

No. 23 - _____

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

LOUISIANA CHEMICAL ASSOCIATION; LOUISIANA MID-CONTINENT
OIL AND GAS ASSOCIATION; LOUISIANA ELECTRIC UTILITY
ENVIRONMENTAL GROUP LLC,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
MICHAEL S. REGAN, in his official capacity as Administrator of
the United States Environmental Protection Agency,

Respondents.

Petition for Judicial Review of a Final Rule of the
United States Environmental Protection Agency

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Association, Louisiana Mid-Continent Oil
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Electric Utility Environmental Group LLC*

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CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made so that the judges of this court may evaluate possible disqualification or recusal.

- Garland, Merrick B., Attorney General, United States Department of Justice (Respondents' counsel)
- Harbourt, Maureen. (Petitioners' counsel)

- Kim, Todd, Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice (Respondents' counsel)
- Kollmeyer, Josiah. (Petitioners' counsel)
- Louisiana Chemical Association. (Petitioner)
- Louisiana Electric Utility Environmental Group LLC. (Petitioner)
- Louisiana Mid-Continent Oil and Gas Association. (Petitioner)
- Nance, Earthea (Regional Administrator for Respondent United States Environmental Protection Agency)
- Prieto, Jeffrey M. (General Counsel for Respondent United States Environmental Protection Agency)
- Regan, Michael S., Administrator, United States Environmental Protection Agency (Respondent)
- Rucinski, Lauren. (Petitioners' counsel)
- United States Environmental Protection Agency (Respondent)

/s/Maureen N. Harbourt
Maureen N. Harbourt
Counsel for Petitioners

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MICHAEL S. REGAN, in his official capacity as Administrator of
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Respondents.

Petition for Judicial Review

Under 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15(a), the Louisiana Chemical Association, Louisiana Mid-Continent Oil and Gas Association, and the Louisiana Electric Utility Environmental Group LLC (“Petitioners”) petition this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s disapproval of Louisiana’s state implementation plan (“SIP”) regarding the interstate transport requirements of 42 U.S.C. § 7410(a)(2)(d)(i)(I) for the 2015 8-hour ozone national ambient air quality standard, titled “Air Plan Disapprovals; Interstate

Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards,” 88 Federal Register 9,336 (February 13, 2023) (“Final Rule”).¹ *See* FED. R. APP. P. 15(a)(2)(C) (“The petition must . . . specify the order or part thereof to be reviewed.”).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged action’s disapproval of Louisiana’s SIP is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.*; *Texas v. EPA*, 829 F.3d 405, 418–24 (5th Cir. 2016). This petition for review is timely filed within sixty days of the challenged action’s publication in the Federal Register. *See* 42 U.S.C. § 7607(b)(1). Petitioners request that the Court vacate, set aside, and hold unlawful the EPA’s final action on the Louisiana SIP.

April 13, 2023

Respectfully submitted,

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¹ A copy of the Final Rule is attached to this petition as Attachment A. 5TH CIR. R. 15.1.

Counsel for the Louisiana Chemical Association, Louisiana Mid-Continent Oil and Gas Association, and Louisiana Electric Utility Environmental Group LLC

Certificate of Service

On April 13, 2023, this petition for review was served by Petitioners' counsel by first-class mail, postage prepaid, upon the following:

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