

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

STATE OF UTAH, by and through)
its Governor, SPENCER J. COX,)
and its Attorney General,)
SEAN D. REYES,)

Petitioner,)

v.)

Case No. _____

U.S. ENVIRONMENTAL PROTECTION)
AGENCY and MICHAEL S. REGAN,)
Administrator, U.S. EPA,)

Respondents.)

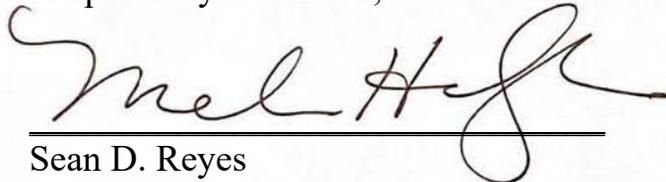
PETITION FOR REVIEW

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 Tenth Circuit Rule 15, the State of Utah (“Utah”) hereby petitions this Court for review of the final rule of the United States Environmental Protection Agency (“EPA”) titled “Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-hour Ozone National Ambient Air Quality Standards,” published in the Federal Register at 88 Fed. Reg. 9,336 (February 13, 2023) (EPA Docket Nos. EPA-R08-OAR-2022-0315 and EPA-HQ-2021-0663). A copy of EPA’s final rule is attached to this Petition.

This Court has jurisdiction, and is the proper venue for this action, under 42 U.S.C. § 7607(b)(1) because Utah is petitioning for review of only the portion of the final rule disapproving Utah’s State Implementation Plan.

Dated: February 13, 2023.

Respectfully submitted,



Sean D. Reyes

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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 Certified Mail, return receipt requested, addressed to the following:

Hon. Michael S. Regan
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Hon. Merrick Garland
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Dated: February 13, 2023

/s/Melissa A. Holyoak
MELISSA A. HOLYOAK
Solicitor General