

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

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|--|---|--------------------------------|
| _____ |) | |
| SSM LITIGATION GROUP, |) | |
| |) | |
| <i>Petitioner,</i> |) | |
| |) | |
| v. |) | Case No. <u>23-1267</u> |
| |) | |
| U.S. ENVIRONMENTAL PROTECTION AGENCY, |) | |
| |) | |
| <i>Respondent.</i> |) | |
| _____ |) | |

PETITION FOR REVIEW

Pursuant to Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), Fed. R. App. P. 15, and Circuit Rule 15, SSM Litigation Group hereby petitions this Court for review of the final action of the United States Environmental Protection Agency entitled *Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program*, published on July 21, 2023 at 88 Fed. Reg. 47,029.

A Rule 26.1 corporate disclosure statement is attached.

Dated: September 19, 2023

Respectfully submitted,

/s/ Russell S. Frye

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*Counsel for SSM Litigation
Group*

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| |) | |

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1 and Circuit Rule 26.1, counsel for petitioner SSM Litigation Group certifies as follows:

1. SSM Litigation Group is an *ad hoc*, informal organization of trade associations and business organizations, formed to fund and conduct advocacy and litigation concerning regulation under the Clean Air Act of emissions from stationary sources, with particular emphasis on emissions during startup, shutdown, and malfunction events.

2. SSM Litigation Group does not have a parent corporation, and no publicly-held company has a 10 percent or greater ownership interest in SSM

Litigation Group. SSM Litigation Group is a “trade association” within the meaning of Circuit Rule 26.1(b).

Dated: September 19, 2023

Respectfully submitted,

/s/ Russell S. Frye

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CERTIFICATE OF SERVICE

This is to certify that the foregoing Petition for Review of SSM Litigation Group and Rule 26.1 Corporate Disclosure Statement were served on Respondent this 19th day of September, 2023, by placing copies in the U.S.

Mail, First Class postage prepaid, addressed to each of the following:

Michael Regan, Administrator
U.S. Environmental Protection Agency
Office of the Administrator (1101A)
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Correspondence Control Unit
U.S. Environmental Protection Agency
Office of General Counsel (2310A)
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Merrick Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

/s/ Russell S. Frye