

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

NACCO NATURAL RESOURCES
CORPORATION,

Petitioner,

v.

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

Respondents.

No. 24-1153

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15, Petitioner NACCO Natural Resources Corporation (“NACCO”) seeks review of the final rule of the United States Environmental Protection Agency (“EPA”) entitled “NSPS for GHG Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired EGUs; Emission Guidelines for GHG Emissions From Existing Fossil Fuel-Fired EGUs; and Repeal of the ACE Rule,” 89 Fed. Reg. 39,798 (May 9, 2024) (“Final Rule”).

This Petition is timely filed within 60 days of the date of publication of the Final Rule in the Federal Register. *See* 42 U.S.C. § 7607(b)(1). This Court has jurisdiction and is a proper venue for this action. *See id.*

A copy of the Final Rule is attached to this Petition as Exhibit A.

Respectfully submitted,

/s/ Charles T. Wehland

Charles T. Wehland

Counsel of Record

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May 22, 2024

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioner NACCO Natural Resources Corporation (“NACCO”) submits the following corporate disclosure statement:

1. NACCO is a wholly owned subsidiary of NACCO Industries, Inc.
2. NACCO is not publicly held, but NACCO Industries, Inc., its parent, is a publicly traded corporation that owns more than 10% of the stock of NACCO.
3. No other publicly held corporation owns more than 10% of the stock of NACCO.

4. The general nature and purpose of NACCO, insofar as relevant to this litigation, is the mining and delivery of lignite coal as fuel for power generation; and the provision of mining services to natural resources companies.

Respectfully submitted,

/s/ Charles T. Wehland

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Counsel of Record

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Counsel for Petitioner NACCO Natural Resources Corporation

May 22, 2024

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2024, I have caused the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement to be served by first-class mail upon the following:

Michael Regan, Administrator
Office of the Administrator (1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Merrick Garland
Attorney General
U.S. Department of Justice
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/s/ Charles T. Wehland
Charles T. Wehland