

No. 25-_____

IN THE

United States Court of Appeals

for the Fifth Circuit

BUSINESS COALITION FOR CLEAN AIR; ASSOCIATION OF ELECTRIC COMPANIES OF TEXAS; TEXAS CHEMISTRY COUNCIL; AND TEXAS OIL & GAS ASSOCIATION,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
LEE ZELDIN, Administrator of the
United States Environmental Protection Agency,

Respondents.

**PETITION FOR REVIEW OF A FINAL RULE OF THE
ENVIRONMENTAL PROTECTION AGENCY**



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Clean Air, Association of Electric
Companies of Texas, Texas Chemistry
Council, and Texas Oil & Gas
Association*

CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made so that the judges of this court may evaluate possible disqualification or recusal.

- Association of Electric Companies of Texas (Petitioner)
- Baker Botts L.L.P. (Petitioners' counsel)
- Bondi, Pamela J., Attorney General, United States Department of Justice (Respondents' counsel)
- Business Coalition for Clean Air (Petitioner)
- Carter, Beau (Petitioners' counsel)
- Kuryla, Matthew L. (Petitioners' counsel)
- Mason IV, Scott (Regional Administrator for Respondent United States Environmental Protection Agency)
- Streett, Aaron M. (Petitioner's counsel)
- Texas Chemistry Council (Petitioner)
- Texas Oil & Gas Association (Petitioner)
- United States Environmental Protection Agency (Respondent)
- Zeldin, Lee, Administrator, United States Environmental Protection Agency (Respondent)

/s/ Aaron M. Streett

Aaron M. Streett

Under 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15(a), the Business Coalition for Clean Air, Association of Electric Companies of Texas, Texas Chemistry Council, and Texas Oil & Gas Association (“Petitioners”) petition this Court for review of the United States Environmental Protection Agency’s promulgation of a final rule titled *Air Plan Disapproval; Texas; Control of Air Pollution from Visible Emissions and Particulate Matter*, 89 Fed. Reg. 104,044 (Dec. 20, 2024) (“Final Rule”).^{*} Petitioners’ members are the subject of the Final Rule and are directly harmed by it.

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged action is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.*; *Texas v. EPA*, 829 F.3d 405, 418–24 (5th Cir. 2016). 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). Petitioners request that the Court vacate, set aside, and hold unlawful the Final Rule.

^{*} A copy of the Final Rule is attached to this petition. 5TH CIR. R. 15.1.

February 18, 2025

Respectfully submitted,

/s/ Aaron M. Streett

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CERTIFICATE OF SERVICE

On February 18, 2025, this petition for review was served by Petitioners' counsel by first-class mail, postage prepaid, upon the following:

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