

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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 )  
 NATIONAL MINING ASSOCIATION, )  
 )  
                                   *Petitioner,* )  
 )  
 v. )  
 )  
 U.S. ENVIRONMENTAL PROTECTION )  
 AGENCY and MICHAEL S. REGAN, )  
 Administrator, U.S. EPA, )  
 )  
                                   *Respondents.* )  
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 )

No. 23-1199

**PETITION FOR REVIEW**

Pursuant to 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15, and D.C. Circuit Rule 15, the National Mining Association (“NMA”) files this petition for review of the United States Environmental Protection Agency’s and Administrator Michael S. Reagan’s published rulemaking titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” 88 Fed. Reg. 36654 (June 5, 2023). This rulemaking

imposes federal implementation plans for 23 states implementing interstate ozone transport obligations under 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2015 8-hour ozone national ambient air quality standards. A copy of the challenged rulemaking is attached to this petition. This petition for review is timely filed, as it is filed within sixty days of the challenged action's publication in the Federal Register. *See* 42 U.S.C. § 7607(b)(1).

This Court has jurisdiction for this action under 42 U.S.C. § 7607(b)(1). Moreover, in order to proceed expeditiously and avoid delay over venue disputes, NMA acquiesces to venue in this Court. *See Tex. Mun. Power Agency v. EPA*, 89 F.3d 858, 867 (D.C. Cir. 1996) (noting that “§ 307(b)(1) is a venue provision, the application of which can be waived”). Respondents also assert in the challenged action that venue lies in this Court. *See* 88 Fed. Reg. at 36860.

Dated: July 29, 2023

Respectfully submitted,

*/s/ Michael B. Schon*

**Michael B. Schon**

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*Counsel for Petitioner National Mining Association*

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Administrator, U.S. EPA,	)	
	)	
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**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, the National Mining Association submits the following statement:

The National Mining Association (“NMA”) is a nonprofit national trade association that represents the interest of the mining industry,

including every major coal company operating in the United States. NMA has approximately 280 members, whose interests it represents before Congress, the administration, federal agencies, the courts, and the media. NMA is not a publicly held corporation and has no parent corporation. No publicly held company has 10% or greater ownership interest in NMA.

Dated: July 29, 2023

Respectfully submitted,

/s/ Michael B. Schon

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**CERTIFICATE OF SERVICE**

On July 29, 2023, the above Petition for Review and Rule 26.1 Disclosure Statement were served by certified mail, return receipt requested, on:

Hon. Michael S. Regan, Administrator  
Office of the Administrator (1101A)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Hon. Merrick B. Garland  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Correspondence Control Unit  
Office of General Counsel (2311)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

/s/ Michael B. Schon

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