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**From:** Morgan-AGO022017, Wendy <wendy.morganAGO022017@vermont.gov>  
**Sent:** Thursday, December 17, 2015 5:34 PM  
**To:** Kline-AGO092016, Scot  
**Subject:** Re: Global warming

Thx

Sent from my iPhone

> On Dec 16, 2015, at 4:05 PM, Kline, Scot <scot.kline@vermont.gov> wrote:

>  
>  
>

> -----Original Message-----

> From: Matt Pawa [mailto:mp@pawalaw.com]

> Sent: Thursday, November 05, 2015 3:37 PM

> To: Kline, Scot

> Subject: Global warming

>  
>

> <http://mobile.nytimes.com/2015/11/06/science/exxon-mobil-under-investigation-in-new-york-over-climate-statements.html>

> Matt Pawa

> Pawa Law Group, P.C.

> 1280 Centre Street, Suite 230

> Newton Centre, MA 02459

> (617) 641-9550

> (617) 641-9551 facsimile

> [www.pawalaw.com](http://www.pawalaw.com)

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**From:** Kline-AGO092016, Scot <scot.kline-AGO092016@vermont.gov>  
**Sent:** Wednesday, December 16, 2015 4:05 PM  
**To:** Morgan-AGO022017, Wendy  
**Subject:** FW: Global warming

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**From:** Matt Pawa [mailto:mp@pawalaw.com]  
**Sent:** Friday, November 20, 2015 10:08 AM  
**To:** Kline, Scot  
**Subject:** Global warming

Scot - FYI:

<http://insideclimateneews.org/news/20112015/california-attorney-general-urged-probe-exxon-mobil-climate-change-new-york>

Matt Pawa  
Pawa Law Group, P.C.  
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Newton Centre, MA 02459  
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## Persampieri, Nick

---

**From:** Hoffer, Melissa (AGO) <melissa.hoffer@state.ma.us>  
**Sent:** Thursday, August 13, 2015 2:24 PM  
**To:** Michael J. Myers; David Zonana  
**Cc:** Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; Schwartz, Thea; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); Kline, Scot; Rigney, Kirsten; cking@law.nyc.gov; samron@law.nyc.gov; Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin  
**Subject:** RE: Time Sensitive Re: Notice of filings against EPA

Mike and Brian: MA is authorized to join the statement. Thanks for doing this.

M

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**From:** Michael J. Myers [mailto:Michael.Myers@ag.ny.gov]  
**Sent:** Thursday, August 13, 2015 1:36 PM  
**To:** David Zonana  
**Cc:** Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; thea.schwartz@vermont.gov; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); scot.kline@vermont.gov; Rigney, Kirsten; cking@law.nyc.gov; samron@law.nyc.gov; Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Hoffer, Melissa (AGO)  
**Subject:** Re: Time Sensitive Re: Notice of filings against EPA

Thanks David. I think those technical edits are correct if WV does not file a stand alone stay motion along with the writ.

Sent from my iPhone

On Aug 13, 2015, at 1:28 PM, David Zonana <[David.Zonana@doj.ca.gov](mailto:David.Zonana@doj.ca.gov)> wrote:

Brian,

Assuming WV files a writ petition seeking a stay, and the only motion per se is to consolidate, here's the technical change we'd suggest.

Thanks.  
David

Statement of [] Attorneys General in Response to West Virginia's Request [delete – Motion] to Stay the Clean Power Plan Rule

West Virginia and other states have filed a request [delete - motion seeking] to stay the Clean Power Plan, a new federal rule that will protect Americans from the harmful impacts of climate change on our economies and environment. Like West Virginia's challenge to the proposed rule, which was dismissed by the courts, this request/filing [delete – motion] is premature. If and when requests [delete – motions] to stay the final rule are timely filed, after the rule has been published in the Federal Register, our coalition will formally oppose them.

**From:** Michael J. Myers [<mailto:Michael.Myers@ag.ny.gov>]

**Sent:** Thursday, August 13, 2015 9:32 AM

**To:** David Zonana

**Cc:** Brian Lusignan; [JDaniel@oag.state.va.us](mailto:JDaniel@oag.state.va.us); [RRitenour@oag.state.va.us](mailto:RRitenour@oag.state.va.us); Edge, Valerie (DOJ); Jonathan Wiener; [melissa.hoffer@state.ma.us](mailto:melissa.hoffer@state.ma.us); [Paul.Garrahan@doj.state.or.us](mailto:Paul.Garrahan@doj.state.or.us); [LeslieS@ATG.WA.GOV](mailto:LeslieS@ATG.WA.GOV); [Jerry.Reid@maine.gov](mailto:Jerry.Reid@maine.gov); [cnoteboo@law.nyc.gov](mailto:cnoteboo@law.nyc.gov); [tfox@nmag.gov](mailto:tfox@nmag.gov); [gSchultz@riag.ri.gov](mailto:gSchultz@riag.ri.gov); [Scott.Koschwitz@ct.gov](mailto:Scott.Koschwitz@ct.gov); [matthew.levine@po.state.ct.us](mailto:matthew.levine@po.state.ct.us); [sfarris@nmag.gov](mailto:sfarris@nmag.gov); [amy.mcdonnell@dc.gov](mailto:amy.mcdonnell@dc.gov); [David.Zonana@doj.ca.gov](mailto:David.Zonana@doj.ca.gov); [Raissa.Lerner@doj.ca.gov](mailto:Raissa.Lerner@doj.ca.gov); [Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov); [allen.brooks@doj.nh.gov](mailto:allen.brooks@doj.nh.gov); [Bill.F.Cooper@hawaii.gov](mailto:Bill.F.Cooper@hawaii.gov); Gignac, James; [David.Steward@iowa.gov](mailto:David.Steward@iowa.gov); Larson, Jacob [AG] ([Jacob.Larson@iowa.gov](mailto:Jacob.Larson@iowa.gov)); [blegner@atg.state.il.us](mailto:blegner@atg.state.il.us); [gregg.j.kinkley@hawaii.gov](mailto:gregg.j.kinkley@hawaii.gov); Mullin, Beth (DDOE) ([beth.mullin@dc.gov](mailto:beth.mullin@dc.gov)); Schmid, Kathleen; [Liz.Rumsey@doj.ca.gov](mailto:Liz.Rumsey@doj.ca.gov); [Timothy.Sullivan@doj.ca.gov](mailto:Timothy.Sullivan@doj.ca.gov); 'Mary Raivel -MDE-' ([mary.raivel@maryland.gov](mailto:mary.raivel@maryland.gov)); Gavin G. McCabe; Durstein, Ralph; [thea.schwartz@vermont.gov](mailto:thea.schwartz@vermont.gov); Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti - MDE- ([lynn.angotti@maryland.gov](mailto:lynn.angotti@maryland.gov)); [scot.kline@vermont.gov](mailto:scot.kline@vermont.gov); Rigney, Kirsten; [cking@law.nyc.gov](mailto:cking@law.nyc.gov); [samron@law.nyc.gov](mailto:samron@law.nyc.gov); [Max.Kieley@ag.state.mn.us](mailto:Max.Kieley@ag.state.mn.us); [rreiley@pa.gov](mailto:rreiley@pa.gov); Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)

**Subject:** Time Sensitive Re: Notice of filings against EPA

All by way of update on timing, we're hoping to get the statement out by end of the day today provided that we've seen what WV has filed and its in line with what we expected. A fallback would be issuing a statement first thing eastern tomorrow. So if you haven't told us yet whether you'll be joining the statement, please do by 3 pm eastern today. Thanks and sorry for the quick turnaround. Mike

Ps. Although I'm checking in, please call Brian with questions. His number is below.

Sent from my iPhone

On Aug 13, 2015, at 12:02 PM, David Zonana <[David.Zonana@doj.ca.gov](mailto:David.Zonana@doj.ca.gov)> wrote:

Brian,

California is on board. I have a technical edit on the reference to "motion" that I will send when I get to the office.

David

Sent from my iPhone using [Mail+ for Outlook](#)

**From:** Brian Lusignan

**Sent:** 8/13/15, 8:35 AM

**To:** 'JDaniel@oag.state.va.us', 'RRitenour@oag.state.va.us', Edge, Valerie (DOJ), Jonathan Wiener, 'melissa.hoffer@state.ma.us', 'Paul.Garrahan@doj.state.or.us', 'LeslieS@ATG.WA.GOV', 'Jerry.Reid@maine.gov', 'cnoteboo@law.nyc.gov', 'ffox@nmag.gov', 'gSchultz@riag.ri.gov', 'Scott.Koschwitz@ct.gov', 'matthew.levine@po.state.ct.us', 'sfarris@nmag.gov', 'amy.mcdonnell@dc.gov', 'David.Zonana@doj.ca.gov', 'Raissa.Lerner@doj.ca.gov', 'Elaine.Meckenstock@doj.ca.gov', 'allen.brooks@doj.nh.gov', 'Bill.F.Cooper@hawaii.gov', Gignac, James, 'David.Steward@iowa.gov', 'Larson, Jacob [AG] (Jacob.Larson@iowa.gov)', 'blegner@atg.state.il.us', 'gregg.j.kinkley@hawaii.gov', 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)', Schmid, Kathleen, 'Liz.Rumsey@doj.ca.gov', 'Timothy.Sullivan@doj.ca.gov', 'Mary Raivel -MDE-' (mary.raivel@maryland.gov), Gavin G. McCabe, Durstein, Ralph, 'thea.schwartz@vermont.gov', 'Courchesne, Christophe (AGO)', 'Maxwell, Lauren (DDOE)', 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)', 'Lynn Angotti -MDE-' (lynn.angotti@maryland.gov), 'scot.kline@vermont.gov', 'Rigney, Kirsten, 'cking@law.nyc.gov', 'samron@law.nyc.gov', 'Max.Kieley@ag.state.mn.us', 'rreiley@pa.gov'

**Cc:** Costello, Morgan, Steven Wu, Bethany Davis Noll, Karen Lin, Myers, Michael J.

**Subject:** FW: Notice of filings against EPA

Hi All,

Based on the forwarded e-mail below, it appears that West Virginia, et al., will be filing a new petition, coupled with a stay request, in the D.C. Circuit today. The new petition will be accompanied with a motion to consolidate with the Murray Energy and West Virginia cases. Accordingly, it appears that the existing parties to those proceedings will have an opportunity to respond to the motion to consolidate, but not to the stay motion itself.

Assuming West Virginia files today, we would like to move forward with a joint statement tomorrow. I believe that the following states have indicated their support for a statement, subject to review and final approval of the statement's language: Hawaii, Illinois, Massachusetts, New Hampshire, New Mexico, Oregon, Rhode Island, Vermont, New York City, District of Columbia. We think we need at least ten states to sign on to make a statement worthwhile, so we would still like to pick up a few more.

Based on a few comments, the proposed current language for the statement would read as follows:

Statement of [] Attorneys General in Response to West Virginia's Motion to Stay the Clean Power Plan Rule

West Virginia and other states have filed a motion seeking to stay the Clean Power Plan, a new federal rule that will protect Americans from the harmful impacts of climate change on our economies and environment. Like West Virginia's challenge to the proposed rule, which was dismissed by the courts, this motion is premature. If and when motions to stay the final rule are timely filed, after the rule has been published in the Federal Register, our coalition will formally oppose them.

We would like to send out the joint statement by tomorrow at **Noon EDT**, subject to our press office's final decision regarding timing. Accordingly, please let me know by then (and preferably earlier) if your state will join this statement. I am happy to answer any questions you might have.

Thanks,

-Brian

Brian Lusignan  
Assistant Attorney General  
NYS Office of the Attorney General  
Environmental Protection Bureau  
The Capitol  
Albany NY 12224-0341  
(518) 776-2399

**Please note the new phone number.**

---

**From:** Michael J. Myers  
**Sent:** Thursday, August 13, 2015 11:11 AM  
**To:** Brian Lusignan  
**Cc:** Peter Washburn  
**Subject:** Fwd: Notice of filings against EPA

Begin forwarded message:

**From:** "Berman, Amanda (ENRD)" <[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)>  
**Date:** August 13, 2015 at 10:58:26 AM EDT  
**To:** "Michael J. Myers" <[Michael.Myers@ag.ny.gov](mailto:Michael.Myers@ag.ny.gov)>, Sean Donahue  
<[sean@donahuegoldberg.com](mailto:sean@donahuegoldberg.com)>  
**Subject:** Fwd: Notice of filings against EPA

FYI - see below.

Begin forwarded message:

From: Zak J Ritchie  
<[zak.j.ritchie@wvago.gov](mailto:zak.j.ritchie@wvago.gov)<<mailto:zak.j.ritchie@wvago.gov>>>  
Date: August 13, 2015 at 9:51:50 AM EDT  
To: "'Berman, Amanda (ENRD)'"  
<[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)<<mailto:Amanda.Berman@usdoj.gov>>>  
Cc: "'Lynk, Brian (ENRD)'"  
<[Brian.Lynk@usdoj.gov](mailto:Brian.Lynk@usdoj.gov)<<mailto:Brian.Lynk@usdoj.gov>>>, Elbert Lin  
<[Elbert.Lin@wvago.gov](mailto:Elbert.Lin@wvago.gov)<<mailto:Elbert.Lin@wvago.gov>>>, Misha Tseytlin  
<[Misha.Tseytlin@wvago.gov](mailto:Misha.Tseytlin@wvago.gov)<<mailto:Misha.Tseytlin@wvago.gov>>>  
Subject: Notice of filings against EPA

Amanda,

I called your direct line and left a message yesterday letting you know that the State of West Virginia, leading a group of at least 14 States, will be filing a new original petition for extraordinary relief in the U.S. Court of Appeals for the D.C. Circuit today, seeking a stay of the Section 111(d) rule under the All Writs Act directed toward the EPA. The petition will be accompanied by a motion to consolidate (and to expedite consideration) with the Murray Energy and West Virginia cases (Nos. 14-1112/1151 & 14-1146). We will ask the court for relief on our motion within 7 days to ensure the proper disposition of our petition, which requests relief by September 8, 2015. Does EPA oppose the motion?

I also spoke yesterday to the Clerk's office regarding these filings and the relief requested. The point person in their office is Amy Yacisin, direct line (202) 216-7299.

To ensure you or the appropriate attorneys see our filings as soon as possible, how would you prefer service today? Let me know if you have any questions.

Thank you,  
Zak Ritchie  
Assistant Attorney General  
State of West Virginia

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## Persampieri, Nick

---

**From:** King, Christopher (Law) <CKing@law.nyc.gov>  
**Sent:** Thursday, August 13, 2015 2:25 PM  
**To:** 'Michael J. Myers'; David Zonana  
**Cc:** Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; Schwartz, Thea; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); Kline, Scot; Rigney, Kirsten; Amron, Susan (Law); Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)  
**Subject:** RE: Time Sensitive Re: Notice of filings against EPA

NYC is on board. Thanks all.

CK

CHRISTOPHER GENE KING | SENIOR COUNSEL | ENVIRONMENTAL LAW

New York City Law Department • Office of the Corporation Counsel  
100 Church Street • New York, NY 10007 • www.nyc.gov/law  
cking@law.nyc.gov • w. 212.356.2074

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---

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(AGO)

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**Sent:** Thursday, August 13, 2015 9:32 AM

**To:** David Zonana

**Cc:** Brian Lusignan; [JDaniel@oag.state.va.us](mailto:JDaniel@oag.state.va.us); [RRitenour@oag.state.va.us](mailto:RRitenour@oag.state.va.us); Edge, Valerie (DOJ); Jonathan Wiener; [melissa.hoffer@state.ma.us](mailto:melissa.hoffer@state.ma.us); [Paul.Garrahan@doj.state.or.us](mailto:Paul.Garrahan@doj.state.or.us); [LeslieS@ATG.WA.GOV](mailto:LeslieS@ATG.WA.GOV); [Jerry.Reid@maine.gov](mailto:Jerry.Reid@maine.gov); [cnoteboo@law.nyc.gov](mailto:cnoteboo@law.nyc.gov); [tfox@nmag.gov](mailto:tfox@nmag.gov); [gSchultz@riag.ri.gov](mailto:gSchultz@riag.ri.gov); [Scott.Koschwitz@ct.gov](mailto:Scott.Koschwitz@ct.gov); [matthew.levine@po.state.ct.us](mailto:matthew.levine@po.state.ct.us); [sfarris@nmag.gov](mailto:sfarris@nmag.gov); [amy.mcdonnell@dc.gov](mailto:amy.mcdonnell@dc.gov); [David.Zonana@doj.ca.gov](mailto:David.Zonana@doj.ca.gov); [Raissa.Lerner@doj.ca.gov](mailto:Raissa.Lerner@doj.ca.gov); [Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov); [allen.brooks@doj.nh.gov](mailto:allen.brooks@doj.nh.gov); [Bill.F.Cooper@hawaii.gov](mailto:Bill.F.Cooper@hawaii.gov); Gignac, James; [David.Steward@iowa.gov](mailto:David.Steward@iowa.gov); Larson, Jacob [AG] ([Jacob.Larson@iowa.gov](mailto:Jacob.Larson@iowa.gov)); [blegner@atg.state.il.us](mailto:blegner@atg.state.il.us); [gregg.j.kinkley@hawaii.gov](mailto:gregg.j.kinkley@hawaii.gov); Mullin, Beth (DDOE) ([beth.mullin@dc.gov](mailto:beth.mullin@dc.gov)); Schmid, Kathleen; [Liz.Rumsey@doj.ca.gov](mailto:Liz.Rumsey@doj.ca.gov); [Timothy.Sullivan@doj.ca.gov](mailto:Timothy.Sullivan@doj.ca.gov); 'Mary Raivel -MDE-' ([mary.raivel@maryland.gov](mailto:mary.raivel@maryland.gov)); Gavin G. McCabe; Durstein, Ralph; [thea.schwartz@vermont.gov](mailto:thea.schwartz@vermont.gov); Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- ([lynn.angotti@maryland.gov](mailto:lynn.angotti@maryland.gov)); [scot.kline@vermont.gov](mailto:scot.kline@vermont.gov); Rigney, Kirsten; [cking@law.nyc.gov](mailto:cking@law.nyc.gov); [samron@law.nyc.gov](mailto:samron@law.nyc.gov); [Max.Kieley@ag.state.mn.us](mailto:Max.Kieley@ag.state.mn.us); [rreiley@pa.gov](mailto:rreiley@pa.gov); Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)

**Subject:** Time Sensitive Re: Notice of filings against EPA

All by way of update on timing, we're hoping to get the statement out by end of the day today provided that we've seen what WV has filed and its in line with what we expected. A fallback would be issuing a statement first thing eastern tomorrow. So if you haven't told us yet whether you'll be joining the statement, please do by 3 pm eastern today. Thanks and sorry for the quick turnaround. Mike

Ps. Although I'm checking in, please call Brian with questions. His number is below.

Sent from my iPhone

On Aug 13, 2015, at 12:02 PM, David Zonana <[David.Zonana@doj.ca.gov](mailto:David.Zonana@doj.ca.gov)> wrote:

Brian,  
California is on board. I have a technical edit on the reference to "motion" that I will send when I get to the office.  
David

Sent from my iPhone using Mail+ for Outlook

---

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**Sent:** 8/13/15, 8:35 AM  
**To:** 'JDaniel@oag.state.va.us', 'RRitenour@oag.state.va.us', Edge, Valerie (DOJ), Jonathan Wiener, 'melissa.hoffer@state.ma.us', 'Paul.Garrahan@doj.state.or.us', 'LeslieS@ATG.WA.GOV', 'Jerry.Reid@maine.gov', 'cnoteboo@law.nyc.gov', 'tfox@nmag.gov', 'gSchultz@riag.ri.gov', 'Scott.Koschwitz@ct.gov', 'matthew.levine@po.state.ct.us', 'sfarris@nmag.gov', 'amy.mcdonnell@dc.gov', 'David.Zonana@doj.ca.gov', 'Raissa.Lerner@doj.ca.gov', 'Elaine.Meckenstock@doj.ca.gov', 'allen.brooks@doj.nh.gov', 'Bill.F.Cooper@hawaii.gov', Gignac, James, 'David.Steward@iowa.gov', 'Larson, Jacob [AG] (Jacob.Larson@iowa.gov)', 'blegner@atg.state.il.us', 'gregg.j.kinkley@hawaii.gov', 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)', Schmid, Kathleen, 'Liz.Rumsey@doj.ca.gov', 'Timothy.Sullivan@doj.ca.gov', "Mary Ravel -MDE-" (mary.ravel@maryland.gov), Gavin G. McCabe, Durstein, Ralph, 'thea.schwartz@vermont.gov', 'Courchesne, Christophe (AGO)', 'Maxwell, Lauren (DDOE)', 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)', 'Lynn Angotti -MDE- (lynn.angotti@maryland.gov)', 'scot.kline@vermont.gov', Rigney, Kirsten, 'cking@law.nyc.gov', 'samron@law.nyc.gov', 'Max.Kieley@ag.state.mn.us', 'rreiley@pa.gov'  
**Cc:** Costello, Morgan, Steven Wu, Bethany Davis Noll, Karen Lin, Myers, Michael J.  
**Subject:** FW: Notice of filings against EPA  
Hi All,

Based on the forwarded e-mail below, it appears that West Virginia, et al., will be filing a new petition, coupled with a stay request, in the D.C. Circuit today. The new petition will be accompanied with a motion to consolidate with the Murray Energy and West Virginia cases. Accordingly, it appears that the existing parties to those proceedings will have an opportunity to respond to the motion to consolidate, but not to the stay motion itself.

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Based on a few comments, the proposed current language for the statement would read as follows:

Statement of [] Attorneys General in Response to West Virginia's Motion to Stay the Clean Power Plan Rule

West Virginia and other states have filed a motion seeking to stay the Clean Power Plan, a new federal rule that will protect Americans from the harmful impacts of climate change on our economies and environment. Like West Virginia's challenge to the proposed rule, which was dismissed by the courts, this motion is premature. If and when motions to stay the final rule are timely filed, after the rule has been published in the Federal Register, our coalition will formally oppose them.

We would like to send out the joint statement by tomorrow at **Noon EDT**, subject to our press office's final decision regarding timing. Accordingly, please let me know by then (and preferably earlier) if your state will join this statement. I am happy to answer any questions you might have.

Thanks,

-Brian

Brian Lusignan  
Assistant Attorney General  
NYS Office of the Attorney General  
Environmental Protection Bureau  
The Capitol  
Albany NY 12224-0341  
(518) 776-2399

**Please note the new phone number.**

---

**From:** Michael J. Myers  
**Sent:** Thursday, August 13, 2015 11:11 AM  
**To:** Brian Lusignan  
**Cc:** Peter Washburn  
**Subject:** Fwd: Notice of filings against EPA

Begin forwarded message:

**From:** "Berman, Amanda (ENRD)" <[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)>  
**Date:** August 13, 2015 at 10:58:26 AM EDT  
**To:** "Michael J. Myers" <[Michael.Myers@ag.ny.gov](mailto:Michael.Myers@ag.ny.gov)>, Sean Donahue <[sean@donahuegoldberg.com](mailto:sean@donahuegoldberg.com)>  
**Subject:** **Fwd: Notice of filings against EPA**

FYI - see below.

Begin forwarded message:

From: Zak J Ritchie  
<[zak.j.ritchie@wvago.gov](mailto:zak.j.ritchie@wvago.gov)<<mailto:zak.j.ritchie@wvago.gov>>>  
Date: August 13, 2015 at 9:51:50 AM EDT  
To: "'Berman, Amanda (ENRD)'" <[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)<<mailto:Amanda.Berman@usdoj.gov>>>  
Cc: "'Lynk, Brian (ENRD)'" <[Brian.Lynk@usdoj.gov](mailto:Brian.Lynk@usdoj.gov)<<mailto:Brian.Lynk@usdoj.gov>>>, Elbert Lin <[Elbert.Lin@wvago.gov](mailto:Elbert.Lin@wvago.gov)<<mailto:Elbert.Lin@wvago.gov>>>, Misha Tseytlin

<Misha.Tseytlin@wvago.gov<mailto:Misha.Tseytlin@wvago.gov>>

Subject: Notice of filings against EPA

Amanda,

I called your direct line and left a message yesterday letting you know that the State of West Virginia, leading a group of at least 14 States, will be filing a new original petition for extraordinary relief in the U.S. Court of Appeals for the D.C. Circuit today, seeking a stay of the Section 111(d) rule under the All Writs Act directed toward the EPA. The petition will be accompanied by a motion to consolidate (and to expedite consideration) with the Murray Energy and West Virginia cases (Nos. 14-1112/1151 & 14-1146). We will ask the court for relief on our motion within 7 days to ensure the proper disposition of our petition, which requests relief by September 8, 2015. Does EPA oppose the motion?

I also spoke yesterday to the Clerk's office regarding these filings and the relief requested. The point person in their office is Amy Yacisin, direct line (202) 216-7299.

To ensure you or the appropriate attorneys see our filings as soon as possible, how would you prefer service today? Let me know if you have any questions.

Thank you,  
Zak Ritchie  
Assistant Attorney General  
State of West Virginia

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## Persampieri, Nick

---

**From:** David Zonana <David.Zonana@doj.ca.gov>  
**Sent:** Thursday, August 13, 2015 1:54 PM  
**To:** Michael J. Myers  
**Cc:** Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; Schwartz, Thea; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); Kline, Scot; Rigney, Kirsten; cking@law.nyc.gov; samron@law.nyc.gov; Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)  
**Subject:** RE: Time Sensitive Re: Notice of filings against EPA

Thanks Mike. And we're good with the timing provided we have the final in hand a reasonable time (an hour) before the release time your office plans.

David

---

**From:** Michael J. Myers [mailto:Michael.Myers@ag.ny.gov]  
**Sent:** Thursday, August 13, 2015 10:36 AM  
**To:** David Zonana  
**Cc:** Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; thea.schwartz@vermont.gov; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); scot.kline@vermont.gov; Rigney, Kirsten; cking@law.nyc.gov; samron@law.nyc.gov; Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)  
**Subject:** Re: Time Sensitive Re: Notice of filings against EPA

Thanks David. I think those technical edits are correct if WV does not file a stand alone stay motion along with the writ.

Sent from my iPhone

On Aug 13, 2015, at 1:28 PM, David Zonana <David.Zonana@doj.ca.gov> wrote:

Brian,

Assuming WV files a writ petition seeking a stay, and the only motion per se is to consolidate, here's the technical change we'd suggest.

Thanks.  
David

Statement of [] Attorneys General in Response to West Virginia's Request [delete – Motion] to Stay the Clean Power Plan Rule

West Virginia and other states have filed a request [delete - motion seeking] to stay the Clean Power Plan, a new federal rule that will protect Americans from the harmful impacts of climate change on our economies and environment. Like West Virginia's challenge to the proposed rule, which was dismissed by the courts, this request/filing [delete – motion] is premature. If and when requests [delete – motions] to stay the final rule are timely filed, after the rule has been published in the Federal Register, our coalition will formally oppose them.

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**Cc:** Costello, Morgan, Steven Wu, Bethany Davis Noll, Karen Lin, Myers, Michael J.

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-Brian

Brian Lusignan  
Assistant Attorney General  
NYS Office of the Attorney General  
Environmental Protection Bureau  
The Capitol  
Albany NY 12224-0341  
(518) 776-2399

Please note the new phone number.

---

**From:** Michael J. Myers  
**Sent:** Thursday, August 13, 2015 11:11 AM  
**To:** Brian Lusignan  
**Cc:** Peter Washburn  
**Subject:** Fwd: Notice of filings against EPA

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**From:** "Berman, Amanda (ENRD)" <[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)>  
**Date:** August 13, 2015 at 10:58:26 AM EDT  
**To:** "Michael J. Myers" <[Michael.Myers@ag.ny.gov](mailto:Michael.Myers@ag.ny.gov)>, Sean Donahue  
<[sean@donahuegoldberg.com](mailto:sean@donahuegoldberg.com)>  
**Subject:** Fwd: Notice of filings against EPA

FYI - see below.

Begin forwarded message:

From: Zak J Ritchie  
<[zak.j.ritchie@wvago.gov](mailto:zak.j.ritchie@wvago.gov)<<mailto:zak.j.ritchie@wvago.gov>>>  
Date: August 13, 2015 at 9:51:50 AM EDT  
To: "Berman, Amanda (ENRD)"  
<[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)<<mailto:Amanda.Berman@usdoj.gov>>>  
Cc: "Lynk, Brian (ENRD)"  
<[Brian.Lynk@usdoj.gov](mailto:Brian.Lynk@usdoj.gov)<<mailto:Brian.Lynk@usdoj.gov>>>, Elbert Lin  
<[Elbert.Lin@wvago.gov](mailto:Elbert.Lin@wvago.gov)<<mailto:Elbert.Lin@wvago.gov>>>, Misha Tseytlin  
<[Misha.Tseytlin@wvago.gov](mailto:Misha.Tseytlin@wvago.gov)<<mailto:Misha.Tseytlin@wvago.gov>>>  
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To ensure you or the appropriate attorneys see our filings as soon as possible, how would you prefer service today? Let me know if you have any questions.

Thank you,  
Zak Ritchie  
Assistant Attorney General  
State of West Virginia

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## Persampieri, Nick

---

**From:** Garrahan Paul <Paul.Garrahan@doj.state.or.us>  
**Sent:** Thursday, August 13, 2015 1:13 PM  
**To:** Michael J. Myers  
**Cc:** David Zonana; Brian Lusignan; JDaniel@oag.state.va.us; RRitenour@oag.state.va.us; Edge, Valerie (DOJ); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; allen.brooks@doj.nh.gov; Bill.F.Cooper@hawaii.gov; Gignac, James; David.Steward@iowa.gov; Larson, Jacob [AG] (Jacob.Larson@iowa.gov); blegner@atg.state.il.us; gregg.j.kinkley@hawaii.gov; Mullin, Beth (DDOE) (beth.mullin@dc.gov); Schmid, Kathleen; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein, Ralph; Schwartz, Thea; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); Kline, Scot; Rigney, Kirsten; cking@law.nyc.gov; samron@law.nyc.gov; Max.Kieley@ag.state.mn.us; rreiley@pa.gov; Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Melissa Hoffer (AGO)  
**Subject:** Re: Time Sensitive Re: Notice of filings against EPA

Oregon will join this letter.

Paul Garrahan  
Oregon Department of Justice  
971.673.1943<tel:971.673.1943> (Tue, Thu, Fri) (Portland) 503.947.4493<tel:503.947.4493> (Mon, Wed) (Salem)  
503.929.7553<tel:503.929.7553> (Mobile)

On Aug 13, 2015, at 9:32 AM, Michael J. Myers <Michael.Myers@ag.ny.gov<mailto:Michael.Myers@ag.ny.gov>> wrote:

All by way of update on timing, we're hoping to get the statement out by end of the day today provided that we've seen what WV has filed and its in line with what we expected. A fallback would be issuing a statement first thing eastern tomorrow. So if you haven't told us yet whether you'll be joining the statement, please do by 3 pm eastern today. Thanks and sorry for the quick turnaround. Mike Ps. Although I'm checking in, please call Brian with questions. His number is below.

Sent from my iPhone

On Aug 13, 2015, at 12:02 PM, David Zonana <David.Zonana@doj.ca.gov<mailto:David.Zonana@doj.ca.gov>> wrote:

Brian,  
California is on board. I have a technical edit on the reference to "motion" that I will send when I get to the office.  
David

Sent from my iPhone using Mail+ for Outlook<<http://taps.io/mailplus>>

From: Brian Lusignan  
Sent: 8/13/15, 8:35 AM

To: 'JDaniel@oag.state.va.us<mailto:JDaniel@oag.state.va.us>',  
'RRitenour@oag.state.va.us<mailto:RRitenour@oag.state.va.us>', Edge, Valerie (DOJ), Jonathan Wiener,  
'melissa.hoffer@state.ma.us<mailto:melissa.hoffer@state.ma.us>',  
'Paul.Garrahan@doj.state.or.us<mailto:Paul.Garrahan@doj.state.or.us>',  
'LeslieS@ATG.WA.GOV<mailto:LeslieS@ATG.WA.GOV>', 'Jerry.Reid@maine.gov<mailto:Jerry.Reid@maine.gov>',  
'cnoteboo@law.nyc.gov<mailto:cnoteboo@law.nyc.gov>', 'tfox@nmag.gov<mailto:tfox@nmag.gov>',  
'gSchultz@riag.ri.gov<mailto:gSchultz@riag.ri.gov>', 'Scott.Koschwitz@ct.gov<mailto:Scott.Koschwitz@ct.gov>',  
'matthew.levine@po.state.ct.us<mailto:matthew.levine@po.state.ct.us>',  
'sfarris@nmag.gov<mailto:sfarris@nmag.gov>', 'amy.mcdonnell@dc.gov<mailto:amy.mcdonnell@dc.gov>',  
'David.Zonana@doj.ca.gov<mailto:David.Zonana@doj.ca.gov>',  
'Raissa.Lerner@doj.ca.gov<mailto:Raissa.Lerner@doj.ca.gov>',  
'Elaine.Meckenstock@doj.ca.gov<mailto:Elaine.Meckenstock@doj.ca.gov>',  
'allen.brooks@doj.nh.gov<mailto:allen.brooks@doj.nh.gov>',  
'Bill.F.Cooper@hawaii.gov<mailto:Bill.F.Cooper@hawaii.gov>', Gignac, James,  
'David.Steward@iowa.gov<mailto:David.Steward@iowa.gov>', 'Larson, Jacob [AG]  
(Jacob.Larson@iowa.gov<mailto:Jacob.Larson@iowa.gov>)', 'blegner@atg.state.il.us<mailto:blegner@atg.state.il.us>',  
'gregg.j.kinkley@hawaii.gov<mailto:gregg.j.kinkley@hawaii.gov>', 'Mullin, Beth (DDOE)  
(beth.mullin@dc.gov<mailto:beth.mullin@dc.gov>)', Schmid, Kathleen,  
'Liz.Rumsey@doj.ca.gov<mailto:Liz.Rumsey@doj.ca.gov>',  
'Timothy.Sullivan@doj.ca.gov<mailto:Timothy.Sullivan@doj.ca.gov>', "Mary Raivel -MDE-"  
(mary.raivel@maryland.gov<mailto:mary.raivel@maryland.gov>)', Gavin G. McCabe, Durstein, Ralph,  
'thea.schwartz@vermont.gov<mailto:thea.schwartz@vermont.gov>', 'Courchesne, Christophe (AGO)', 'Maxwell, Lauren  
(DDOE)', 'Mullin, Beth (DDOE) (beth.mullin@dc.gov<mailto:beth.mullin@dc.gov>)', 'Lynn Angotti -MDE-  
(lynn.angotti@maryland.gov<mailto:lynn.angotti@maryland.gov>)',  
'scot.kline@vermont.gov<mailto:scot.kline@vermont.gov>', Rigney, Kirsten,  
'cking@law.nyc.gov<mailto:cking@law.nyc.gov>', 'samron@law.nyc.gov<mailto:samron@law.nyc.gov>',  
'Max.Kieley@ag.state.mn.us<mailto:Max.Kieley@ag.state.mn.us>', 'rreiley@pa.gov<mailto:rreiley@pa.gov>'  
Cc: Costello, Morgan, Steven Wu, Bethany Davis Noll, Karen Lin, Myers, Michael J.  
Subject: FW: Notice of filings against EPA Hi All,

Based on the forwarded e-mail below, it appears that West Virginia, et al., will be filing a new petition, coupled with a stay request, in the D.C. Circuit today. The new petition will be accompanied with a motion to consolidate with the Murray Energy and West Virginia cases. Accordingly, it appears that the existing parties to those proceedings will have an opportunity to respond to the motion to consolidate, but not to the stay motion itself.

Assuming West Virginia files today, we would like to move forward with a joint statement tomorrow. I believe that the following states have indicated their support for a statement, subject to review and final approval of the statement's language: Hawaii, Illinois, Massachusetts, New Hampshire, New Mexico, Oregon, Rhode Island, Vermont, New York City, District of Columbia. We think we need at least ten states to sign on to make a statement worthwhile, so we would still like to pick up a few more.

Based on a few comments, the proposed current language for the statement would read as follows:

#### Statement of [] Attorneys General in Response to West Virginia's Motion to Stay the Clean Power Plan Rule

West Virginia and other states have filed a motion seeking to stay the Clean Power Plan, a new federal rule that will protect Americans from the harmful impacts of climate change on our economies and environment. Like West Virginia's challenge to the proposed rule, which was dismissed by the courts, this motion is premature. If and when motions to stay the final rule are timely filed, after the rule has been published in the Federal Register, our coalition will formally oppose them.

We would like to send out the joint statement by tomorrow at Noon EDT, subject to our press office's final decision regarding timing. Accordingly, please let me know by then (and preferably earlier) if your state will join this statement. I am happy to answer any questions you might have.

Thanks,

-Brian

Brian Lusignan  
Assistant Attorney General  
NYS Office of the Attorney General  
Environmental Protection Bureau  
The Capitol  
Albany NY 12224-0341  
(518) 776-2399

Please note the new phone number.

From: Michael J. Myers  
Sent: Thursday, August 13, 2015 11:11 AM  
To: Brian Lusignan  
Cc: Peter Washburn  
Subject: Fwd: Notice of filings against EPA

Begin forwarded message:

From: "Berman, Amanda (ENRD)" <Amanda.Berman@usdoj.gov<mailto:Amanda.Berman@usdoj.gov>>  
Date: August 13, 2015 at 10:58:26 AM EDT  
To: "Michael J. Myers" <Michael.Myers@ag.ny.gov<mailto:Michael.Myers@ag.ny.gov>>, Sean Donahue <sean@donahuegoldberg.com<mailto:sean@donahuegoldberg.com>>  
Subject: Fwd: Notice of filings against EPA FYI - see below.

Begin forwarded message:

From: Zak J Ritchie <zak.j.ritchie@wvago.gov<mailto:zak.j.ritchie@wvago.gov><mailto:zak.j.ritchie@wvago.gov>>  
Date: August 13, 2015 at 9:51:50 AM EDT  
To: "'Berman, Amanda (ENRD)'" <Amanda.Berman@usdoj.gov<mailto:Amanda.Berman@usdoj.gov><mailto:Amanda.Berman@usdoj.gov>>  
Cc: "'Lynk, Brian (ENRD)'" <Brian.Lynk@usdoj.gov<mailto:Brian.Lynk@usdoj.gov><mailto:Brian.Lynk@usdoj.gov>>, Elbert Lin <Elbert.Lin@wvago.gov<mailto:Elbert.Lin@wvago.gov><mailto:Elbert.Lin@wvago.gov>>, Misha Tseytlin <Misha.Tseytlin@wvago.gov<mailto:Misha.Tseytlin@wvago.gov><mailto:Misha.Tseytlin@wvago.gov>>  
Subject: Notice of filings against EPA

Amanda,

I called your direct line and left a message yesterday letting you know that the State of West Virginia, leading a group of at least 14 States, will be filing a new original petition for extraordinary relief in the U.S. Court of Appeals for the D.C. Circuit today, seeking a stay of the Section 111(d) rule under the All Writs Act directed toward the EPA. The petition will be accompanied by a motion to consolidate (and to expedite consideration) with the Murray Energy and West Virginia cases (Nos. 14-1112/1151 & 14-1146). We will ask the court for relief on our motion within 7 days to ensure the proper disposition of our petition, which requests relief by September 8, 2015. Does EPA oppose the motion?

I also spoke yesterday to the Clerk's office regarding these filings and the relief requested. The point person in their office is Amy Yacisin, direct line (202) 216-7299.

To ensure you or the appropriate attorneys see our filings as soon as possible, how would you prefer service today? Let me know if you have any questions.

Thank you,  
Zak Ritchie  
Assistant Attorney General  
State of West Virginia

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\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

\*\*\*\*\*

## Persampieri, Nick

---

**From:** Brian Lusignan <Brian.Lusignan@ag.ny.gov>  
**Sent:** Thursday, August 13, 2015 11:35 AM  
**To:** 'JDaniel@oag.state.va.us'; 'RRitenour@oag.state.va.us'; 'Edge, Valerie (DOJ) (Valerie.Edge@state.de.us)'; 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'allen.brooks@doj.nh.gov'; 'Bill.F.Cooper@hawaii.gov'; 'jgignac' (jgignac@atg.state.il.us); 'David.Steward@iowa.gov'; 'Larson, Jacob [AG] (Jacob.Larson@iowa.gov)'; 'blegner@atg.state.il.us'; 'gregg.j.kinkley@hawaii.gov'; 'beth.mullin@dc.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); 'Gavin G. McCabe'; 'Durstein III, Ralph (DOJ)'; Schwartz, Thea; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)'; 'Lynn Angotti - MDE-' (lynn.angotti@maryland.gov); Kline, Scot; 'kirsten.rigney@ct.gov'; 'cking@law.nyc.gov'; 'samron@law.nyc.gov'; 'Max.Kieley@ag.state.mn.us'; 'rreiley@pa.gov'  
**Cc:** Morgan Costello; Steven Wu; Bethany Davis Noll; Karen Lin; Michael J. Myers  
**Subject:** FW: Notice of filings against EPA  
**Categories:** Red Category

Hi All,

Based on the forwarded e-mail below, it appears that West Virginia, et al., will be filing a new petition, coupled with a stay request, in the D.C. Circuit today. The new petition will be accompanied with a motion to consolidate with the Murray Energy and West Virginia cases. Accordingly, it appears that the existing parties to those proceedings will have an opportunity to respond to the motion to consolidate, but not to the stay motion itself.

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Thanks,

-Brian

Brian Lusignan  
Assistant Attorney General  
NYS Office of the Attorney General  
Environmental Protection Bureau  
The Capitol  
Albany NY 12224-0341  
(518) 776-2399

Please note the new phone number.

---

**From:** Michael J. Myers  
**Sent:** Thursday, August 13, 2015 11:11 AM  
**To:** Brian Lusignan  
**Cc:** Peter Washburn  
**Subject:** Fwd: Notice of filings against EPA

Begin forwarded message:

**From:** "Berman, Amanda (ENRD)" <[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)>  
**Date:** August 13, 2015 at 10:58:26 AM EDT  
**To:** "Michael J. Myers" <[Michael.Myers@ag.ny.gov](mailto:Michael.Myers@ag.ny.gov)>, Sean Donahue  
<[sean@donahuegoldberg.com](mailto:sean@donahuegoldberg.com)>  
**Subject:** Fwd: Notice of filings against EPA

FYI - see below.

Begin forwarded message:

From: Zak J Ritchie <[zak.j.ritchie@wvago.gov](mailto:zak.j.ritchie@wvago.gov)<<mailto:zak.j.ritchie@wvago.gov>>>  
Date: August 13, 2015 at 9:51:50 AM EDT  
To: "'Berman, Amanda (ENRD)'"  
<[Amanda.Berman@usdoj.gov](mailto:Amanda.Berman@usdoj.gov)<<mailto:Amanda.Berman@usdoj.gov>>>  
Cc: "'Lynk, Brian (ENRD)'" <[Brian.Lynk@usdoj.gov](mailto:Brian.Lynk@usdoj.gov)<<mailto:Brian.Lynk@usdoj.gov>>>, Elbert  
Lin <[Elbert.Lin@wvago.gov](mailto:Elbert.Lin@wvago.gov)<<mailto:Elbert.Lin@wvago.gov>>>, Misha Tseytlin  
<[Misha.Tseytlin@wvago.gov](mailto:Misha.Tseytlin@wvago.gov)<<mailto:Misha.Tseytlin@wvago.gov>>>  
Subject: Notice of filings against EPA

Amanda,

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point person in their office is Amy Yacisin, direct line (202) 216-7299.

To ensure you or the appropriate attorneys see our filings as soon as possible, how would you prefer service today? Let me know if you have any questions.

Thank you,  
Zak Ritchie  
Assistant Attorney General  
State of West Virginia

## Persampieri, Nick

---

**From:** Michael J. Myers <Michael.Myers@ag.ny.gov>  
**Sent:** Monday, August 03, 2015 3:25 PM  
**To:** 'Edge, Valerie (DOJ) (Valerie.Edge@state.de.us)'; 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); 'Gavin G. McCabe'; 'Durstain III, Ralph (DOJ)'; Schwartz, Thea; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)'; 'Lynn Angotti -MDE-' (lynn.angotti@maryland.gov); Kline, Scot  
**Cc:** Morgan Costello; Brian Lusignan; Peter Washburn; Alan Belenz  
**Subject:** RE: Time Sensitive: NSPS Rules for Power Plant Greenhouse Gases

The CPP rule is now up on EPA's website: <http://www2.epa.gov/cleanpowerplan>

And here's NY's press release FYI:

# **A.G. SCHNEIDERMAN, NINE OTHER ATTORNEYS GENERAL AND NEW YORK CITY SEND JOINT LETTER BACKING FEDERAL RULES LIMITING CLIMATE CHANGE POLLUTION FROM POWER PLANTS**

*Coalition Letter To EPA Cites Critical Need For EPA Regulations To Protect The Public, The Environment, Grow Our Economies; New Rules Target Existing And New Power Plants, With Existing Power Plant Rule Cutting Pollution Equivalent To That Produced Annually By More Than 160 Million Cars*

*AG Schneiderman: My Office Will Join Other States In Defending These Necessary and Lawful Rules If They Are Challenged In Court*

NEW YORK – Joined by a coalition of nine other attorneys general and the City of New York, Attorney General Eric T. Schneiderman today wrote to the federal Environmental Protection Agency (EPA) expressing “strong support” for final rules of the Obama Administration that – for the first time – limit emissions of climate change pollution from existing and new fossil fuel-burning power plants. The letter states that the coalition members fully anticipate defending the rules if they are challenged in court.

“The power plant rules issued today . . . mark the culmination of a decade-long effort by our states in advocating for cutting climate change pollution from power plants – the single largest U.S. source of these emissions,” the letter reads. “The power plant rules will result in dramatic reductions in current and future emissions of climate change pollution. We are in the process of reviewing the rules, but fully anticipate standing with EPA to defend these necessary emission standards if they are challenged in court.”

The finalization of the power plant rules today marks the culmination of a decade-long effort by states

to require mandatory cuts in the emissions of climate change pollution from fossil fuel burning power plants – the largest source of these emissions in the United States. The rules will control these emissions by setting limits on the amount of climate change pollution that can be released from new and existing plants. The rule for existing plants is expected to eliminate as much climate change pollution as is emitted by more than 160 million cars a year – or 70% of the nation’s passenger cars.

The coalition’s letter emphasizes that the EPA’s power plant rules are “firmly grounded in the law.” The federal Clean Air Act requires the agency to set limits on power plant emissions of climate change pollution. The agency adopted the power plant rules through a multi-year stakeholder process that draws heavily on strategies that states have used to cut power plant emissions, while benefiting their economies. For example, the nine-state Northeast Regional Greenhouse Gas Initiative (RGGI), of which New York is a partner, has reduced regional carbon dioxide emissions by the electricity sector, by 40 percent from 2005 levels. The program’s first three years saw a \$1.3 billion reduction in total energy bills in the nine states, added \$1.6 billion to the regional economy and created an estimated 16,000 jobs.

The matter is being handled by Assistant Attorneys General Michael J. Myers, Morgan Costello, Brian Lusignan and Deputy Bureau Chief Lisa M. Burianek, all of the Attorney General’s Environmental Protection Bureau. The Bureau Chief is Lemuel M. Srolovic. The Executive Deputy Attorney General for Social Justice is Alvin Bragg.

###

Michael J. Myers  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
New York State Attorney General  
The Capitol  
Albany, NY 12224  
(518) 776-2382  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

---

**From:** Michael J. Myers  
**Sent:** Monday, August 03, 2015 2:03 PM  
**To:** 'Edge, Valerie (DOJ) (Valerie.Edge@state.de.us)'; 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Mary Raivel - MDE-' (mary.raivel@maryland.gov); 'Gavin G. McCabe'; 'Durstein III, Ralph (DOJ)'; 'thea.schwartz@vermont.gov'; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)'; 'Lynn Angotti - MDE-' (lynn.angotti@maryland.gov); 'scot.kline@vermont.gov'  
**Cc:** Morgan Costello; Brian Lusignan; Peter Washburn; Alan Belenz  
**Subject:** RE: Time Sensitive: NSPS Rules for Power Plant Greenhouse Gases

Here’s the final letter on behalf of 9 states, DC, and NYC.

I’ll share NY’s press release FYI in a few minutes.

Michael J. Myers  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
New York State Attorney General

The Capitol  
Albany, NY 12224  
(518) 776-2382  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

---

**From:** Michael J. Myers

**Sent:** Monday, August 03, 2015 11:57 AM

**To:** 'Edge, Valerie (DOJ) ([Valerie.Edge@state.de.us](mailto:Valerie.Edge@state.de.us))'; 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Mary Raivel - MDE-' ([mary.raivel@maryland.gov](mailto:mary.raivel@maryland.gov)); 'Gavin G. McCabe'; 'Durststein III, Ralph (DOJ)'; 'thea.schwartz@vermont.gov'; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) ([beth.mullin@dc.gov](mailto:beth.mullin@dc.gov))'; 'Lynn Angotti - MDE-' ([lynn.angotti@maryland.gov](mailto:lynn.angotti@maryland.gov)); 'scot.kline@vermont.gov'

**Cc:** Morgan Costello; Brian Lusignan; Peter Washburn; Alan Belenz

**Subject:** RE: Time Sensitive: NSPS Rules for Power Plant Greenhouse Gases

A couple of links I wanted to pass along. The first is to listen/watch the President's announcement at 2:15 eastern:

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I should also mention that on the briefing call yesterday, the White House Counsel thanked state AGs for the work they've done so far on this issue and for the work that's still to come. So thank you all, and now fasten your seat belts . .

Michael J. Myers  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
New York State Attorney General  
The Capitol  
Albany, NY 12224  
(518) 776-2382  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

## Persampieri, Nick

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**From:** Durstein III, Ralph (DOJ) <Ralph.Durstein@state.de.us>  
**Sent:** Monday, August 03, 2015 2:44 PM  
**To:** 'Michael J. Myers'; Edge, Valerie (DOJ); 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); 'Gavin G. McCabe'; Schwartz, Thea; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)'; 'Lynn Angotti -MDE- (lynn.angotti@maryland.gov)'; Kline, Scot Morgan Costello; Brian Lusignan; Peter Washburn; Alan Belenz  
**Cc:**  
**Subject:** RE: Time Sensitive: NSPS Rules for Power Plant Greenhouse Gases

Thank you very much. That was tremendous. Now the work continues.....

*Dirk Durstein*  
Ralph K. Durstein III  
Deputy Attorney General  
Environmental Unit  
Civil Division  
Department of Justice  
State of Delaware

---

**From:** Michael J. Myers [mailto:Michael.Myers@ag.ny.gov]  
**Sent:** Monday, August 03, 2015 11:57 AM  
**To:** Edge, Valerie (DOJ); 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); 'Gavin G. McCabe'; Durstein III, Ralph (DOJ); 'thea.schwartz@vermont.gov'; 'Courchesne, Christophe (AGO)'; 'Maxwell, Lauren (DDOE)'; 'Mullin, Beth (DDOE) (beth.mullin@dc.gov)'; 'Lynn Angotti -MDE-' (lynn.angotti@maryland.gov); 'scot.kline@vermont.gov'  
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**Cc:** Morgan Costello; Brian Lusignan; Peter Washburn; Alan Belenz  
**Subject:** RE: Time Sensitive: NSPS Rules for Power Plant Greenhouse Gases  
**Attachments:** Multistate letter final with signatures.pdf

Here's the final letter on behalf of 9 states, DC, and NYC.

I'll share NY's press release FYI in a few minutes.

Michael J. Myers  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
New York State Attorney General  
The Capitol  
Albany, NY 12224  
(518) 776-2382  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

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New York State Attorney General  
The Capitol  
Albany, NY 12224  
(518) 776-2382  
[michael.myers@ag.ny.gov](mailto:michael.myers@ag.ny.gov)

**Attorneys General of New York, California, Connecticut, Maine, Massachusetts, New Mexico, Oregon, Vermont, Washington, the District of Columbia, and the Corporation Counsel of the City of New York**

August 3, 2015

Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator McCarthy:

We, the undersigned state attorneys general and corporation counsel, write in strong support of the final rules issued by the Administration today that will, for the first time, limit the emissions of climate change pollution from new and existing fossil fuel-fired power plants under section 111 of the Clean Air Act. We are in the process of reviewing the rules but fully anticipate standing with EPA to defend these necessary emission standards if they are challenged in court.

The power plant rules issued today are the product of an unprecedented effort by EPA to solicit public input, including from states, cities, nonprofit organizations, and industry. They also mark the culmination of a decade-long effort by our states in advocating for cutting climate change pollution from power plants – the single largest U.S. source of these emissions. Significant reductions in these emissions must occur to prevent increases in the frequency, magnitude and scale of the adverse impacts of climate change – including more heat-related deaths and illnesses; higher smog levels, increasing the rate of asthma, pneumonia and bronchitis; extreme weather, including storms, floods and droughts; threats to our food production, agriculture and forest productivity; and threats to our energy, transportation and water resource infrastructure.

The power plant rules will result in dramatic reductions in current and future emissions of climate change pollution. The limits on emissions from existing power plants alone are expected to eliminate 870 million tons of greenhouse gases by 2030, equivalent to the annual emissions of about 160 million cars. As such the rule will play an essential role in our efforts to protect our environment and public health, safety, and welfare from the harms of unmitigated climate change.

The rules are also firmly grounded in the law. The Clean Air Act requires EPA to regulate emissions of climate change pollution from new and existing power plants. Furthermore, the rules set reasonable limits on these sources as a result of a multi-year stakeholder process that drew heavily on strategies states have used to successfully cut power plant emissions while growing our economies.

In closing, we thank you, your Agency, and the Administration for your finalizing these critical rules, as well as your continued leadership in addressing climate change.

Sincerely,



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Eric T. Schneiderman  
Attorney General of New York



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Kamala D. Harris  
Attorney General of California



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Maura Healey  
Attorney General of Massachusetts



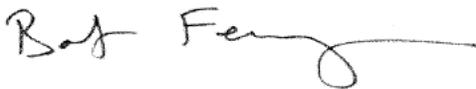
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George C. Jepsen  
Attorney General of Connecticut



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Janet T. Mills  
Attorney General of Maine



---

Bob Ferguson  
Attorney General of Washington



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Hector Balderas  
Attorney General of New Mexico



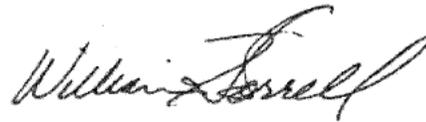
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Ellen F. Rosenblum  
Attorney General of Oregon



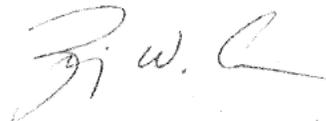
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Karl A. Racine  
Attorney General of the District of  
Columbia



---

William Sorrell  
Attorney General of Vermont



---

Zachary W. Carter  
New York City Corporation Counsel

**From:** Michael J. Myers [<mailto:Michael.Myers@ag.ny.gov>]

**Sent:** Friday, July 31, 2015 4:46 PM

**To:** 'Edge, Valerie (DOJ) ([Valerie.Edge@state.de.us](mailto:Valerie.Edge@state.de.us))'; 'Jonathan Wiener'; 'melissa.hoffer@state.ma.us'; 'Paul.Garrahan@doj.state.or.us'; 'LeslieS@ATG.WA.GOV'; 'Jerry.Reid@maine.gov'; 'cnoteboo@law.nyc.gov'; 'tfox@nmag.gov'; 'gSchultz@riag.ri.gov'; 'Scott.Koschwitz@ct.gov'; 'matthew.levine@po.state.ct.us'; 'sfarris@nmag.gov'; 'amy.mcdonnell@dc.gov'; 'David.Zonana@doj.ca.gov'; 'Raissa.Lerner@doj.ca.gov'; 'Elaine.Meckenstock@doj.ca.gov'; 'kschmid@law.nyc.gov'; 'Liz.Rumsey@doj.ca.gov'; 'Timothy.Sullivan@doj.ca.gov'; 'kschmid@law.nyc.gov'; "Mary Raivel - MDE-" ([mary.raivel@maryland.gov](mailto:mary.raivel@maryland.gov)); 'Gavin G. McCabe'; 'Durstin III, Ralph (DOJ)'; Schwartz, Thea; 'Courchesne, Christophe (AGO)'; Maxwell, Lauren (DDOE); Mullin, Beth (DDOE) ([beth.mullin@dc.gov](mailto:beth.mullin@dc.gov)); Lynn Angotti -MDE- ([lynn.angotti@maryland.gov](mailto:lynn.angotti@maryland.gov)); Kline, Scot

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**Subject:** Press re. NSPS Rules for Power Plant Greenhouse Gases

All—Copied below FYI is a draft excerpt from NY's release (still undergoing review here). I have received sign ons at this point from CA, ME, MA, WA, and NYC. For other states who are considering joining, please provide your approvals by 10

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NEW YORK – New York State Attorney General Eric T. Schneiderman, joined by a coalition of X States, the District of Columbia, and the City of New York, today wrote to the federal Environmental Protection Agency (EPA) expressing “strong support” for final rules of the Obama Administration that – for the first time – limit emissions of climate change pollution from existing and new fossil fuel-burning power plants. The letter [link] states that the coalition members fully anticipate defending the rules if they are challenged in court.

“My office is prepared to join with our partners to defend these vital new federal controls on climate change pollution – rules that will play an critical role in modernize our nation’s energy-production systems, boosting our local economies, and stemming dangerous pollution,” **Attorney General Schneiderman** said. “These rules have a sound foundation in both science and the law. They build upon strategies New York and other states have used to successfully cut power plant emissions. Last but not least, these rules protect public health, our welfare, and our environment today and in the future.”

The finalization of the power plant rules today marks the culmination of a decade-long effort by states to require mandatory cuts in the emissions of climate change pollution from fossil fuel-burning power plants – the largest source of these emissions in the United States. The rules will control these emissions by setting limits on the amount of climate change pollution that can be released from new and existing plants. The rule for existing plants is expected to eliminate as much climate-change pollution as is emitted by 150 million cars a year.

The coalition’s letter emphasizes that the EPA’s power plant rules are “firmly grounded in the law.” The federal Clean Air Act requires the agency to set limits on power plant emissions of climate change pollution. The agency adopted the power plant rules through a multi-year stakeholder process that draws heavily on strategies that that states have proven successful in cutting power plant emissions while benefiting their economies. For example, the nine-state Northeast Regional Greenhouse Gas Initiative (RGGI) – of which New York is a partner – has successfully reduced regional carbon dioxide emissions from the electricity sector by 40 percent from 2005 levels. The program’s first three years saw a reduction of total energy bills across the nine states by \$1.3 billion and added \$1.6 billion to the regional economy – creating an estimated 16,000 jobs in the process.

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## Persampieri, Nick

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**From:** Garrahan Paul <Paul.Garrahan@doj.state.or.us>  
**Sent:** Friday, July 31, 2015 7:22 PM  
**To:** Michael J. Myers  
**Cc:** Edge, Valerie (DOJ) (Valerie.Edge@state.de.us); Jonathan Wiener; melissa.hoffer@state.ma.us; Paul.Garrahan@doj.state.or.us; LeslieS@ATG.WA.GOV; Jerry.Reid@maine.gov; cnoteboo@law.nyc.gov; tfox@nmag.gov; gSchultz@riag.ri.gov; Scott.Koschwitz@ct.gov; matthew.levine@po.state.ct.us; sfarris@nmag.gov; amy.mcdonnell@dc.gov; David.Zonana@doj.ca.gov; Raissa.Lerner@doj.ca.gov; Elaine.Meckenstock@doj.ca.gov; kschmid@law.nyc.gov; Liz.Rumsey@doj.ca.gov; Timothy.Sullivan@doj.ca.gov; kschmid@law.nyc.gov; 'Mary Raivel -MDE-' (mary.raivel@maryland.gov); Gavin G. McCabe; Durstein III, Ralph (DOJ); Schwartz, Thea; Courchesne, Christophe (AGO); Maxwell, Lauren (DDOE); Mullin, Beth (DDOE) (beth.mullin@dc.gov); Lynn Angotti -MDE- (lynn.angotti@maryland.gov); Kline, Scot; Morgan Costello; Brian Lusignan; Peter Washburn  
**Subject:** Re: Press re. NSPS Rules for Power Plant Greenhouse Gases

Oregon will join. Thanks, Mike!

Paul Garrahan  
Oregon Department of Justice  
971.673.1943<tel:971.673.1943> (Tue, Thu, Fri) (Portland) 503.947.4493<tel:503.947.4493> (Mon, Wed) (Salem)  
503.929.7553<tel:503.929.7553> (Mobile)

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\*\*\*\*\*