

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

STATE OF WEST VIRGINIA,
STATE OF INDIANA,
STATE OF ALABAMA,
STATE OF ALASKA,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF IDAHO,
STATE OF IOWA,
COMMONWEALTH OF
KENTUCKY,
STATE OF LOUISIANA,
STATE OF MISSISSIPPI,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF NEW HAMPSHIRE,
STATE OF NORTH DAKOTA,
STATE OF OKLAHOMA,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF TENNESSEE,
STATE OF TEXAS,
STATE OF UTAH,
COMMONWEALTH OF
VIRGINIA,
STATE OF WYOMING,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY and

No. 24-1120

MICHAEL S. REGAN,
Administrator, United States
Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Under Clean Air Act § 307(b)(1) (42 U.S.C. § 7607(b)(1)), 5 U.S.C. §§ 702 and 706, Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Local Rule 15, the States of West Virginia, Indiana, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming petition this Court for review of the final agency action taken by Respondents United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, entitled “New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule,” 89 Fed. Reg. 39,798 (May 9, 2024). Petitioners have attached a copy of that final rule.

Petitioners will show that the final rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Petitioners thus ask that this Court declare unlawful and vacate Respondents' final action.

Respectfully submitted,

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Dated: May 9, 2024

CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of this Petition to be served on the following Respondents by U.S. Mail on May 9, 2024:

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