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# Client Alert: Comment Period Opens on the Federal Implementation Plan and Model Trading Rules

*November 2, 2015 | Lisa G. Dowden*

The Clean Power Plan finalized EPA-established carbon dioxide emission performance levels for existing fossil-fuel fired power plants. Now, states must apply the emission guidelines to their affected sources and develop a state implementation plan, which may include, among other compliance mechanisms, a trading program. The deadline to submit state plans, or an initial submittal requesting an extension of time, is September 6, 2016. If a state fails to submit a state plan or submits a non-compliant state plan, EPA plans to develop and implement a state-specific federal plan that will be federally enforceable against the affected electric generating units in the state.

On October 23, 2015, EPA published the proposed federal implementation plan and model trading rules for existing power plants in the *Federal Register*, triggering the start of the 90-day comment period. In this newsletter, we provide an overview of the rulemaking and next steps.

For more information about developments at the intersection of energy and the environment, we encourage you to visit *Considering the Grid*, a blog that is maintained by Spiegel attorneys. The blog is currently focused on providing resources related to and status updates on the Clean Power Plan. You can find us at www.consideringthegrid.com, where you can also subscribe to receive notifications of new posts via email.

info@spiegelmcd

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