
No. 23-_____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

ENERGY TRANSFER LP,

Petitioner,

v.

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

Respondents.

Petition for Review of a Final Rule of the
Environmental Protection Agency

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PETITION FOR REVIEW

Under 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15(a), Petitioner Energy Transfer LP petitions this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s promulgation of a federal implementation plan (“FIP”) for Oklahoma regarding the interstate transport requirements of 42 U.S.C. § 7410(a)(2)(d)(i)(I) for the 2015 8-hour ozone national ambient air quality standard, titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” 88 Fed. Reg.

36,654 (June 5, 2023) (“Final Rule”).¹ *See* FED. R. APP. P. 15(a)(2)(C) (“The petition must . . . specify the order or part thereof to be reviewed.”).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1).² The challenged part of the Final Rule is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.* This petition for review is timely filed within sixty days of the challenged action’s publication in the Federal Register. *See id.* Petitioner requests that the Court vacate, set aside, and hold unlawful the EPA’s promulgation of the FIP for Oklahoma.

¹ A copy of the Final Rule is attached to this petition. 10TH CIR. R. 15.1.

² This Court recently issued an order abating challenges to Oklahoma’s FIP pending briefing on the proper venue for a challenge to Oklahoma’s FIP. Order, *Tulsa Cement v. EPA*, No. 23-09551 (10th Cir. July 13, 2023). Energy Transfer agrees with Oklahoma Petitioners that venue and jurisdiction are proper in the Tenth Circuit.

July 27, 2023

Respectfully submitted,

/s/ Aaron M. Streett

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CERTIFICATE OF SERVICE

On July 27, 2023, this petition for review was served by Petitioner's counsel by first-class mail, postage prepaid, upon the following:

The Honorable Merrick B. Garland
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