
No. 23-_____

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

ENERGY TRANSFER LP,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
MICHAEL S. REGAN, Administrator,
United States Environmental Protection Agency,

Respondents.

Petition for Review of a Final Rule of the
Environmental Protection Agency

Aaron M. Streett
Matthew L. Kuryla
Beau Carter
BAKER BOTTS L.L.P.
910 Louisiana St.
Houston, Texas 77002
(713) 229-1855 (phone)
(713) 229-7855 (fax)
aaron.streett@bakerbotts.com
*Counsel for Energy Transfer
LP*

No. 23-_____

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

ENERGY TRANSFER LP,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
MICHAEL S. REGAN, Administrator,
United States Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Under 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15(a), Petitioner Energy Transfer LP petitions this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan's promulgation of a federal implementation plan for Indiana 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 "Federal 'Good Neighbor Plan' for the 2015 Ozone National Ambient Air Quality Standards," 88 Fed. Reg. 36,654 (June

5, 2023) (“Final Rule”).* *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 promulgation of a FIP for Indiana is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.* This petition for review is timely filed within sixty days of the challenged action’s publication in the Federal Register. *See id.* Petitioner requests that the Court vacate, set aside, and hold unlawful the EPA’s promulgation of the FIP for Indiana.

* A copy of the Final Rule is attached to this petition.

August 3, 2023

Respectfully submitted,

/s/ Aaron M. Streett

Aaron M. Streett

Matthew L. Kuryla

Beau Carter

BAKER BOTTS L.L.P.

910 Louisiana St.

Houston, Texas 77002

(713) 229-1855 (phone)

(713) 229-7855 (fax)

aaron.streett@bakerbotts.com

Counsel for Energy Transfer

LP

CERTIFICATE OF SERVICE

On August 3, 2023, this petition for review was served by Petitioner's counsel by first-class mail, postage prepaid, upon the following:

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Todd Kim
Assistant Attorney General
U.S. Department of Justice
Environment and Natural
Resources Division
RFK DOJ Building, Room 2143
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

/s/ Aaron M. Streett
Counsel for Petitioner