

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

BASIN ELECTRIC POWER	)	
COOPERATIVE,	)	
	)	
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)-(2), the Administrative Procedure Act, 5 U.S.C. §§ 702, 706, Federal Rule of Appellate Procedure 15(a), and Tenth Circuit Rule 15, Basin Electric Power Cooperative (“Basin Electric”) hereby petitions this Court for review of the final action of the United States Environmental Protection Agency (“EPA”) deferring its decision on whether to approve the State of Wyoming’s State Implementation Plan for Interstate Transport of Ozone, which was announced in the final rule 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-HQ-OAR-2021-0663

and EPA-R08-OAR-2022-0268). A copy of EPA's final rule is attached to this Petition.

The Tenth Circuit has jurisdiction over, and is the appropriate venue for, this Petition under 42 U.S.C. § 7607(b)(1)-(2) because Basin Electric's Petition relates only to the portion of EPA's final rule deferring its decision on Wyoming's State Implementation Plan. *See* 42 U.S.C. § 7607(b)(2) (“[w]here a final decision by the Administrator defers performance of any nondiscretionary statutory action to a later time, any person may challenge the deferral pursuant to [§ 7607(b)(1)].”).

Dated: April 14, 2023.

Respectfully submitted,

*/s/ Emily C. Schilling*

Emily C. Schilling

HOLLAND & HART LLP

222 South Main Street, Suite 2200

Salt Lake City, UT 84101

Ph. 801-799-5753 / Fax 202-747-6574

[ecschilling@hollandhart.com](mailto:ecschilling@hollandhart.com)

Kristina (Tina) R. Van Bockern

Aaron B. Tucker

HOLLAND & HART LLP

555 Seventeenth Street, Suite 3200

Denver, CO 80202

Ph. 303-295-8107 / Fax 720-545-9952

[trvanbockern@hollandhart.com](mailto:trvanbockern@hollandhart.com)

[abtucker@hollandhart.com](mailto:abtucker@hollandhart.com)

*Attorneys for Petitioner Basin Electric  
Power Cooperative*

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

BASIN ELECTRIC POWER	)	
COOPERATIVE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. _____
	)	
U.S. ENVIRONMENTAL PROTECTION	)	
AGENCY and MICHAEL S. REGAN,	)	
Administrator, U.S. EPA,	)	
	)	
Respondents.	)	

**RULE 26.1. CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1, Petitioner Basin Electric Power Cooperative (“Basin Electric”) makes the following disclosure:

Basin Electric is a not-for-profit regional wholesale electric generation and transmission cooperative owned by over 100 member cooperatives. Basin Electric has no parent companies. There are no publicly held corporations that have a 10% or greater ownership interest in Basin Electric.

Dated: April 14, 2023.

Respectfully submitted,

/s/ Emily C. Schilling

Emily C. Schilling

HOLLAND & HART LLP

222 South Main Street, Suite 2200

Salt Lake City, UT 84101

Ph. 801-799-5753 / Fax 202-747-6574

[ecschilling@hollandhart.com](mailto:ecschilling@hollandhart.com)

Kristina (Tina) R. Van Bockern

Aaron B. Tucker

HOLLAND & HART LLP

555 Seventeenth Street, Suite 3200

Denver, CO 80202

Ph. 303-295-8107 / Fax 720-545-9952

[trvanbockern@hollandhart.com](mailto:trvanbockern@hollandhart.com)

[abtucker@hollandhart.com](mailto:abtucker@hollandhart.com)

*Attorneys for Petitioner Basin Electric  
Power Cooperative*

## CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing Petition for Review and Corporate Disclosure Statement to be placed in the U.S. Mail, postage prepaid, addressed to the following:

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

Hon. Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Office of General Counsel (2310A)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dated: April 14, 2023

/s/ Tina R. Van Bockern  
Kristina (Tina) R. Van Bockern  
Counsel for Basin Electric  
Power Cooperative