

EPA's interstate air pollution rules thrown out by court

By Jim Fuquay, Fort Worth Star-Telegram

A controversial Environmental Protection Agency rule on interstate air pollution, which had been challenged by Dallas-based Energy Future Holdings, the state of Texas and other energy interests, was set aside Tuesday in a 2-1 decision by a federal appeals court in Washington.

The three-judge panel of the U.S. Court of Appeals in Washington sided with more than three dozen challengers to the EPA's Cross-State Air Pollution Rule, which was issued in July 2011 and reduced caps on emissions from power plants in Texas and 27 other states. The rule had been put on hold in December by the court while it considered the legality of the regulation.

It's the second time in little more than a week that a federal appeals court found that the EPA overstepped its authority enforcing federal standards on states. On Aug. 13, a U.S. 5th Circuit Court of Appeals panel ruled 2-1 that the agency intruded into state matters when it disapproved Texas' flexible permit program regulating emissions.

Like last week's ruling, Tuesday's decision drew applause from industry groups and Texas officials, while being criticized by environmental groups. Alisha Johnson, a spokeswoman for the EPA, didn't have an immediate comment on the ruling.

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