

JUL - 1 2016

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT	
FILED	JUL - 1 2016
CLERK	

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

ENERGY & ENVIRONMENT)
 LEGAL INSTITUTE)
)
 Petitioner,)
)
)
 v.)
)
)
 UNITED STATES ENVIRONMENTAL)
 PROTECTION AGENCY)
)
 Respondent.)

Case No. 16-1227

PETITION FOR REVIEW

The Energy & Environment Legal Institute, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Sections 307(b)(1) & (d)(7)(B) of the Clean Air Act, 42 U.S.C. §7607(b)(1) & (d)(7)(B) (“CAA”) and 5 U.S.C. § 702, respectfully petition this Court for review of the denial of the petition for reconsideration by the administrator of the United States Environmental Protection Agency (“EPA”) of a final rule published in the Federal Register at 81 Fed. Reg. 27442 (May 6, 2016), entitled “Reconsideration of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Unit.” This Court has jurisdiction, and is the proper venue for this action, pursuant to 42 U.S.C. § 7607(b)(1).

Petitioner will show that the denial by the administrator of the petition for reconsideration was arbitrary and capricious, was an abuse of the administrator's discretion and not in accordance with the law, and failed to give proper consideration to the facts and evidence raised in the petition.

Date: July 1, 2016

Respectfully Submitted,

ENERGY AND ENVIRONMENT
LEGAL INSTITUTE

By Counsel: *Chaim Mandelbaum*

Chaim Mandelbaum
Free Market Environmental
Law Clinic
Litigation Manager
D.C. Circuit Bar No. 56152
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Counsel for Petitioner

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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 Energy and Environment Legal Institute (Petitioner) and the United States Environmental Protection Agency (Respondent).

(B) Rulings Under Review:

Under review in this case is the denial of a petition for reconsideration by the administrator of the United States Environmental Protection Agency published in the Federal Register at 81 Fed. Reg. 27442 (May 6, 2016), entitled "Reconsideration of Standards of Performance for Greenhouse Gas Emissions

From New, Modified, and Reconstructed Stationary Sources: Electric Utility
Generating Unit."

(C) Related Cases:

This case is related to 15-1381 *State of North Dakota v. EPA* and its consolidated cases, which include 15-1396, 15-1397, 15-1399, 15-1434, 15-1438, 15-1448, 15-1456, 15-158, 15-1463, 15-1469, 15-1481, 15-1482, and 15-1484.

Petitioners in those consolidated cases indicated that they would seek to consolidate this case with those cases, following this filing.

Date: July 1, 2016

Respectfully Submitted,

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CORPORATE DISCLOSURE STATEMENT

Pursuant to federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, counsel for the Energy & Environment Legal Institute (EELI) certifies that EELI is a non-profit, non-governmental corporate entity organized under the laws of the District of Columbia. EELI does not have a parent corporation. No publicly held corporation owns ten percent or more of EELI's stock.

Respectfully submitted on this 1st day of July, 2016, by:

ENERGY AND ENVIRONMENT
LEGAL INSTITUTE

By Counsel: *Chaim Mandelbaum*

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I will cause to be served a true copy of the, Petition for Review, Corporate Disclosure Statement, and Petitioner's Provisional Certificate as to Parties, Rulings, and Related Cases via Certified U.S. mail on the 5th day of July, 2016, 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

Correspondence Control Unit
Office of General Counsel (2311)
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
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