

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

Deborah S. Hunt
Clerk

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Filed: August 03, 2023

Ms. Jessica O'Donnell
U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, DC 20044

Mr. Aaron Michael Streett
Baker Botts
910 Louisiana Street
Suite 3000
Houston, TX 77002

Re: Case No. 23-3641, *Energy Transfer, LP v. EPA, et al*
Originating Case No. : EPA-HQ-OAR-2021-0668

Dear Counsel,

This case has been docketed as number **23-3641** with the caption that is enclosed on a separate page. Please check the caption for accuracy and notify the Clerk's Office if any corrections should be made.

Before preparing any documents to be filed, counsel are strongly encouraged to read the Sixth Circuit Rules at www.ca6.uscourts.gov. If you have not established a PACER account and registered with this court as an ECF filer, you should do so immediately.

The following forms should be downloaded from the web site and filed with the Clerk's office by **August 17, 2023**.

	Appearance of Counsel
Petitioner:	Disclosure of Corporate Affiliations Application for Admission to 6th Circuit Bar (if applicable)
Respondent:	Appearance of Counsel

More specific instructions are printed on each form. These deadlines are important - if the initial forms are not timely filed and necessary fees paid, the case will be dismissed for want of prosecution. If you have questions after reviewing the forms and the rules, please contact the Clerk's office for assistance.

Sincerely,

s/Antoinette Macon
Case Manager
Direct Dial No. 513-564-7015

Enclosure

OFFICIAL COURT OF APPEALS CAPTION FOR 23-3641

ENERGY TRANSFER, LP

Petitioner

v.

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

Respondents

No. 23-_____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH 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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No. 23-_____

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

ENERGY TRANSFER LP,

Petitioner,

v.

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

Respondents.

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 for Michigan 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”).* *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). The challenged action’s promulgation of a FIP for Michigan is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.*; Order, *Kentucky v. EPA*, No. 23-3216 (6th Cir. July 25, 2023). This petition for review is timely filed within sixty days of the challenged action’s publication in the Federal Register. *See* 42 U.S.C. § 7607(b)(1). Petitioner requests that the Court vacate, set aside, and hold unlawful the EPA’s promulgation of the FIP for Michigan.

* A copy of the Final Rule is attached to this petition.

August 3, 2023

Respectfully submitted,

/s/ Aaron M. Streett

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CERTIFICATE OF SERVICE

On August 3, 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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