



No. 25-_____

**In the
United States Court of Appeals
For the Fifth Circuit**

STATE OF TEXAS,
PETITIONER,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND LEE M. ZELDIN,
ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
RESPONDENTS.

PETITION FOR REVIEW

Pursuant to Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), and Federal Rule of Appellate Procedure 15, Petitioner the State of Texas petitions this Court for review of the United States Environmental Protection Agency and former Administrator Michael S. Regan’s final action entitled *Finding of Failure To Attain the Primary 2010 One-Hour Sulfur Dioxide Standard; Texas; Rusk and Panola Counties Nonattainment Area*, 89 Fed. Reg. 101,894 (December 17, 2024) (“Final Rule”). Notice of the Final Rule was published in the Federal Register on December 17, 2024, a copy of which is attached to this filing as Attachment 1 in accordance with Fifth Circuit Rule 15.1(b).

Jurisdiction and venue for this petition are proper in this Court under 42 U.S.C. § 7607(b)(1). The Final Rule finds that the Rusk and Panola Counties, Texas nonattainment area failed to attain the 2010 one-hour primary sulfur dioxide national ambient air quality standard by the Clean Air Act applicable attainment date of January 12, 2022. Therefore, the Final Rule is a locally or regionally applicable final action of the EPA Administrator and is not “nationally applicable” or “of nationwide scope or effect.” 42 U.S.C. § 7607(b)(1). This petition for review is timely filed within 60 days of the date of publication of the Final Rule in the Federal Register. *Id.*

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

KELLIE E. BILLINGS-RAY
Chief, Environmental Protection Division

/s/ John R. Hulme
JOHN R. HULME
Special Counsel

State Bar No. 10258400
John.Hulme@oag.texas.gov

Office of the Attorney General of Texas
P.O. Box 12548 (MC-066)
Austin, Texas 78711-2548
Tel: (512) 463-2012
Fax: (512) 320-0911

Counsel for Petitioner State of Texas

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 15(c), I hereby certify that I have caused the foregoing documents to be served by Certified Mail, Return Receipt Requested, on February 18, 2025, upon the following:

The Honorable Pamela J. Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

U.S. Department of Justice
Environment and Natural Resources
Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Correspondence Control Unit
Office of General Counsel (2311)
United States Environmental
Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Lee M. Zeldin, Administrator
United States Environmental
Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

/s/ John R. Hulme
JOHN R. HULME