

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

COMMONWEALTH OF  
KENTUCKY

Petitioner

v.

No. \_\_\_\_\_

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY, and  
MICHAEL S. REGAN, Administrator,  
United States Environmental  
Protection Agency

Respondents

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**PETITION FOR REVIEW**

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In accordance with 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15, and Sixth Circuit Rule 15, Petitioner the Commonwealth of Kentucky petitions this Court for review of the final action taken by Respondents United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, entitled “Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-hour Ozone National Ambient Air Quality Standards,” (attached hereto), published at 88 Fed. Reg. 9336 (Feb. 13, 2023) (“SIP Disapproval”). Specifically, the Commonwealth seeks review of the Administrator’s disapproval of

Kentucky's state implementation plan. Fed. R. App. P. 15(a)(2)(C) (allowing challenges to parts of agency orders).

This Court has jurisdiction and venue under 42 U.S.C. § 7607(b)(1). The EPA's disapproval of Kentucky's state implementation plan is a "locally or regionally applicable" action and is not "based on a determination of nationwide scope or effect." 42 U.S.C. § 7607(b)(1); *see Texas v. EPA*, 829 F.3d 405, 418–24 (5th Cir. 2016). This petition for review is timely filed within 60 days of the date of publication in the Federal Register. 42 U.S.C. § 7607(b)(1).

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of this Petition for Review to be served on March 13, 2023, by United States first-class mail on the following:

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