

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1140

September Term, 2022

FILED ON: OCTOBER 27, 2022

AMERICAN LUNG ASSOCIATION AND AMERICAN PUBLIC HEALTH ASSOCIATION,
PETITIONERS

v.

ENVIRONMENTAL PROTECTION AGENCY AND ANDREW WHEELER, ADMINISTRATOR,
RESPONDENTS

AEP GENERATING COMPANY, ET AL.,
INTERVENORS

Consolidated with 19-1165, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185,
19-1186, 19-1187, 19-1188

On Remand from the Supreme Court of the United States

Before: MILLETT, PILLARD and WALKER, *Circuit Judges*

AMENDED JUDGMENT

These causes came to be heard on remand from the Supreme Court, reversing this court's judgment filed January 19, 2021, and remanding for further proceedings. *See West Virginia v. EPA*, 142 S. Ct. 2587 (2022). On consideration thereof, it is

ORDERED and **ADJUDGED** that the Coal Petitioners' petitions for review of the ACE Rule be denied; the petitions for review challenging the timing portion of implementing regulations be granted; the petitions for review challenging the repeal of the Clean Power Plan be denied; and the remaining challenges to the ACE Rule be held in abeyance pending completion of rulemaking by the EPA.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the partial mandate forthwith.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk