

NO. 23-\_\_\_\_\_

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

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**STATE OF ALABAMA ex rel., STEVE MARSHALL, ATTORNEY  
GENERAL, and the ALABAMA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT,**

**Petitioners,**

**v.**

**MICHAEL S. REGAN, in his capacity as Administrator, United States  
Environmental Protection Agency, and the UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**Respondents.**

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**PETITION FOR REVIEW and  
RULE 26.1 DISCLOSURE**

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**August 4, 2023**

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*Counsel for State of Alabama ex rel., Steve Marshall, Attorney General and the  
Alabama Department of Environmental Management*

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*State of Alabama ex rel. Marshall, et al. v. U.S. EPA, No. 23-*

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE  
DISCLOSURE STATEMENT**

Under Eleventh Circuit Rule 26.1-1, the undersigned counsel certifies that the following is a list of persons or entities that may have an interest in the outcome of this matter:

Alabama Department of Environmental Management

Alabama Municipal Electric Authority

Alabama Power Company (ALP-PQ)

Calhoun Power Company, LLC

Calpine Corporation

Capitol Power Group, LLC

CER Generation, LLC

Constellation Energy Corporation (CEG)

Dawson, Lindsay S. (Counsel for Petitioner State of Alabama)

Decatur Energy Center, LLC

Diamond Alabama, LLC

East Alabama Generating, LLC

Gettle, Jeaneanne, Acting Regional Administrator, Region 4, United States

Environmental Protection Agency

Jensen, Miranda M. (Counsel for Respondents)

Kim, Todd, Assistant Attorney General, U.S. Department of Justice

LeFleur, Lance R., Director, Alabama Department of Environmental  
Management

Marshall, Steve, Attorney General, State of Alabama

Mobile Energy, LLC

Morgan Energy Center, LLC

PowerSouth Energy Cooperative

Regan, Michael S., Administrator, United States Environmental Protection  
Agency

SABIC Innovative Plastics US, LLC

Sasser, Paul Christian, Jr., (Counsel for Petitioner Alabama Department of  
Environmental Management)

Saudi Basic Industries Corporation (2010.SR)

Sibley, Steven Shawn, (Counsel for Petitioner Alabama Department of  
Environmental Management)

Southern Power Company

State of Alabama

Tambling, Robert D., (Counsel for Petitioner State of Alabama)

Tenaska Alabama, Inc.

Tenaska Alabama Partners, LP

Tennessee Valley Authority

The Southern Company (SO)

U.S. Environmental Protection Agency

Walton Discover, LLC

/s/ Steven Shawn Sibley

Steven Shawn Sibley

Attorney for Petitioners

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**STATE OF ALABAMA ex rel., STEVE MARSHALL, ATTORNEY  
GENERAL, and the ALABAMA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT,**

**Petitioners,**

**v.**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and  
MICHAEL S. REGAN, in his capacity as Administrator, United States  
Environmental Protection Agency,**

**Respondents.**

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**PETITION FOR REVIEW**

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Petitioners, the State of Alabama, ex rel., Steve Marshall, Attorney General, and the Alabama Department of Environmental Management, petition this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s action promulgating a federal implementation plan for the State of Alabama addressing 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 standards (“NAAQS”). This action was published at the same time as several other implementation plans for other states in a final rule published in the federal register

at 88 Fed. Reg. 36,654 (June 5, 2023). EPA’s final action as to Alabama was published in the Federal Register at 88 Fed. Reg. 36,889, which amends 40 CFR Part 52, Subpart B--Alabama. A copy of this rule is attached as Exhibit 1 to this Petition.

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged action amending the Alabama 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). This petition is timely filed within 60 days of the Final Rule’s publication in the Federal Register. 42 U.S.C. § 7607(b)(1).

Dated: August 4, 2023

Respectfully submitted,  
STEVE MARSHALL  
ATTORNEY GENERAL

/s/ Robert D. Tambling  
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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement have been served by United States first-class mail on this the 4th day of August, 2023.

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