

**FILED**  
APR 13 2023  
MICHAEL GANS  
CLERK OF COURT

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

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STATE OF MISSOURI,  
Petitioner,

v.

**23-1719**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY et al.  
Respondents.

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**PETITION FOR REVIEW**

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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, and Federal Rule of Appellate Procedure 15(a), Petitioner the State of Missouri hereby petitions this Court for review of the Respondents United States Environmental Protection Agency (“EPA”) and Administrator Michael S. Regan’s disapproval of Missouri’s State Implementation Plan, included as part of the final rule of 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). *See* Fed. R. App. P. 15(a)(2)(C) (a petition for review may challenge only part of a final rule). A copy of EPA’s final rule is attached to this Petition as Exhibit 1.

This Court has jurisdiction, and is the proper venue for this action, under 42 U.S.C. 7607(b)(1) because Petitioners are seeking review of only the portions of the final rule disapproving Missouri’s State Implementation Plan, which is a “locally or regionally applicable” action not “based on a determination of nationwide scope or effect.” 42 U.S.C. 7607(b)(1). *See Nat’l Parks Conservation Ass’n v. McCarthy*, 816 F.3d 989, 993 (8th Cir. 2016) (“EPA’s action in approving or promulgating any

implementation plan is the prototypical locally or regionally applicable action that may be challenged only in the appropriate regional court of appeals.”) (internal quotation marks omitted). This Petition for Review is timely filed within sixty days of the date of publication in the Federal Register. 42 U.S.C. 7607(b)(1).

Dated: April 13, 2023

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I further hereby certify that I caused a true and correct copy of the foregoing to be served on April 13, 2023, by United States first-class mail on the following:

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