

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

SEVEN COUNTY	)	
INFRASTRUCTURE COALITION,	)	
DUCHESNE COUNTY, and	)	
UINTAH COUNTY	)	
	)	
Petitioners,	)	
	)	
v.	)	Case No. 25-1068
	)	
U.S. ENVIRONMENTAL	)	
PROTECTION AGENCY and	)	
LEE ZELDIN,	)	
Administrator, U.S. EPA,	)	
	)	
Respondents.	)	

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**PROTECTIVE PETITION FOR JUDICIAL REVIEW**

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Pursuant to Clean Air Act Section 307(b)(1), 42 U.S.C. §7607(b)(1)-(2), the Administrative Procedure Act, 5 U.S.C. §§ 702, 706, Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15, *as a protective matter only to preserve its right to petition for judicial review*, Seven County Infrastructure Coalition, Duchesne County, and Uintah County (“Counties”), 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 (December 16, 2024) (EPA Docket No. EPA-R08-OAR-2024-0001). A copy of EPA’s final rule is attached to this Protective Petition.

The Counties contend that the final rule is “locally or regionally applicable” and is reviewable “in the United States Court of Appeals for the appropriate circuit,” in other words, the Tenth Circuit Court of Appeals. 42 U.S.C.

§7607(b)(1). The final rule does not apply to any other areas in the United States but applies only locally to the distinct geographical area in northeastern Utah commonly referred to as the Uinta Basin. s only applicable the geographical area commonly referred to as the Uinta Basin.

EPA also did not make any findings that the final rule is “based on a determination of nationwide scope or effect.” 42 U.S.C. §7607(b)(1). Accordingly, the Counties’ petition for review properly belongs in the U.S. Court of Appeals for the Tenth Circuit under the venue provisions of the Clean Air Act, Section 307(b)(1), *id.* Utah has a pending petition for review in the Tenth Circuit.

The U.S. Supreme Court is reviewin the venue question under 42 U.S.C. §7607(b)(1). *See Oklahoma et al. v. Env’t Prot. Agency*, No. 23-9514 (U.S. April 1, 2024). Given the potential uncertainty associated with the forthcoming decision, the Counties file this Protective Petition in this Court as a protective measure to

preserve the Counties' right to judicial review should the venue be determined improper in the Tenth Circuit.

Dated: February 14, 2025.

/s/ Jonathan A. Stearmer

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CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Petition for Review by certified mail, return receipt requested, addressed to the following:

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Dated: February 14, 2025

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