

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF UTAH, by and)	
through its Governor, SPENCER)	
J. COX, and its Attorney General,)	
SEAN D. REYES,)	Case No. <u>23-1157</u>
)	
Petitioners,)	
)	
v.)	
)	
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 D.C. Circuit Rule 15, the State of Utah hereby petitions this Court for review of Respondent United States Environmental Protection Agency’s (“EPA”) and Administrator Michael S. Regan’s final action promulgating a federal implementation plan for Utah to address the interstate transport requirements of 42 U.S.C.

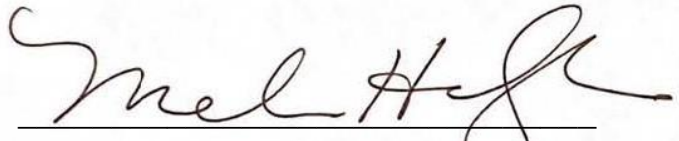
§ 7410(a)(2)(D)(i)(I) for the 2015 8-hour ozone national ambient air quality standards.

EPA's final action is titled "Federal 'Good Neighbor Plan' for the 2015 Ozone National Ambient Air Quality," and is published in the Federal Register at 88 Fed. Reg. 36,654 (June 5, 2023) (EPA Docket No. EPA-HQ-OAR-2021-0668). A copy of EPA's final rule is attached to this Petition.

This Court has jurisdiction over this Petition under 42 U.S.C. § 7607(b)(1). In the interest of expediting consideration of this challenge and to avoid any delay that likely would be caused by disputes over venue in the regional circuits, Utah acquiesces to venue in this Court. *Tex. Mun. Power Agency v. EPA*, 89 F.3d 858, 867 (D.C. Cir. 1996) ("§ 307(b)(1) is a venue provision, the application of which can be waived").

Dated: June 20, 2023.

Respectfully submitted,



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Sean D. Reyes

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CERTIFICATE OF SERVICE

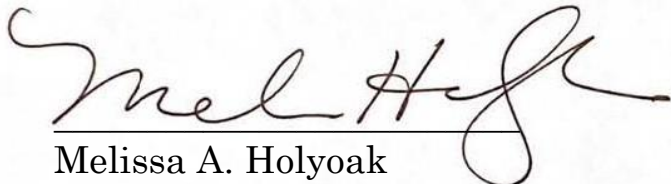
I hereby certify that I have caused a true and correct copy of the foregoing Petition for Review to be served by U.S. Mail, postage prepaid, addressed to the following:

Hon. Michael S. Regan
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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
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Office of General Counsel (2310A)
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Dated: June 20, 2023



Melissa A. Holyoak