

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

MIDWEST OZONE GROUP,	)	
	)	
Petitioner,	)	
	)	Case No. 23-1191
v.	)	
	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, and MICHAEL S.	)	
REGAN, Administrator, United States	)	
Environmental Protection Agency,	)	
	)	
Respondents.	)	

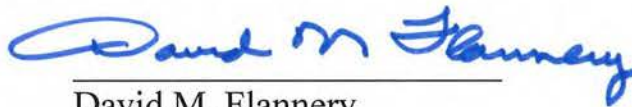
**PETITION FOR REVIEW**

The Midwest Ozone Group hereby petitions this court, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, D.C. Circuit Rule 15, the Administrative Procedures Act, and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), for review of the final action the Respondent United States Environmental Protection Agency (“EPA”) and Administrator Michael S, Regan promulgating the rule titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards” and published in the Federal Register at 88 Fed. Reg. 36,654 (June 5, 2023). A copy of EPA’s final rule is attached to the Petition and identified as Attachment A.

This Court has jurisdiction under 42 U.S.C. §7607(b)(1). Relying on *Texas*

*Municipal Power Agency v. Environmental Protection Agency*, 89 F.3d 858, 867 (D.C. Cir. 1996) in which this Court found that Clean Air Act §307(b)(1) is a waivable venue provision, the Petitioner Midwest Ozone Group does so yield venue as to this Petition in this Court to promote judicial efficiency and to advance this challenge without unnecessary delay that may arise from disputes regarding regional circuit venue selection.

Respectfully submitted.



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*Counsel for Petitioner Midwest Ozone Group*

July 21, 2023

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**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER  
MIDWEST OZONE GROUP**

Pursuant to Federal Rules of Appellate Procedure and Circuit Rule 26.1 and Circuit Rule 26.1, the MIDWEST OZONE GROUP, a petitioner files the following statement:

MIDWEST OZONE GROUP is a continuing association of individuals operated for the purpose of promoting the general interests of its membership. The MIDWEST OZONE GROUP has no outstanding shares or debt securities in the hand of the public and has no parent company.

No publicly held company has a 10% or greater ownership interest in the Midwest Ozone Group.

Respectfully submitted,



David M Flannery

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Counsel for the Midwest Ozone Group

Dated: July 21, 2023

**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 CFR 23.12(a), on this date, I hereby certify that I will cause to be served a true copy of the foregoing Petition for Review and Disclosure Statement via U.S. mail on the 21<sup>st</sup> day of July 2023, return-receipt requested, a copy of the foregoing Petition for Review to the following:

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

Hon. Merrick B. Garland  
Attorney General for the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Office of General Counsel (2310A)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

  
David M. Flannery

Dated: July 21, 2023