

Docket No.	Caption	Lower Ct.	Statute/Const. Provision/Claim	Question Presented	Pet. Docketed	Conf. Set for:	Petition Outcome		Source
							Denied	Granted	
13-1244	Drakes Bay Oyster Co. v. Jewell	9th Cir.	Administrative Procedure Act; National Environmental Policy Act	(1.) Whether federal courts lack jurisdiction under the Administrative Procedure Act to review an agency action that is arbitrary and capricious or an abuse of discretion when the statute authorizing the action does not impose specific requirements governing the exercise of discretion. (2.) Whether federal agencies can evade review of their actions under the National Environmental Policy Act by designating their actions as "conservation efforts", when the record shows that the action will cause significant adverse environmental effects. (3.) Whether an agency commits prejudicial error when it makes materially false statements in an environmental impact statement, and then asserts that it would have made the same decision even if the false statements had been corrected.	4/16/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1244.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1244.htm</a>
13-1235	Utility Air Regulatory Group v. U.S. Environmental Protection Agency	D.C. Cir.	Clean Air Act	(1.) Whether the lower court's refusal to require EPA to justify the revised 2008 NAAQS as being "not lower or higher than is necessary" can stand in light of that decision's conflict with Whitman. (2.) Whether the lower court's agreement with EPA that the 1997 findings were irrelevant to the 2008 revision can stand in light of EPA's obligation under this Court's decision in FCC v. Fox Television Stations, Inc., 556 U.S. 502 (2009), to justify changed findings that underlie changed regulation.	4/15/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1235.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1235.htm</a>
13-1216	Missouri Gas Energy v. Kansas Division of Property Valuation	Kansas Supreme Court	Commerce Clause	Whether a state may, consistent with the dormant Commerce Clause, impose an ad valorem tax on natural gas that is being transported through interstate commerce but temporarily stored in the state by a common carrier, even though the taxpayer has no control over where the gas is stored and no other connection with the state.	4/9/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1216.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1216.htm</a>
13-1152	Tuma v. United States of America	5th Cir.	Clean Water Act	(1.) Whether the Court should resolve a conflict in the Circuits over whether an appellate court has jurisdiction under 18 U.S.C. § 3742(a) to review a district court's so-called "discretionary" decision not to depart downwards from the Guidelines. (2.) Whether the Court should resolve a conflict in the Circuits over whether, under the Guidelines governing environmental offenses, U.S.S.G §82Q1.2 and 2Q1.3, environmental contamination is presumed, thus automatically resulting in a 6-level enhancement if an unlawful discharge occurred more than once. (3.) Whether the Court should clarify whether, under Federal Rules of Evidence, Rule 401, evidence is only relevant if it tends to prove an element of the criminal offense or supports an affirmative defense, or whether it is also relevant if it supports the criminal defendant's theory of the defense that the government's witnesses are not telling the truth and the evidence would tend to show that their testimony is improbable.	3/21/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1152.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1152.htm</a>
13-1149	American Fuel & Petrochemical Mfrs. Ass'n v. Corey	9th Cir.	Commerce Clause	Whether California's Low Carbon Fuel Standard is unconstitutional because it discriminates against out-of-state fuels and regulates interstate and foreign commerce that occurs wholly outside of California.	3/21/2014				<a href="http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-1149.htm">http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-1149.htm</a>
13-1148	Rocky Mountain Farmers Union v. Corey	9th Cir.	Commerce Clause	(1.) California's Low Carbon Fuel Standard, expressly and on its face, treats chemically identical fuels differently based on where they are produced and how far they travel before they are used in California. Did the Ninth Circuit err in concluding that the Low Carbon Fuel Standard does not facially discriminate against interstate commerce? (2.) California's Low Carbon Fuel Standard regulates greenhouse gas emissions occurring in other States by rewarding and punishing industrial and agricultural activity taking place outside California. Did the Ninth Circuit err in concluding that the Low Carbon Fuel Standard is not an extraterritorial regulation?	3/21/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1148.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-1148.htm</a>
13-940	State of North Dakota v. United States Environmental Protection Agency	8th Cir.	Clean Air Act	Whether the Eighth Circuit applied the incorrect standard of review and erred in upholding EPA's assertion of authority to overrule the reasonable policy and technical decisions made by the State of North Dakota in its Visibility Program state implementation plan, contrary to the authority delegated to the State under the Clean Air Act, 42 U.S.C. §§ 7401 et seq., and in conflict with decisions of this Court and other federal courts of appeals establishing the division of federal-state jurisdiction under the Act.	2/7/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-940.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-940.htm</a>
13-921	State of Oklahoma v. United States Environmental Protection Agency	10th Cir.	Clean Air Act	The Regional Haze Program of the Clean Air Act allocates to the States the task of fashioning and then implementing plans to improve the aesthetic quality of air over certain federal lands. The question presented is whether, despite that allocation of powers to the States, the United States Environmental Protection Agency may nonetheless conduct a de novo review of the State of Oklahoma's plan, in conflict with both the limited authority granted to the agency under the Act and decisions of this and other courts that have recognized the primary role given to the States in implementing the Clean Air Act.	2/3/2014				<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-921.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-921.htm</a>
13-920	Huron Mountain Club v. United States Army Corps of Engineers	6th Cir.	Clean Water Act	(1.) Whether a federal agency's failures to acknowledge its direct, and derivative, jurisdictional responsibilities are subject to judicial review and resolution. (2.) Whether a federal agency's fundamental failure to acknowledge its jurisdiction, is distinct from "enforcement" decisions the agency subsequently can make after acknowledging that jurisdiction.	2/3/2014	4/4/2014	4/7/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-920.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-920.htm</a>
13-901	Los Angeles County Flood Control Dist. v. Natural Resources Defense Council, Inc.	9th Cir.	Clean Water Act	(1.) Does Calderon v. Thompson, 523 U.S. 538 (1998) bar a circuit court from reconsidering an issue after the time in which to seek rehearing in the circuit court and certiorari in this Court has passed, and where this Court relied on the finality of the circuit court decision in exercising its jurisdiction? (2.) Can a multi-jurisdiction municipal storm-water permit issued under the Clean Water Act be construed to impose liability on a co-permittee without evidence that the co-permittee discharged pollutants in violation of the permit, where federal regulations provide that each co-permittee is only responsible for its own discharges and where the monitoring specified in the permit measures pollutants discharged by multiple upstream sources without any means to measure the contribution of any individual co-permittee?	1/28/2014	5/2/2014			<a href="http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-901.htm">http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-901.htm</a>
13-847	Village of Hobart v. Oneida Tribe of Indians of Wisconsin	7th Cir.	Clean Water Act	(1.) Whether Congress' waiver of the federal government's sovereign immunity, under § 313(a) of the CWA, for enforcement of local stormwater management ordinances, for "any property" over which it has "jurisdiction," applies to land taken into trust pursuant to 25 U.S.C. § 465. (2.) Whether lands acquired by an Indian tribe pursuant to 25 U.S.C. § 465, within its former "li reservation boundaries are, removed from state jurisdiction because, as the Seventh Circuit ruled, they are reclassified as "Indian Country."	1/16/2014				<a href="http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-847.htm">http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-847.htm</a>
13-842	In re: Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation	2d. Cir.	Clean Air Act	(1.) Whether a claim is ripe when it is predicated on a plaintiffs potential future injury and mere good faith intent to take steps in 15 to 20 years that could, depending on a chain of uncertain events, cause the plaintiff to suffer an actual injury some day in the future. (2.) Whether the federal oxygenate mandate in the Clean Air Act Amendments of 1990, 42 U.S.C. § 7545 (2000), preempts a state-law tort award that imposes retroactive liability on a manufacturer for using the safest, feasible means available at the time for complying with that mandate.	1/15/2014	4/18/2014	4/21/2014		<a href="http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-842.htm">http://www.supremecourt.gov/search.aspx?filename=/docketfiles/13-842.htm</a>
13-815	Simmons v. Sabine River Authority	5th Cir.	Federal Power Act	Whether the Federal Power Act preempts Petitioners' property damage tort and takings claims caused by the operation of the licensee of a FERC-licensed dam project, where the provisions of the FPA have explicitly saved and reserved such claims to the property owners.	1/9/2014	4/18/2014	4/21/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-815.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-815.htm</a>
13-636	FINR II, Inc. v. CF Industries, Inc.	Florida First District Court of Appeal	Due Process Clause	Does the due process clause of the Fifth and Fourteenth Amendments to the United States Constitution guarantee a private property owner the right to present evidence in a state administrative hearing concerning the impacts of activities authorized under a state environmental permit on its property rights?	11/26/2013	1/24/2014	1/27/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-636.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-636.htm</a>
13-599	Mingo Logan Coal Co. v. United States Environmental Protection Agency	D.C. Cir.	Clean Water Act	[W]hether, under section 404(c) of the CWA, EPA has the uncabined authority to withdraw disposal site specifications years after the Corps has issued a permit, thereby effectively nullifying a permit property issued by the Corps.	11/15/2013		3/24/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-599.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-599.htm</a>

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13-568	Bankert v. Bernstein	7th Cir.	CERCLA	(1.) Whether the triggering event for a right to contribution under § 113(f)(3)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9613(f)(3)(B), occurs at the completion of environmental clean-up order under a consent decree with the United States as opposed to the entry of the settlement. (2.) Whether contribution rights under § 113(f)(3)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9613(f)(3)(B), are unavailable to a potentially responsible party when that potentially responsible party enters into a settlement decree with the United States but has not yet fully performed its settlement obligation, but has an effective covenant not to sue if it complies with the settlement. (3.) Whether the Respondents' Indiana state law claims were barred by the statute of limitations.	11/7/2013	1/24/2014	1/27/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-568.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-568.htm</a>
13-562	State of Alaska v. Jewell	9th Cir.	Alaska National Interest Lands Conservation Act	(1.) Whether the Ninth Circuit properly held - in conflict with this Court's decisions - that the federal reserved water rights doctrine authorizes the unprecedented federal takeover of Alaska's navigable waters sanctioned by the 1999 Rule. (2.) Whether the Ninth Circuit properly proceeded on the premise - which also conflicts with this Court's decisions - that ANILCA could be interpreted to federalize navigable waters at all given Congress's silence on the Act's application to navigable waters.	11/6/2013	3/28/2014	3/31/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-562.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-562.htm</a>
13-445	Hoosier Energy Rural Electric Co-op, Inc. v. F.E.R.C.	7th Cir.	Federal Power Act; Administrative Procedure Act	(1.) Whether the cost-causation principle underlying the "just and reasonable" standard of the Federal Power Act permits the socialization of costs across a regional transmission network without regard to the actual costs caused or benefits received by customers required to pay those costs. (2.) Whether an administrative agency may concededly rely upon extra-record evidence without providing the parties notice and an opportunity to rebut that evidence.	10/7/2013	2/21/2014	2/24/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-445.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-445.htm</a>
13-443	Schuette v. F.E.R.C.	7th Cir.	Federal Power Act; Administrative Procedure Act	(1.) Whether the Federal Power Act's requirements that interstate electric rates be "just and reasonable," and non-preferential, 16 U.S.C. § 824d(a)-(b), require that charges associated with regional power-grid upgrades be allocated to consumers on a basis proportional with the benefits those consumers will receive from the upgrades (as the D.C. Circuit has held) or instead allow charges to be socialized, such that consumers must pay an equal share for power-grid upgrades that overwhelmingly benefit others (as the Seventh Circuit held here). (2.) Whether the Federal Energy Regulatory Commission must conduct an evidentiary hearing under 16 U.S.C. § 824d when utilities and state agencies come forward with admissible evidence creating material questions of fact regarding the cost-benefit analysis of new proposed charges associated with regional power-grid upgrades anticipated to cost billions of dollars.	10/7/2013	2/21/2014	2/24/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-443.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-443.htm</a>
13-412	Chubb Custom Ins. Co. v. Space Systems/Loral, LLC	9th Cir.	CERCLA	May a subrogated insurer, after paying environmental response costs its insured incurred remediating a contaminated site, step into the insured's shoes and pursue, against the persons responsible for the pollution, the cost-recovery action its insured could have pursued under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 107(a), or did Congress intend, as the Ninth Circuit's divided panel has held here, to restrict CERCLA subrogation rights in such circumstances to persons who compensate "claimants" under section 112, compelling insured remedators to satisfy a pre-suit claim requirement that was enacted to apply only to persons who seek reimbursement from the Superfund, not to civil actions under section 107(a)?	9/30/2013	1/10/2014	1/13/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-412.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-412.htm</a>
13-396	Johnson v. City of Shorewood	8th Cir.	Clean Water Act	(I.) Whether the federal courts below had jurisdiction, subject matter or exclusive, regarding actions and inactions of municipal condemnor acting with the United States government against farmers and their farmland. (II.) Whether this is an appropriate case as the Court invited in San Remo Hotel to make a reassessment of its Williamson U.S. Constitution Fifth Amendment Just Compensation Clause doctrine, separately or in conjunction with clarifying the Court's rulings in City of Chicago or its non-definitive 4-1-4 ruling in Rapanos regarding the United States Army Corps of Engineers (Corps) overreaching its 33 U.S.C. §1344 jurisdiction. Here, the Corps issued numerous §1344 permits/determinations as late as 2010 attempting to create "incidental wetland" in a jurisdictional recapture scheme of adjoining farmland without just compensation, zero. (III.) Whether other issues in this case are deemed important by this Court to clarify, harmonize, decide (including resolving the Tucker Act conflict between the courts of appeals for the Eighth and Federal Circuits) where in this case the following occurred.	9/27/2013	11/26/2013	12/2/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-396.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-396.htm</a>
13-383	Albright v. Exxon Mobil Corp.	Court of Appeals of Maryland	Due Process Clause	Did the Maryland Court of Appeals deprive petitioners of property, or take their property without compensation, including the fundamental right to sue for damages for toxic contamination of their sole source of potable water, by treating regulatory "action levels" as a bar to relief in violation of an emphatic legislative prohibition, and by repudiating and nullifying multiple settled rules of common law establishing the right to compensation, all in violation of the Fifth and Fourteenth Amendments to the United States Constitution?	9/24/2013	11/15/2013	11/18/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-383.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-383.htm</a>
13-339	CTS Corp. v. Waldburger	4th Cir.	CERCLA	For certain state-law tort actions involving environmental harms, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) preempts the state statute of limitations' commencement date and replaces it with a delayed commencement date provided by federal law. . . . The question presented is: Did the Fourth Circuit correctly interpret 42 U.S.C. § 9658 to apply to state statutes of repose in addition to state statutes of limitations?	9/18/2013	1/10/2014	1/10/2014		<a href="http://www.scotusblog.com/case-files/cases/cts-corp-v-waldburger/">http://www.scotusblog.com/case-files/cases/cts-corp-v-waldburger/</a>
13-271	Oneok, Inc. v. Learjet, Inc.	9th Cir.	Natural Gas Act	Does the Natural Gas Act preempt state-law claims challenging industry practices that directly affect the wholesale natural gas market when those claims are asserted by litigants who purchased gas in retail transactions?	8/28/2013	11/26/2013			<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-271.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-271.htm</a>
13-207	San Luis Unit Food Producers v. United States	9th Cir.	Administrative Procedure Act; Reclamation Act of 1902	[1.] Whether the limit on compulsive relief under the Administrative Procedure Act ("APA") established in Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55, 63 (2004) (agency action required by statute must be "discrete") applies to other APA provisions relating to subject matter jurisdiction, questions of law and statutory interpretation (here, federal reclamation commands), and non-compulsive forms of equitable relief; and [2.] Whether the limit on standing under the APA established in Lujan v. National Wildlife Federation, 497 U.S. 871, 891 (1990) (no review of "programmatic" challenge) applies to other APA provisions relating to subject matter jurisdiction, legal questions, and equitable relief.	8/15/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-207.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-207.htm</a>
13-187	Steel Institute of New York v. City of New York	2d. Cir.	Supremacy Clause	[W]hether state "dual impact" occupational safety and health laws that regulate workers as workers, not as members of the general public, can simultaneously be laws of general applicability that are not subject to federal preemption.	8/9/2013	12/13/2013	12/16/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-187.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-187.htm</a>
13-166	Hanford-Southport, LLC v. City of San Antonio, Texas	Fourth Court Of Appeals District Of Texas, San Antonio	Takings Clause	(1.) Whether Texas courts denied just compensation for taking a pipeline easement by only paying for the bare land and not for valuable trees within the easement that was condemned for a public purpose so as to deny a fundamental right under the Fifth Amendment worthy of granting certiorari? (2.) Whether Texas courts refused to consider evidence of the intrinsic or compensatory value of heritage and historic trees within a pipeline easement that was condemned for a public purpose so as to deny a fundamental right to substantive due process under the Fourteenth Amendment and just compensation under the Fifth Amendment worthy of granting certiorari?	8/6/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-166.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-166.htm</a>
13-163	Domaschko v. State of Indiana	Indiana Court of Appeals	Clean Water Act; Takings Clause	(1.) What protection do the Fifth and Fourteenth Amendments provide to private landowners whose property is taken, not as a result of the state highway project, but for the sole purpose of satisfying the environmental mitigation requirements of the Clean Water Act? (2.) Whether the Clean Water Act can expand a state and its agency's authority to take, by eminent domain, a private landowner's property for the sole purpose of environmental mitigation when such a taking is not expressly authorized by state statute. (3.) Whether the lower Court's decision allowing the taking of a portion of land for the purpose of creating a driveway for the benefit of another private landowner runs afoul to previous decisions of this Court.	8/5/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-163.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-163.htm</a>

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13-145	American Road & Transp. Builders Ass'n v. EPA	D.C. Cir.	Clean Air Act	(1.) Does [CAA] §307(b)(1) allow petitioning for direct review within 60 days of the denial of a [5 U.S.C.] §555(e) petition that presents after-arising issues? (2.) Does §307(b)(1) prohibit indirect review of an agency rule - outside the original 60-day window - if made as part of a timely challenge to new agency action that applies the prior rule?	8/1/2013	1/10/2014	1/13/2014		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-145.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-145.htm</a>
13-142	Safari Club Intern. v. Jewell	D.C. Cir.	Endangered Species Act	(1.) In deciding to list the polar bear as a "threatened" species throughout its entire range, did the U.S. Fish & Wildlife Service violate 16 U.S.C. §1533 (b)(1)(A) of the Endangered Species Act by refusing to consider (take into account) the effect of listing the species on Canada's successful, vital polar bear conservation efforts as an independent reason for not listing the Canadian polar bear populations? (2.) May the U.S. Fish and Wildlife Service list a species as "threatened" under the Endangered Species Act based on a declining trend in habitat without a determination as to when the species will be on the brink of extinction? (3.) May the U.S. Fish and Wildlife Service list a species as "threatened" (likely to become on the brink of extinction within the established "foreseeable future") throughout its range under the Endangered Species Act simply by finding the species will be adversely affected, when the record on which the FWS relied indicates that large numbers of the polar bears will continue to persist at the end of the foreseeable future in large areas of its current habitat?	8/1/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-142.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-142.htm</a>
13-139	PCS Nitrogen, Inc. v. Ashley II of Charleston, LLC	4th Cir.	CERCLA	Whether the Fourth Circuit erred by adopting proof requirements for divisibility of harm under CERCLA that are contrary to this Court's decision in Burlington Northern, and compounded the error by reviewing the district court's refusal to divide the harm for clear error (as four Circuits do) rather than de novo (as three other Circuits do).	8/1/2013	11/1/2013	11/4/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-139.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-139.htm</a>
13-23	South Florida Water Management Dist. v. Friends of the Everglades	11th Cir.	Clean Water Act	To establish a clear and orderly process for judicial review, Congress provided the courts of appeals with exclusive jurisdiction over actions of the Environmental Protection Agency (EPA) "in approving ... effluent limitations" or "in ... denying permits under [the Clean Water Act's National Pollutant Discharge Elimination System (NPDES)]." 33 U.S.C. § 1369(b)(1)(E) and (F). Most circuits have understood that jurisdictional grant to authorize review of regulations governing the issuance of NPDES permits as well as the issuance or denial of a particular permit. The Eleventh Circuit rejected that view, exacerbating the circuit conflict, by declining review of EPA's rule declaring NPDES permits and, thus, effluent limitations, inapplicable to public water transfer facilities. The effect is to subject those facilities to ongoing citizen suits and prolonged rule challenges in the district courts. The question presented of great national importance is: Whether section 1369(b)(1) grants the courts of appeals with exclusive jurisdiction to review challenges to EPA rules governing NPDES implementation as well as particular permitting decisions.	7/2/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-23.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-23.htm</a>
13-10	EPA v. Friends of the Everglades	11th Cir.	Clean Water Act	Whether the court of appeals has original jurisdiction under 33 U.S.C. 1369(b)(1) over a petition for review challenging the Environmental Protection Agency's Water Transfers Rule. 40 C.F.R. 122.3(i).	6/28/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-10.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-10.htm</a>
12-1484	Luminant Generation Co. LLC v. EPA	5th Cir.	Clean Air Act	(1.) Whether, contrary to § 7410's express limit on EPA's disapproval authority and decisions of other courts of appeals, the Agency may substitute its own policy preferences for a state's about the appropriate means of controlling air pollution within that state, without identifying any applicable "requirement of th[e] [Act]" with which the state's chosen means would interfere? (2.) Whether the panel erred under SEC v. Cheney Corp., 332 U.S. 194 (1947), by upholding agency action based on, and by purporting to "defer" to, an interpretation of the Act that EPA itself not only never adopted - but in fact expressly rejected?	6/24/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1484.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1484.htm</a>
12-1436	Northern Natural Gas Co. v. ONEOK Field Services Co., L.L.C.	Supreme Court Of Kansas	Natural Gas Act	Whether a state court decision allowing private parties to take interstate natural gas from federally-regulated underground storage fields is pre-empted by the Natural Gas Act, 15 U.S.C. § 717 et seq.	6/13/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1436.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1436.htm</a>
12-1272	Chamber of Commerce of the United States of America v. EPA	D.C. Cir.	Clean Air Act	(1.) Whether, once an agency has identified absurd results produced by its construction of a complex statutory scheme as a whole, the agency may deem the identified absurdity irrelevant to the construction of some individual provisions within the scheme and a justification for rewriting others. (2.) Whether EPA's determination that greenhouse gases "may reasonably be anticipated to endanger public health or welfare" and otherwise are regulable under section 202(a)(1) of the Clean Air Act, 42 U.S.C. § 7521(a)(1), was "not in accordance with law" or was "arbitrary, capricious, [and] an abuse of discretion," § 7607(d)(9)(A). (3.) Whether EPA incorrectly determined that all "air pollutants" regulated by the agency under the Clean Air Act's motor vehicle emissions provision, 42 U.S.C. § 7421 (a)(1), must also be regulated under the Act's Prevention of Significant Deterioration of Air Quality and Title V programs when emitted from stationary sources.	4/24/2013	10/11/2013	10/15/2013		<a href="http://www.scotusblog.com/case-files/cases/chamber-of-commerce-of-the-united-states-v-environmental-protection-agency/">http://www.scotusblog.com/case-files/cases/chamber-of-commerce-of-the-united-states-v-environmental-protection-agency/</a>
12-1254	Energy-Intensive Mfrs. Working Group on Greenhouse Gas Regulation v. EPA	D.C. Cir.	Clean Air Act	(1.) Whether the Court of Appeals erred in determining that regulating stationary-source greenhouse-gas emissions under the Clean Air Act's Prevention of Significant Deterioration program, and an associated program known as "Title V," is statutorily required as a matter of a Chevron "step-one" legislative command. (2.) Whether, in determining that the Clean Air Act unambiguously requires application of the PSD program to greenhouse gases, the Court of Appeals and the EPA ignored required elements of statutory construction in cases of this type by failing to examine whether the various statutory components of that program were contradicted, nullified, or otherwise contravened by application to greenhouse gases, and, further, without considering whether alternative mechanisms exist for regulating stationary-source greenhouse-gas emissions under the Act that better serve the statute's dual concerns with the economy and the environment. (3.) Whether a claimant may be barred from asserting a claim that applying the PSD program to greenhouse gases is not authorized by the Act because the claimant, or other large emitters of conventional pollutants, did not assert that claim at the time EPA promulgated decades-old regulations that involved conventional pollutants only, when, first, the claim at issue is uniquely and entirely limited to the application of the statute to greenhouse gases, and, second, the Agency, in any event, itself has modified the regulations to reflect a unique greenhouse-gas-specific definition of the key statutory term.	4/19/2013	10/11/2013	10/15/2013		<a href="http://www.scotusblog.com/case-files/cases/energy-intensive-manufacturers-working-group-on-greenhouse-gas-regulation-v-environmental-protection-agency/">http://www.scotusblog.com/case-files/cases/energy-intensive-manufacturers-working-group-on-greenhouse-gas-regulation-v-environmental-protection-agency/</a>
12-1253	Coalition for Responsible Regulation, Inc. v. EPA	D.C. Cir.	Clean Air Act	Whether the Clean Air Act ("Act") and this Court's decision in Massachusetts v. EPA prohibit the Environmental Protection Agency from considering whether regulations addressing greenhouse gases under Section 202 of the Act would meaningfully mitigate the risks identified as the basis for their adoption.	4/19/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1253.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1253.htm</a>
12-1248	American Chemistry Council v. EPA	D.C. Cir.	Clean Air Act	Whether EPA properly interpreted Part C of the Clean Air Act, requiring a pre-construction permit for a "major emitting facility ... in any area to which this part applies," 42 U.S.C. § 7475(a)(1), to apply to facilities emitting "any regulated air pollutant," when EPA's interpretation concededly produces absurd results, requiring (in the agency's view) that it rewrite separate statutory thresholds, and when an alternative construction - applying the provision only to sources of NAAQS pollutants subject to Part C - would avoid those results and would not require rewriting the statute.	4/19/2013	9/30/2013	10/15/2013		<a href="http://www.scotusblog.com/case-files/cases/american-chemistry-council-v-environmental-protection-agency/">http://www.scotusblog.com/case-files/cases/american-chemistry-council-v-environmental-protection-agency/</a>

Docket No.	Caption	Lower Ct.	Statute/Const. Provision/Claim	Question Presented	Pet. Docketed	Conf. Set for:	Petition Outcome		Source
							Denied	Granted	
12-1224	Michigan Beer & Wine Wholesalers Ass'n v. American Beverage Ass'n	6th Cir.	Dormant Commerce Clause	Michigan's "Bottle Bill" requires a 10-cent deposit on soft drink and beer containers. To combat fraudulent redemptions in Michigan of containers sold in non-deposit states, the Bottle Bill was amended to require that manufacturers meeting high volume thresholds containers sold in Michigan must have a mark so they can be identified as having been sold in Michigan or in another state with a deposit law. The district court and all three court of appeals judges agreed the statute does not favor Michigan consumers or businesses at the expense of out-of-state ones and furthers the legitimate goal of decreasing criminal behavior that deprives the State of funds for environmental uses. Unlike the district court, the court of appeals found the challenged law unconstitutional under this Court's extraterritoriality doctrine. (1.) Whether the extraterritorial branch of the dormant Commerce Clause doctrine should be limited to the price-affirmation and anti-takeover contexts, or abolished entirely as a stand-alone test. (2.) Whether the extraterritorial branch of the dormant Commerce Clause doctrine extends to a non-discriminatory statute that is focused on in-state activity in order to prevent fraud occurring in the enacting state.	4/10/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1224.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1224.htm</a>
12-1221	Snyder v. American Beverage Ass'n	6th Cir.	Dormant Commerce Clause	(1.) Whether the extraterritorial branch of the dormant Commerce Clause doctrine should be limited to the price-affirmation and anti-takeover contexts. (2.) If not, whether the extraterritorial doctrine should be abolished entirely. (3.) Whether a state statute's extraterritorial effect should result in the law's per se invalidity.	4/10/2013	9/30/2013	10/7/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1221.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1221.htm</a>
12-1183	American Lung Association v. EME Homer City Generation	D.C. Cir.	Clean Air Act	(1.) Whether the statutory challenges to EPA's methodology for defining upwind states' "significant contributions" were properly before the court, given the failure of anyone to raise these objections at all, let alone with the requisite "reasonable specificity," "during the period for public comment," 42 U.S.C. § 7607(d)(7)(B); (2.) whether the court's imposition of its own detailed methodology for implementing the Good Neighbor provision violated foundational principles governing judicial review of administrative decision-making; and (3.) whether an upwind state that is polluting a downwind state is free of any obligations under the Good Neighbor provision unless and until EPA has quantified the upwind state's contribution to downwind states' air pollution problems.	3/29/2013	6/20/2013		6/24/2013	<a href="http://www.scotusblog.com/case-files/cases/american-lung-association-v-eme-homer-city-generation/">http://www.scotusblog.com/case-files/cases/american-lung-association-v-eme-homer-city-generation/</a>
12-1182	Environmental Protection Agency v. EME Homer City Generation	D.C. Cir.	Clean Air Act	(1.) Whether the court of appeals lacked jurisdiction to consider the challenges to the Clean Air Act on which it granted relief; (2.) whether states are excused from adopting state implementation plans prohibiting emissions that "contribute significantly" to air pollution problems in other states until after the EPA has adopted a rule quantifying each state's inter-state pollution obligations; and (3.) whether the EPA permissibly interpreted the statutory term "contribute significantly" so as to define each upwind state's "significant" interstate air pollution contributions in light of the cost-effective emission reductions it can make to improve air quality in polluted downwind areas, or whether the Act instead unambiguously requires the EPA to consider only each upwind state's physically proportionate responsibility for each downwind air quality problem.	3/29/2013	6/20/2013		6/24/2013	<a href="http://www.scotusblog.com/case-files/cases/environmental-protection-agency-v-eme-homer-city-generation/">http://www.scotusblog.com/case-files/cases/environmental-protection-agency-v-eme-homer-city-generation/</a>
12-1153	Pacific Legal Foundation v. EPA	D.C. Cir.	Clean Air Act	Must the Endangerment Finding be set aside because EPA violated the congressional mandate to submit the proposed Finding to the Science Advisory Board for peer review, as required by 42 U.S.C. § 4365(c)(1)?	3/22/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1153.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1153.htm</a>
12-1152	Commonwealth of Virginia v. EPA	D.C. Cir.	Clean Air Act	(1.) Did Virginia and other Petitioners below demonstrate that there was evidence of central relevance to the EPA's Endangerment Finding not available during the comment period such that the Administrator was obligated to convene a proceeding for reconsideration with procedural rights of notice and comment? (2.) Did the EPA correctly apply the standard for demonstrating central relevance? (3.) Did the EPA err when it found the objections material enough to require resort to extensive new evidence outside of the record while denying the rights of notice and comment on that evidence? (4.) Did the EPA err initially and on Petition for Reconsideration by delegating its Statutory Authority to outside entities?	3/22/2013	10/11/2013	10/15/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1152.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1152.htm</a>
12-1146	Utility Air Regulatory Group v. EPA	D.C. Cir.	Clean Air Act	(1.) Whether Massachusetts compelled EPA to include GHGs in the PSD and Title V programs when inclusion of GHGs would (i) transform the size and scope of these programs into something that EPA found would be "unrecognizable to ... Congress," Petition Appendix 345a, 380a, and (ii) expand the PSD program to cover a substance that does not deteriorate the quality of the air that people breathe. (2.) Whether dismissal of the petitions to review EPA's GHG permit-program rules was inconsistent with this Court's standing jurisprudence where the panel premised its holding that standing was absent on its merits holding that GHGs are regulated "pursuant to automatic operation of the CAA."	3/21/2013	10/11/2013		10/15/2013	<a href="http://www.scotusblog.com/case-files/cases/utility-air-regulatory-group-v-environmental-protection-agency/">http://www.scotusblog.com/case-files/cases/utility-air-regulatory-group-v-environmental-protection-agency/</a>
12-1119	Easton LLC v. Incorporated Village of Muttontown	2d. Cir.	Takings Clause	(1.) Whether Williamson County's 'State Litigation' requirement should be reexamined and eliminated. (2.) When a complaint factually alleges finality of an administrative process on the grounds that the "ii government unlawfully terminated the process, may the court make a contrary finding in the absence of an evidentiary hearing. (3.) In a facial attack on a development moratoria may a district court accept the government's conclusory rationale for its implementation and dismiss the complaint on a pre-answer motion even though the governments rationale and any other conceivable valid rational has been factually refuted in a complaint. (4.) When a complaint factually challenges sequential moratoria as unreasonably long and unreasonably frequent and the aggrieved property owner's supporting papers contain unopposed expert opinion in support of those allegations, may a court reviewing the adequacy of a complaint challenging the Constitutionality of the moratoria ignore the allegations and dismiss the complaint. (5.) Where a municipality freezes development of the last few undeveloped parcels in the community, should courts employ heightened or mid-level scrutiny when reviewing the Constitutionality of the freeze.	3/15/2013	5/9/2013	5/13/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1119.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1119.htm</a>
12-1106	Marlton Plaza Associates, L.P. v. State of New Jersey	Superior Court of New Jersey, Appellate Division	Takings Clause	Whether a state agency can take property and avoid paying constitutionally guaranteed eminent domain just compensation by adopting and implementing its own procedure for the taking of property, outside of the eminent domain process, which does not provide for just compensation.	3/12/2013	4/19/2013	4/22/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1106.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1106.htm</a>
12-1072	Native Village of Kivalina v. Exxonmobil Corp.	9th Cir.	Clean Air Act	Whether the Clean Air Act, which provides no damages remedy to persons harmed by greenhouse gas emissions, displaces federal common-law claims for damages.	3/4/2013	5/16/2013	5/20/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1072.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-1072.htm</a>
12-935	American Independence Mines and Minerals Co. v. United States Dept. of Agriculture	9th Cir.	NEPA	(1.) Whether, in conflict with the Eighth Circuit's decision in Friends of the Boundary Waters Wilderness v. Dombeck, 164 F.3d 1115 (8th Cir. 1999), and this Court's decision in Bennett v. Spear, 520 U.S. 154 (1997), the Ninth Circuit erred in holding that claimants seeking to protect economic interests lack prudential standing to challenge an agency's compliance with the National Environmental Policy Act. (2.) Whether, in conflict with the D.C. Circuit's decisions in National Association of Home Builders v. U.S. Army Corps of Engineers, 417 F.3d 1272 (D.C. Cir. 2005), and Mountain States Legal Foundation v. Glickman, 92 F.3d 1228 (D.C. Cir. 1996), and this Court's decision in Monsanto Co. v. Geertson Seed Farms, 130 S. Ct. 2743 (2010), the Ninth Circuit erred in holding that a claimant who engages in efforts to protect the environment lacks prudential standing to challenge an agency's compliance with the National Environmental Policy Act solely because the claimant has an economic motivation for engaging in environmental protection efforts.	1/28/2013	5/30/2013	6/3/2013		<a href="http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-935.htm">http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/12-935.htm</a>

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