

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

MONTANA-DAKOTA UTILITIES
CO., NORTHERN MUNICIPAL
POWER AGENCY,
NORTHWESTERN ENERGY and
OTTER TAIL POWER COMPANY,

Petitioners

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY and LEE
MICHAEL ZELDIN, Administrator,
U.S. EPA,

Respondents

No. 25-1201

**RECEIVED
JANUARY 31, 2025
U.S. Court of Appeals
Eighth Circuit – St. Paul, MN**

**FILED
JANUARY 31, 2025
U.S. Court of Appeals
Eighth Circuit – St. Paul, MN**

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), the Administrative Procedure Act, 5 U.S.C. § 702, and Federal Rule of Appellate Procedure 15, Montana-Dakota Utilities Co., Northern Municipal Power Agency, NorthWestern Energy, and Otter Tail Power Company, the co-owners of Coyote Station (“Co-Owners”), hereby petition the court for review of the final rule of the United States Environmental Protection Agency (“EPA”), entitled “Air Plan Partial Approval and Partial Disapproval; North Dakota; Regional Haze State Implementation Plan for the Second Implementation Period” published in the Federal Register at 89 Fed. Reg. 95,126 on December 2, 2024. A copy of EPA’s final rule is attached as Exhibit A.

This Court has jurisdiction, and is the proper venue for this action, under 42 U.S.C. § 7607(b)(1) because the Coyote Station Co-Owners are petitioning for review of an implementation plan promulgated under 42 U.S.C. § 7410 that is applicable to North Dakota.

DATED: January 31, 2025

Respectfully submitted,

s/ Aaron M. Flynn

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure Rule 26.1 and Local Rule 26.1A of the United States Court of Appeals for the Eighth Circuit, Petitioners submit the following Disclosure Statement:

Montana-Dakota Utilities Co. is engaged in the distribution of natural gas and the generation, transmission, and distribution of electricity in the states of North Dakota, South Dakota, Montana, and Wyoming. Montana-Dakota Utilities Co. is a direct, wholly owned subsidiary of MDU Energy Capital, LLC. MDU Energy Capital, LLC, is a direct, wholly owned subsidiary of MDU Resources Group, Inc. No publicly held company has a 10% or greater ownership interest in MDU Resources Group, Inc.

Northern Municipal Power Agency is a Joint Action Agency established to serve as the energy supplier for 12 municipal utilities in Minnesota and North Dakota. It is a political subdivision of the State of North Dakota. Northern Municipal Power Agency has no parent corporation and no publicly held corporation owns 10% or more of its stock.

NorthWestern Energy has no parent corporation and no publicly held corporation owns 10% or more of its stock.

Otter Tail Power Company is a wholly-owned subsidiary of Otter Tail Corporation, a publicly held corporation.

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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 to be served by U.S. mail to the following:

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

Hon. James McHenry
Acting Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
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Correspondence Control Unit
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