

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

MIDWEST OZONE GROUP and AMERICAN,)
FOREST & PAPER ASSOCIATION)

Petitioners,)

v.)

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and LEE M.)
ZELDIN, Administrator, United States)
Environmental Protection Agency,)

Respondents.)

Case No. 25-1055

PETITION FOR REVIEW

The Midwest Ozone Group (“MOG”) and American Forest & Paper Association (“AF&PA”) hereby petition this court, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, D.C. Circuit Rule 15, and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), for review of the final action of the United States Environmental Protection Agency (“EPA”) published in the Federal Register at 89 Fed. Reg. 99,105 (December 10, 2024) entitled “Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Notice on Remand of the Record of the Good Neighbor Plan To Respond to Certain Comments” (“Remand Action”).

This Court has jurisdiction under 42 U.S.C. §7607(b)(1). Relying on *Texas Municipal Power Agency v. Environmental Protection Agency*, 89 F.3d 858, 867 (D.C. Cir. 1996) where this Court found that Clean Air Act §307(b)(1) is a waivable venue provision, the

Petitioners do so yield venue as to this Petition in this Court to promote judicial efficiency and to advance this challenge without unnecessary delay that may arise from disputes regarding regional circuit venue selection.

The Remand Action is directly related to the Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards that is the subject of the numerous petitions for review that have been consolidated in *Utah v. EPA*, Case No. 23-1157 in this Court.

This petition is timely filed within sixty days of said publication. A copy of the Remand Action is attached as Attachment A.

Respectfully submitted,



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*Counsel for Petitioner Midwest Ozone Group and
American Forest & Paper Association*

Dated: February 7, 2025

CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 CFR 23.12(a), on this date, I hereby certify that I will cause to be served a true copy of the foregoing Petition for Review via U.S. mail on the 7th day of February, return-receipt requested, a copy of the foregoing Petition for Review to the following:

Hon. Lee M. Zeldin
Office of the Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. Pam Bondi
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Correspondence Control Unit
Office of General Counsel (2310A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460


David M. Flannery

Dated: February 7, 2025

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Case No. _____

**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER
MIDWEST OZONE GROUP**

Pursuant to Federal Rules of Appellate Procedure and Circuit Rule 26.1 and Circuit Rule 26.1, the MIDWEST OZONE GROUP, a petitioner files the following statement:

MIDWEST OZONE GROUP is a continuing association of individuals operated for the purpose of promoting the general interests of its membership. MIDWEST OZONE GROUP has no outstanding shares or debt securities in the hand of the public and has no parent company.

No publicly held company has a 10% or greater ownership interest in the MIDWEST OZONE GROUP.

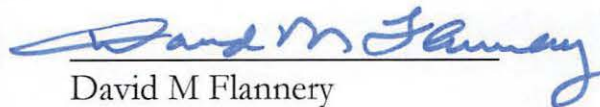
**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER
AMERICAN FOREST & PAPER ASSOCIATION**

Pursuant to Federal Rules of Appellate Procedure and Circuit Rule 26.1 and Circuit Rule 26.1, the AMERICAN FOREST & PAPER ASSOCIATION, a petitioner files the following statement:

AMERICAN FOREST & PAPER ASSOCIATION is a continuing association of individuals operated for the purpose of promoting the general interests of its membership. AMERICAN FOREST & PAPER ASSOCIATION has no outstanding shares or debt securities in the hand of the public and has no parent company.

No publicly held company has a 10% or greater ownership interest in the AMERICAN FOREST & PAPER ASSOCIATION.

Respectfully submitted,



David M Flannery

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*Counsel for Petitioner Midwest Ozone Group
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Dated: February 7, 2025