

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

FILED

APR 14 2023

**MICHAEL GANS
CLERK OF COURT**

HYBAR LLC

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY AND MICHAEL S.
REGAN, ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

Case No. _____

23-1777

PETITION FOR JUDICIAL REVIEW

Hybar LLC petitions pursuant to 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15 for review of review of the Respondents United States Environmental Protection Agency and Administrator Michael S. Regan's disapproval of Arkansas' state implementation plan, included as part of the final action styled "Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards." 88 Fed. Reg. 9,336 (Feb. 13, 2023). A copy of the foregoing final action is attached to this Petition as Exhibit A. This Court has jurisdiction, and is the proper venue for this action, under 42 U.S.C. § 7607(b)(1) because Petitioner is seeking review of only the portion of the final action disapproving Arkansas' 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*

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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).

Respectfully submitted,



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April 14, 2023

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petition for Judicial Review and Corporate Disclosure Statement will be served this day by United State first-class mail upon the following:

United States Environmental Protection Agency
Correspondence Control Unit
Office of General Counsel (2344A)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Administrator Michael S. Regan
United States Environmental Protection Agency
Office of the Administrator (1101A)
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Attorney General Merrick B. Garland
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April 14, 2023