

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

In the Matter of:	)	
	)	
Taotao USA, Inc.,	)	Docket No. CAA-HQ-2015-8065
Taotao Group Co., Ltd., and	)	
Jinyun County Xiangyuan Industry Co., Ltd.	)	
	)	
Respondents.	)	

**COMPLAINANT’S RESPONSE OPPOSING RESPONDENTS’ MOTION TO STAY**

The Director of the Air Enforcement Division of the U.S. Environmental Protection Agency’s Office of Civil Enforcement (“Complainant”) files this “Response Opposing Respondents’ Motion to Stay” (“Response”). In this Response, Complainant opposes the “Motion to Stay Proceeding Against Respondents Pending Executive Enforcement Changes at the Environmental Protection Agency” (“Motion to Stay”) filed by Respondents Taotao USA, Inc. (“T-USA”), Taotao Group Co., Ltd. (“T-Group”), and Jinyun County Xiangyuan Industry Co., Ltd. (“JCXI”) (collectively “Respondents”) on January 12, 2017.

In their Motion Stay, Respondents request that proceedings in this matter be stayed for twelve months. Mot. Stay at 2–3. As cause therefor, Respondents assert that “the EPA will undergo a substantial transition in terms of regulation and enforcement” following the inauguration of President-Elect Donald Trump and the subsequent transition to the new incoming presidential administration. *Id.* at 1. Respondents claim that absent a stay, they “will be unduly burdened by potential disruptions in enforcement, oversight, regulatory measures, and conflicts

in rule interpretation and enforcement mechanisms.”<sup>1</sup> *Id.* at 2. Respondents claim that staying this proceeding for a year will promote its efficient resolution. *Id.*

Complainant opposes Respondents’ request. The burdens Respondents claim they will suffer absent a stay are speculative, while the alleged benefits of a stay are purely hypothetical. Delaying this proceeding for any amount of time due to the presidential transition is unwarranted, much less doing so for an entire year. Staying this proceeding for one year would significantly delay its resolution without providing any concrete benefit. Transition-related impacts may be addressed if they occur, when they occur.

Respectfully Submitted,

1/18/17  
Date

  
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<sup>1</sup> Citing generally to the U.S. Supreme Court’s opinion in *Michigan v. EPA*, 135 S. Ct. 2699 (2015), Respondents also claim that a cost-benefit analysis must be performed to determine whether “the EPA has the authority to act to the extent that it has in relation to the vehicles in question.” Mot. Stay at 3. Respondents do not explain how the Court’s decision in *Michigan*, which addressed the narrow question of whether the EPA permissibly interpreted the phrase “appropriate and necessary” in 42 U.S.C. § 7412(n)(1)(A) to not require consideration of cost when making a threshold determination of whether to regulate the emission of hazardous air pollutants from power plants, compels the EPA to conduct a cost benefit analysis here. *See Complainant’s Second Motion to Supplement the Prehearing Exchange and Combined Response Opposing Respondents’ Motion to Dismiss for Failure to State a Claim and Motion for Accelerated Decision* at 9 n.8 (discussing *Michigan*). Nor do Respondents identify any other authority that would require preparation of a cost-benefit analysis in relation to this proceeding. There is no such requirement.

1/18/2017

Date



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**CERTIFICATE OF SERVICE**

I certify that the foregoing Complainant's Reply in Support of Complainant's Response Opposing Respondents' Motion to Stay ("Response") in the Matter of Taotao USA, Inc., et al., Docket No. CAA-HQ-2015-8065 was filed and served on the Presiding Officer this day through the Office of Administrative Law Judge's E-Filing System.

I certify that three copies of the foregoing Response were sent this day by certified mail, return receipt requested, for service on Respondents' counsel at the address listed below:

William Chu, Esq.  
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1/18/2017  
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