

No. 16-1406

In the United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF WISCONSIN, ET AL.,
PETITIONERS,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND
REGINA A. MCCARTHY, ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
RESPONDENTS.

PETITION FOR REVIEW

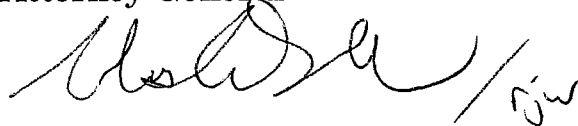
Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act (42 U.S.C. § 7607(b)(1)), and 5 U.S.C. § 702, the State of Wisconsin, the State of Alabama, the State of Arkansas, the State of Ohio, and the State of Wyoming (“the States”) hereby petition this Court for review of the Final Rule of the U.S. Environmental Protection Agency, published in the Federal Register at 81 Fed. Reg. 74,504 (October 26, 2016), titled “Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS.” This Court has jurisdiction, and is a proper venue for this action, under 42 U.S.C. § 7607(b)(1). The States will show that the Final Rule is in excess of the agency’s statutory

authority and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law. The States ask this Court to hold unlawful and set aside the Rule, and to order such other relief as may be appropriate. *See* 42 U.S.C. § 7607(d)(9).

Respectfully submitted,

Dated: November 22, 2016.

BRAD D. SCHIMEL
Attorney General

A handwritten signature in black ink, appearing to read 'Brad D. Schimel', with a diagonal slash and the initials 'BJS' to the right.

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2016, a copy of the foregoing Petition for Review was served upon the parties listed below by first-class mail, postage prepaid.

A handwritten signature in black ink, appearing to read 'Misha Tseytlin', with a stylized flourish at the end. The initials 'fjw' are written in the bottom right corner of the signature.

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