



Broward County

Legislation Details (With Text)

File #: 21-101 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 1/26/2021 **Final action:** 1/26/2021

Title: MOTION TO RATIFY Office of the County Attorney joining, on behalf of the County, in a Petition for Review filed in the District of Columbia Circuit Court to challenge a final rule of the United States Environmental Protection Agency ("EPA") affecting regulation of greenhouse gas ("GHG") emissions.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of a Memorandum dated January 13, 2021, from the County Attorney's Office

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO RATIFY Office of the County Attorney joining, on behalf of the County, in a Petition for Review filed in the District of Columbia Circuit Court to challenge a final rule of the United States Environmental Protection Agency ("EPA") affecting regulation of greenhouse gas ("GHG") emissions.

Why Action is Necessary

Board ratification is necessary to maintain litigation filed by the Office of the County Attorney.

What Action Accomplishes

Ratifies the Office of the County Attorney's joining litigation on behalf of Broward County.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Agenda Item No. 59 on the January 12, 2021, County Commission Agenda authorized the Office of the County Attorney to join in a Petition for Review of an EPA rule expected to weaken the standard for GHG emissions from new, modified, or reconstructed coal-fired power plants. On January 13th, the EPA instead released a different and broader final rule that would deregulate GHG emissions from all facilities that are not power plants, and delayed any rule specifically addressing GHG

emissions from coal-fired power plants. That same day, the lead Petitioner established a deadline of January 19th for joining in the litigation, and this Office also informed the Board of County Commissioners ("Board") that it would join the litigation by the deadline if no Commissioner informed this Office of an objection, subject to subsequent Board ratification.

Accordingly, this Office requests that the Board ratify joining the Petition for Review of the final rule, which will request that the District of Columbia Circuit Court invalidate the rule as unlawful under the Clean Air Act and which may include additional allegations about the insufficient notice and comment as an additional basis for invalidating the rule.

Please see the attached memorandum for further specifics.

Source of Additional Information

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Due to the work of other expected Petitioners, the fiscal impact of Broward County's participation in this litigation is expected to be less than \$5,000.