

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

OCT 23 2015

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

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FILED	OCT 23 2015
CLERK	

**RECEIVED**  
STATE OF NORTH DAKOTA

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PETITION FOR REVIEW

Case No. 15-1381

The State of North Dakota, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1) (“CAA”) and 5 U.S.C. § 702, respectfully petition this Court for review of a final rule issued by the United States Environmental Protection Agency (“EPA”) published in the *Federal Register* at 80 Fed. Reg. 64509 (October 23, 2015), entitled “Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources—Electric Utility Generating Units.” This Court has jurisdiction, and is the proper venue for this action, pursuant to 42 U.S.C. § 7607(b)(1).

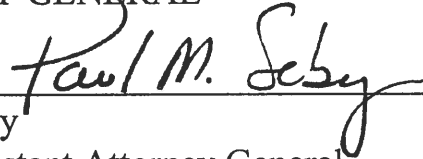
North Dakota seeks a determination by this Court that the EPA Final Rule challenged herein exceeds EPA’s statutory authority, goes beyond the bounds established by the United States Constitution and is arbitrary, capricious, an abuse

of discretion and not in accordance with law and for the Court to hold unlawful and set aside the rule, and to order other such relief as may be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: October 23, 2015

Respectfully submitted,

STATE OF NORTH DAKOTA  
WAYNE STENEHJEM  
ATTORNEY GENERAL



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*Counsel for Petitioner State of North  
Dakota*

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**PETITIONER'S PROVISIONAL CERTIFICATE AS TO PARTIES,  
RULINGS, AND RELATED CASES**

Pursuant to Circuit Rules 15(c)(3) and 28(a)(1), Petitioner states as follows:

**(A) Parties and Amici:**

The parties in this case are the State of North Dakota (Petitioner) and the United States Environmental Protection Agency (Respondent).

**(B) Rulings Under Review:**

Under review in this case is final action of the United States Environmental Protection Agency published in the Federal Register at 80 Fed. Reg. 64509 (October 23, 2015), entitled "Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources—Electric Utility Generating Units."

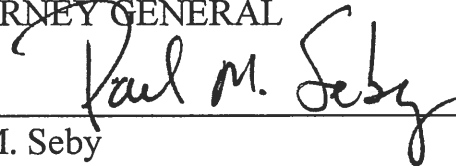
(C) Related Cases:

None.

Dated: October 23, 2015

Respectfully submitted,

STATE OF NORTH DAKOTA  
WAYNE STENEHJEM  
ATTORNEY GENERAL



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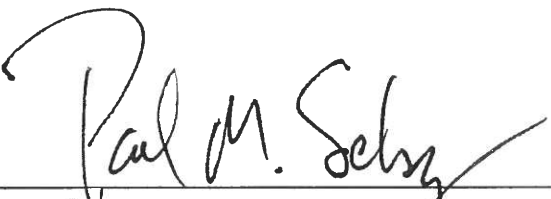
**CERTIFICATE OF SERVICE**

I hereby certify that I will cause to be served a true copy of the Docketing Statement, Petition for Review, and Petitioner's Provisional Certificate as to Parties, Rulings, and Related Cases via U.S. mail on the 23rd day of October, 2015, upon the following:

Hon. Regina McCarthy  
Office of the Administrator (1101A)  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Hon. Loretta E. Lynch  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

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United States Environmental Protection Agency  
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\_\_\_\_\_  
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