

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

| | | |
|-----------------------------|---|------------------|
| UTAH PETROLEUM ASSOCIATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 25-1063 |
| |) | |
| U.S. ENVIRONMENTAL |) | |
| PROTECTION AGENCY and |) | |
| LEE ZELDIN, Administrator, |) | |
| U.S. EPA, |) | |
| |) | |
| Respondents. |) | |

PROTECTIVE PETITION FOR REVIEW

Pursuant to Clean Air Act Section 307(b)(1), 42 U.S.C. § 7607(b)(1), the Administrative Procedure Act, 5 U.S.C. § 702, Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15, Utah Petroleum Association (“UPA”) hereby petitions this Court for review of the final action of the United States Environmental Protection Agency (“EPA”) titled “Denial of Request for Attainment Date Extension, Finding of Failure To Attain, and Reclassification of an Area in Utah as Moderate for the 2015 Ozone National Ambient Air Quality Standards,” published in the Federal Register at 89 Fed. Reg. 101,483 (Dec. 16, 2024) (EPA

Docket No. EPA–R08–OAR–2024–0001). A copy of EPA’s final rule is attached to this Petition.

This Court has jurisdiction over this Petition under 42 U.S.C. § 7607(b)(1). However, because UPA seeks review of a rule that is locally applicable and is not based on a determination of nationwide scope or effect, the United States Court of Appeals for the Tenth Circuit is the proper venue to review EPA’s final rule. *See id.* Accordingly, UPA has a pending petition for review in the Tenth Circuit. *See UPA v. EPA*, No. 25-9507 (10th Cir. Jan. 21, 2025). The Petition filed in this Court is filed solely to preserve UPA’s appeal rights should venue be deemed improper in the Tenth Circuit. *See Oklahoma, et al. v. EPA*, 220 L.Ed.2d 169 (U.S. 2024) (granting certiorari to review Tenth Circuit’s venue determination under 42 U.S.C. § 7607(b)(1) in an unrelated case).

Dated: February 14, 2025.

Respectfully submitted,

/s/ Kristina (Tina) R. Van Bockern

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| Respondents. |) | |

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioner Utah Petroleum Association (“UPA”) makes the following disclosure:

UPA is a Utah based, statewide petroleum trade association representing companies involved in all aspects of Utah’s oil and gas industry. UPA is a not-for-profit corporation, has no parent corporation, and no corporation holds any stock in UPA.

Dated: February 14, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing Petition for Review and Corporate Disclosure Statement to be placed in the U.S. Mail, postage prepaid, addressed to the following:

Hon. Lee Zeldin
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Dated: February 14, 2025

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