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From: POLITICO Pro Energy Whiteboard
Sent: Wed 5/10/2017 5:49:23 PM
Subject: Court delays lawsuit over California air waiver

By Alex Guillén

05/10/2017 01:33 PM EDT

The 9th Circuit Court of Appeals today granted EPA's request to postpone oral arguments over a Clean Air Act waiver allowing California to more strictly regulate emissions from certain engines.

The order directs EPA to file updates on its review of the waiver every 90 days, and says arguments will be rescheduled "if and when appropriate." Arguments had been slated for May 18.

The waiver, issued by EPA in 2013, gives California the authority to more strictly regulate pollution from "non-road" diesel engines such as tractors and bulldozers. EPA on Friday asked for a delay as it reviews the waiver and potentially reconsiders it.

California argues that the Clean Air Act does not give EPA the authority to revoke such a waiver after it is granted. This case is seen as a potential test of that legal dispute ahead of a bigger fight over California's waiver to more stringently regulate auto emissions.

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