

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

STATE OF WEST VIRGINIA,
STATE OF OKLAHOMA,
STATE OF ALABAMA,
STATE OF ALASKA,
STATE OF ARKANSAS,
STATE OF GEORGIA,
STATE OF IDAHO,
STATE OF INDIANA,
STATE OF IOWA,
STATE OF KANSAS
COMMONWEALTH OF
KENTUCKY,
STATE OF LOUISIANA,
STATE OF MISSISSIPPI,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF NORTH DAKOTA,
STATE OF OHIO,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF TENNESSEE,
STATE OF TEXAS,
STATE OF UTAH,
COMMONWEALTH OF
VIRGINIA,
STATE OF WYOMING,
the ARIZONA
LEGISLATURE, and
the TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,

Petitioners,

No. 24-1009

v.

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

Respondents.

PETITION FOR REVIEW

Under Clean Air Act § 3071(b)(1) (42 U.S.C. § 7607(b)(1)), 5 U.S.C. §§ 702 and 706, Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Local Rule 15, the States of West Virginia, Oklahoma, Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming, along with the Arizona Legislature and the Texas Commission on Environmental Quality, petition this Court for review of the final agency action taken by Respondents United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, entitled “Adoption and Submittal of State Plans for Designated Facilities: Implementing Regulations Under Clean Air Act Section 111(d),” 88

Fed. Reg. 80480 (Nov. 17, 2023). Petitioners have attached a copy of that final rule.

Petitioners will show that the final rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Petitioners thus ask that this Court declare unlawful and vacate the Administrator's final action.

Respectfully submitted,

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Dated: January 16, 2024

CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of this Petition to be served on the following Respondents by U.S. Mail on January 16, 2024:

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