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From: POLITICO Pro Energy Whiteboard
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Subject: EPA methane rule back on ice as court gives agency time to appeal

By Alex Guillén

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Key leak requirements under EPA's methane emissions rule for new oil and gas wells are once again on hold after a federal court temporarily granted EPA's plea to reinstate Administrator Scott Pruitt's stay.

A split panel of the D.C. Circuit Court of Appeals on July 3 sided with environmentalists in declaring Pruitt's 90-day stay of key regulatory requirements unlawful. The judges at that time ordered EPA to immediately reinstate the full methane rule, but EPA argued that it should have been given more time to appeal that decision before the requirements went back into effect.

The panel today agreed with EPA on the timing issue, and said it would not order EPA to enforce the methane rule for at least two more weeks. That gives the agency time to mount some kind of appeal, but it is significantly less than the 45 days or more that EPA sought.

"To stay issuance of the mandate for longer would hand the agency, in all practical effect, the very delay in implementation this panel determined to be" unlawful, the court said in its order.

The court has not reversed its earlier decision that Pruitt's stay is unlawful. EPA is now free to seek a rehearing before the three-judge panel or before the full D.C. Circuit, or to "pursue other relief," the court said.

WHAT'S NEXT: EPA has two weeks to decide whether and how to appeal the matter. Meanwhile, EPA is working to establish a two-year stay of the rule that is expected to face its own legal challenge.

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