

No. 23-_____

**In the United States Court of Appeals
for the Fifth Circuit**

STATE OF LOUISIANA AND LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY,
Petitioners,

v.

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

PETITION FOR REVIEW OF A FINAL RULE OF THE
ENVIRONMENTAL PROTECTION AGENCY

In accordance with 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15, Petitioners the State of Louisiana and the Louisiana Department of Environmental Quality petition this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan's agency action promulgating a federal implementation plan ("FIP") as to the State of Louisiana addressing 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 (“NAAQS”). The challenged action was included as part of the final rule titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” attached hereto as Exhibit A and published at 88 Fed. Reg. 36,654 (June 5, 2023) (“Final Rule”).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged part of the Final Rule is an action “approving or promulgating [an] implementation plan under section 7410” that is “locally or regionally applicable” and is not “based on a determination of nationwide scope or effect.” 42 U.S.C. 7607(b)(1).

The Final Rule was published on June 5, 2023. Thus, this Petition is timely filed within 60 days of publication in the Federal Register. 42 U.S.C. § 7607(b)(1).

Petitioners request that the Court declare unlawful and vacate the EPA’s final action purporting to impose FIP requirements on Louisiana.

Respectfully Submitted,

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SERVICE LIST

On June 14, 2023, undersigned counsel is causing this petition to be electronically filed with the United States Court of Appeals for the Fifth Circuit. Pursuant to Fed. R. App. Proc. 15, Petitioners request the clerk serve this Petition for Review as follows:

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