

JAN 17 2017

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

JAN 17 2017

CLERK

STATE OF NORTH DAKOTA

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PETITION FOR REVIEW

Case No. 17-1014

ORIGINAL

The State of North Dakota, 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) (“CAA”), and 5 U.S.C. § 702, respectfully petition this Court for review of a final agency action by the United States Environmental Protection Agency (“EPA”), published in the *Federal Register* at 82 Fed. Reg. 4864 (Jan. 17, 2017), entitled “Denial of Reconsideration and Administrative Stay of the Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for 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 agency action 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 action, and to order other such relief as may be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: January 17, 2017

Respectfully submitted,

STATE OF NORTH DAKOTA  
WAYNE STENEHJEM  
ATTORNEY GENERAL



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Dakota***

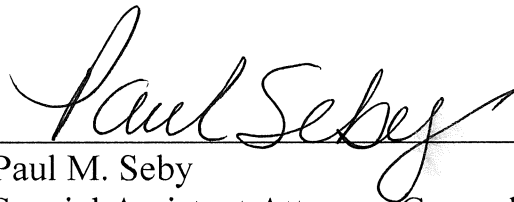
**CERTIFICATE OF SERVICE**

I hereby certify that I will cause to be served a true copy of the Petition for Review via U.S. mail on the 17th day of January, 2017, 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  
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