](mailto:kalmen@ecos.org)**.**

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| **State** | **Response** |
| Alabama | Alabama joins twenty-four other states in opposition to the CPP. As of February 2016, Alabama has halted compliance efforts and there have been no further developments. |
| Arizona | Though challenging the rule, Arizona Department of Environmental Quality is continuing to assess the CPP and hold meetings to discuss with stakeholders how to move forward on compliance efforts. Along with public meetings, Arizona DEQ is meeting every six weeks to two months with a 15-member Clean Power Plan Technical Work Group. Arizona Senate passed a Concurrent Memorial [1015](http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/52leg/2r/bills/scm1015o.asp&Session_ID=115) and [1016](http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/52leg/2r/bills/scm1016o.asp&Session_ID=115) on March 30, 2016 and April 5, 2016 urging Congress to adopt the Stopping EPA Overreach Act and to oppose the Clean power plan. |
| Arkansas | In a joint statement by the Arkansas Department of Environmental Quality and Arkansas Public Service Commission released March 8, 2016, Arkansas will not hold any more formal stakeholder meetings. The Agencies will continue to evaluate their own state policy based on private models, but do not intend to create a plan in compliance with EPA’s standards. |
| California | On August 5, California’s Air Resources Board released a draft of the state’s [proposed compliance plan](https://www.arb.ca.gov/cc/powerplants/meetings/09222016/proposedplan.pdf) for the Clean Power Plan. It will be considered September 22, 2016. This proposal chooses to comply with the CPP via the “state measures” option, meaning the state will achieve greenhouse gas reductions through state developed rules. |
| Colorado | Despite the governor’s support for the Clean Power Plan, the Attorney General is challenging it in court. On March 29, 2016, [Senate Bill-157](http://www.leg.state.co.us/clics/clics2016a/csl.nsf/fsbillcont3/0536ABCC73AE173387257F6C00658244?open&file=157_ren.pdf), which would halt any work on CPP compliance planning, was passed in the Senate. It was sent to and shot down in the House Committee on Transportation & Energy on April 27, 2016. A draft of Governor Hickenlooper’s [executive order](http://www.eenews.net/assets/2016/08/24/document_cw_06.pdf) was leaked in August, indicating his plan to reduce power plant emissions in line with CPP requirements. |
| Connecticut | Immediately following the stay, Governor Dannel Malloy said, “It is important that we continue with preparations for compliance with the plan while these issues are being worked out in the courts.” Connecticut is part of the multi-state Regional Greenhouse Gas Initiative and is well-positioned to comply with the new CPP standards. On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There will be another meeting held June 17, 2016. |
| Delaware | Delaware is part of RGGI and held a listening session March 1, 2016 to discuss how to adapt RGGI with the CPP standards. Delaware Department of Natural Resources and Environment will be holding three community engagement sessions this June across the state to engage and educate disadvantaged communities on how the state will reduce pollution from local power plants. On April 29, 2016 and June 17, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. The DNREC is public workshops across the state on September 27, 28, 29 to discuss information on climate change, the CPP, and DE plan on compliance. |
| Florida | Florida’s Department of Environmental Protection asked the EPA to allow for nuclear uprates and alternative fuels to count toward compliance. In mid-March, Florida’s House and Senate failed to pass similar bills prohibiting submission of a compliance plan unless the rule is upheld or Congress enacts legislation and directs state legislature to establish a state policy. |
| Georgia | The state Environmental Protection Division (EPD) said it has postponed research and stakeholder meetings devoted to the Clean Power Plan. However, Sheree Kernizan, Georgia’s EPD electric unit director, said “We were already on track under the proposed rules to kind of meet the goals anyway—without doing anything—and this was prior to the 2016 [integrated resource plan] that was filed this year.” |
| Idaho | Governor Butch Otter said in regard to the Clean Power Plan, “So we’re moving forward with putting together a plan, and plan to meet that deadline unless something changes and somebody tells us we don’t need to do that.” John Chatburn, the administrator of the governor’s Office of Energy Resources added “Rather than suspending, we’re probably more along the lines of slowing down. What [the stay] does, quite frankly, is give us more time to do analysis.” |
| Illinois | The Clean Power Plan listening sessions remain "in the works," said Ann McCabe of the state's Commerce Commission but there is no further information on dates. After the stay was announced, the administration of Governor Bruce Rauner said they will “continue to evaluate the impact of the Clean Power Plan and potential avenues for compliance” until the legality is decided. Since February 2015, Illinois has been working on the Clean Energy Jobs Bill which includes a [recommended compliance](http://www.progressillinois.com/quick-hits/content/2016/01/14/epa-climate-regs-be-big-fight-state-legislatures-year) plan. |
| Indiana | While the governor has halted all planning, the Indiana Department of Environmental Management will continue preparing for the rule to be in place. In a statement released February 20th, 2016 in response to the Supreme Court stay, Governor Mike Pence said: “Hoosiers know that coal means jobs and low-cost energy for our state and tonight's Supreme Court decision to put President Obama's carbon dioxide regulations on hold is a win for Indiana.” However, Courtney Arrange, Communications Director for the Indiana Department of Environmental Management (IDEM) says that planning will continue, regardless of the stay. "We don't want to not be prepared...if we have to proceed," she says. |
| Iowa | The state will reach out to utilities and other parties, including monitoring other state’s actions, to decide whether and how to proceed. Iowa Department of Natural Resources held stakeholder meetings February 22 and March 22, 2016 to discuss the CPP. |
| Kansas | In Kansas, also among the states suing EPA, cancelled a series of listening sessions that were to be held across the state. The senate passed [S.B. 318](http://www.kslegislature.org/li/b2015_16/measures/sb318/) on February 11th 2016 pursuant to the Supreme Court stay order to block any compliance planning by the state agencies. Governor Brownback and legislators, prior to the final rule release, had been working on a state implementation plan. However, post-final rule release, Brownback said he was “reconsidering the state’s overall approach.” |
| Kentucky | Kentucky Gov. Matt Bevin issued a statement calling the temporary block a “huge win.” KY Energy and Environment Cabinet Secretary Charles Snavely issued the following statement: “Conducting listening sessions at this time is premature because the CPP could change substantially as a result of litigation, or it could be vacated altogether.” The House introduced [H.B. 461](http://www.lrc.ky.gov/record/16RS/HB461.htm) in late February of 2016 that would allocate CO2 emissions among the counties. |
| Louisiana | Louisiana Attorney General Jeff Landry issued a statement celebrating the court’s action, saying the plan would result in utilities increases and would cost billions of dollars to implement. However, shortly after the stay, Louisiana Department of Environmental Quality (DEQ) Secretary Chuck Carr Brown indicated his agency will continue to create a plan. The LA DEQ held a listening session on March 31, 2016 to learn more about the development of a state compliance plan and there may be more to follow. |
| Maine | Maine Attorney General Janet Mills said the state will continue to cut carbon pollution. As a member of Regional Greenhouse Gas Initiative, she said, Maine already has invested $2.2 billion in seven years in energy-efficiency and renewable-energy programs. On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There will be another meeting held June 17, 2016. |
| Maryland | Attorney General Brian E. Frosh is supporting the CPP, even though Gov. Larry Hogan opposes. As an RGGI state, Frosh said, “Our coalition of states and local governments will continue to vigorously defend the Clean Power Plan - which is critical to ensuring that necessary progress is made in confronting climate change." On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. |
| Massachusetts | Massachusetts Attorney General Maura Healey said after the stay: "Massachusetts has made important progress on addressing the threat of climate change, and as this case proceeds we will work with our coalition of states and local governments to continue to defend the Clean Power Plan's reasonable, flexible and cost effective approach to lowering the greenhouse gas emissions of our country's power plants." On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There will be another meeting held June 17, 2016. |
| Michigan | On February 16, 2016, Governor Rick Snyder announced that MI would suspend its planning while the stay is in effect. However, on September 1, 2016, the Governor announced MI will develop their own plan in compliance with CPP guidelines. The plan will reflect “"Michigan's priorities of adaptability, affordability, reliability and protection of the environment" and "seize the opportunity to make Michigan's energy decisions in Lansing, not leave them in the hands of bureaucrats in Washington, D.C.,” Gov. Snyder said. |
| Minnesota | Minnesota has continued to develop a state compliance plan despite the stay. Minnesota Pollution Control Agency created a [website](https://www.pca.state.mn.us/clean-power-plan-minnesota) as a platform for discussion and to provide information to the public. State legislatures introduced [S.F. 3191](https://www.revisor.mn.gov/pages/doctypes/bills/bill.php?b=senate&f=SF3191&ssn=0&y=2016) March 24, 2016 that would require legislative approval for any plan submitted for the compliance plan. |
| Mississippi | Mississippi Gov. Phil Bryant has not made a statement about the stay decision. Mississippi was one of 29 states to challenge the emissions rule of the CPP. Meanwhile, Mississippi canceled a public meeting scheduled for February and suspended any efforts to create a state compliance plan shortly after the stay order. |
| Missouri | Missouri House Speaker Todd Richardson applauded SCOTUS’ ruling. “We have already been dealing with the negative impacts these new rules would have on Missouri. This decision will help us keep Missouri’s energy costs low, save countless dollars in implementation costs, and preserve jobs in the energy sector.” MO Attorney General Chris Kosher said “In staying the rule, the Supreme Court ensured the rule’s legality will be tested before Missouri ratepayers could be forced to bear the burden of compliance.” Missouri lawmakers presented legislation that would prohibit the department from doing any planning until stay is lifted. This [S.B. 858](http://www.senate.mo.gov/16info/BTS_Web/Bill.aspx?SessionType=R&BillID=23922636) is still pending. |
| Montana | Governor Steve Bullock canceled the first meeting of the state's Interim Clean Power Plan Advisory Council, originally scheduled for late February. “I have been clear that I think these rules were unfair to Montana. Given the court's ruling today, I am putting the work of the Clean Power Plan Council on hold.” In addition, the Montana Legislature’s Clean Power Plan Subcommittee has did not meet on for their March 10th meeting. |
| Nebraska | Nebraska filed a lawsuit challenging the rule. In February, Nebraska Department of Environmental Quality Director Jim Macy announced the postponement of meetings in nine communities across the state that were to take place between February 16 – March 3, 2016. “Because the Supreme Court stay undercuts any urgency states have to submit a plan in September 2016, I have decided to postpone indefinitely the CPP meetings previously scheduled for the next three weeks.” |
| Nevada | Nevada has not filed a lawsuit to stop the rule, but they have filed documents in opposition to it. On March 22, 2016, Governor Brian Sandoval called the first meeting for his “[New Energy Industry Task Force](http://energy.nv.gov/Programs/New_Energy_Industry_Task_Force/)” to discuss how to implement more renewables in the state. The task force met again on May 26, 2016 and presented recommendations for how role of the task force and key issues, governor’s framework for state goals, and proposed amendment which seeks to “constrain” fossil fuel sourced energy and seek out more renewable energy use. |
| New Hampshire | Participation in the Regional Greenhouse Gas Initiative has enabled New Hampshire to nearly comply already—only requiring “a few minor changes.” On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There will be another meeting held June 17, 2016. A bill, introduced in February, to restrict any funds to create a state plan was voted inexpedient in early March. |
| New Jersey | New Jersey was one of 29 states to challenge the emissions rule of the CPP. When joining the suit, Governor Christie said Obama's Clean Power Plan "is fundamentally flawed and represents an unlawful overreach of authority. This plan will also burden New Jersey residents with higher electricity costs and it infringes on the state's own authority to oversee its energy future." In April, Department of Environmental Protection Assistant Commissioner John Giordano said in a NJ Clean Air Council meeting that the state had no intention of complying with the rule. |
| New Mexico | The New Mexico Environment Department has not issued a formal press release on the ruling. New Mexico Environment Secretary Ryan Flynn stated that “despite capricious political winds, the New Mexico Environment Department remains committed to taking meaningful action to reduce greenhouse gases by a projected 5.7 million tons by the end of 2017.” New Mexico was one of 18 states to file a brief in support of the EPA Clean Power Plan. NMED has been continuing outreach and holding meetings with stakeholders to develop a plan. |
| New York | Governor Andrew Cuomo: “The Supreme Court’s decision to temporarily halt President Obama’s Clean Power Plan is a disappointing setback in the nation’s efforts to address climate change. The plan should absolutely be upheld on its merits, and New York State remains committed to moving forward with our own actions to protect the environment and the public health.” New York participates in the Regional Greenhouse Gas Initiative which puts them in a good place to comply with the rule. On April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There was another meeting held June 17, 2016. |
| North Carolina | On February 10, 2016, North Carolina Department of Environmental Quality issued the following statement: “In light of the U.S. Supreme Court’s decision to block the Obama administration’s federal power plan, the state will continue to clean up its power sector without expending resources to comply with a plan that is likely to be thrown out in court.” NC Governor Pat McCrory issued the following response: "We are pleased the Supreme Court recognizes that the federal power plan will dramatically increase North Carolina's electricity rates with little, if any, environmental benefit…We will continue to fight the Obama administration's illegal attempts to take over North Carolina's power system." Despite the state’s opposition, utilities operating in the state are taking steps to move away from coal and implement more natural gas, renewable energy and efficiency programs. |
| North Dakota | Shortly after the stay, North Dakota Department of Health’s chief of the environmental health section, Dave Glatt said North Dakota has taken a “step back” on developing a compliance plan. North Dakota currently meets all ambient air quality standards even with 80 percent of energy from coal-fired plants. Governor Dalrymple met with EPA’s Gina McCarthy February 21 and 27 to discuss proposed carbon emission standards and existing coal plants. |
| Ohio | On February 10, 2016, Ohio EPA Director Craig Butler said in an emailed statement that "the Supreme Court got it right," adding, "We will evaluate the decision and determine how it will impact our plans moving forward." It is still unclear whether the agency’s five planned regional listening sessions on the rule will occur. |
| Oklahoma | Oklahoma will also focus on challenging the rule rather than possible compliance. "Since the Supreme Court has stayed implementation, Oklahoma no longer faces September compliance date and can focus on assisting the attorney general on overturning this rule," Oklahoma Secretary of Energy and Environment Michael Teague said in a statement. In April 2015, Governor Mary Fallin signed an Executive Order preventing OK from submitting a state plan for compliance with Clean Power Plan. March 10, 2016, Senate passed [S.B. 1379](https://legiscan.com/OK/bill/SB1379/2016) that prohibits OK DEQ from adopting or developing any compliance plans. It is currently in the House. |
| Oregon | Despite the stay on the Clean Power Plan, on March 2, 2016, Oregon state legislature passed the “[Clean Electricity and Coal Transition Plan](http://www.sierraclub.org/compass/2016/03/oregon-makes-history-legislation-replace-coal-clean-energy)” bill which will make them coal-free by 2030. |
| Pennsylvania | In Pennsylvania, the Senate presented a [S.B. 1195](http://www.legis.state.pa.us/cfdocs/billInfo/bill_history.cfm?syear=2015&sind=0&body=S&type=B&bn=1195) April 8, 2016 that would amend a 2014 act, Pennsylvania Greenhouse Gas Regulation Implementation Act, in an effort to create a compliance plan for submission. It passed the Senate and House on June 15, 2016 and was signed by the governor on June 23, 2016. |
| Rhode Island | Rhode Island Department of Environmental Management and the Office of Energy Resources held a community workshop on March 11, 2016 for all interested stakeholders. This workshop to discuss the CPP and how it relates to RI and was open for comments. In addition, on April 29, 2016, RGGI states held a stakeholder meeting and a learning session to discuss considerations for a CPP compliance plan. There was another meeting held June 17, 2016. |
| South Dakota | Immediately after the stay, Kyrik Rombough, an engineering manager in the air quality program at South Dakota's Department of Environment and Natural Resources (DENR), said the state would suspend a series of five public meetings scheduled to begin later this month in Milbank, South Dakota. The state has suspended any development of a compliance plan until after the stay. Prior to August 2015, The DENR’s Air Quality Program developed a timeline for compliance and will be adjusted pending the legality of CPP. Finally, on February 10, 2016 the House passed [Concurrent Resolution 1005](http://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Session=2016&Bill=hcr1005), urging the federal government not to enact economically harmful regulations and to work with states to develop plans. |
| Tennessee | On February 16, 2016, TN DEC posted the following [statement](http://www.tn.gov/environment/article/policy-clean-power-plan-public-participation) on their website regarding upcoming public meetings on the CPP: “TDEC had planned to host public education and listening sessions regarding the Clean Power Plan and its implementation in Tennessee at a number of locations across the state in Spring 2016. However, in light of the U.S. Supreme Court decision to stay the rule and in an effort to utilize state resources efficiently, TDEC is postponing these public education and listening sessions until a later date.” Tennessee has since cancelled the listening sessions but has not formally joined in suing to stop the rule. |
| Texas | On February 10, 2016, Texas Attorney General Ken Paxton said “We had no plans to proceed with anything other than fighting this. The whole point of the stay is to stop us from having to provide any implementation plan, so we’re not moving forward with anything until this case is resolved.” No further actions have been taken by state legislature. |
| Utah | Utah held its first public information session February 2, 2016, but following the stay, UT DEQ [canceled](http://www.airquality.utah.gov/sections/planning/utah-clean-power-plan.htm) stakeholder meetings scheduled for March 1, April 5, and May 3. |
| Virginia | On March 9 and 25, 2016 respectively, Governor McAuliffe vetoed a [Senate Bill 21](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=sb21), which would require the VA Department of Environmental Quality and an identical [House Bill 2](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=161&typ=bil&val=hb2&submit=GO). [House Bill 30](http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HB30), which would block funding to the VA DEQ until stay is lifted, is still pending. H.B. 30 was line-itemed vetoed by Gov. McAullife and the House deemed the line-item veto improper. Stakeholder meetings have been held February 12, February 19, and March 11 to discuss development of a compliance plan. |
| Washington | Washington House presented a [bill](http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2506&year=2015) that would create a state compliance plan with a two year extension. It was reintroduced on March 10, 2016. With the support of Governor Jay Inslee, the Department of Ecology is continuing to work with the power industry and other stakeholders to develop a path forward. |
| West Virginia | Introduced on February 22, 2016 and passed May 13, 2016, [SB 691](https://legiscan.com/WV/bill/SB691/2016) requires the DEP to submit a compliance plan to state legislature prior to any implementation. On April 20, 2016 WV DEP presented a [state plan](http://www.dep.wv.gov/pio/Documents/MU%20CBER%20111d%20Economic%20Impact%20Analysis%20Report%20Final%20March%202016.pdf) feasibility study, analyzing potential effects of CPP on the citizens and economy, to the state legislature pursuant to HB 2004 passed in 2015. This submission was not affected by the stay. |
| Wisconsin | On Monday, February 15, 2016, Wisconsin Governor Scott Walker issued an [Executive Order](https://mgtvwbay.files.wordpress.com/2016/02/eo186.pdf) prohibiting the state’s agencies from doing any work to prepare for the Clean Power Plan until the stay expires. Citing "undue burden" on state ratepayers and manufacturers, he argued that the rule could have a "devastating impact." |
| Wyoming | Governor Matt Mead said that although he considers the Supreme Court's decision "a great bit of good news," his state will continue to plan for the rule, although likely on a more relaxed timeline. The state legislature passed on March 4, 2016, a [budget](http://legisweb.state.wy.us/2016/Enroll/SF0001.pdf) that denied the Department of Quality’s request for funding and restrict their ability to use any other funding towards creating a compliance plan. |