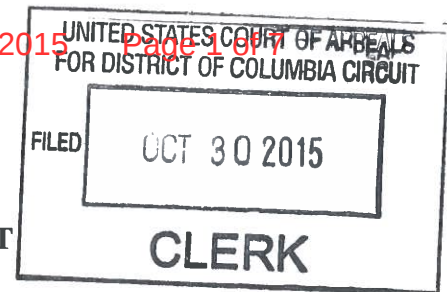


OCT 30 2015

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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. 15-1397

PETITION FOR REVIEW

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, the Energy & Environment Legal Institute respectfully petitions 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. 64510 (October 23, 2015), entitled “Standards of Performance for 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).

Petitioner will show that the final rule, as issued by the EPA, is arbitrary and capricious, is an abuse of the agency’s discretion and not in accordance with the law, was promulgated by decision-makers with an “unalterably closed mind,” failed to include material in the administrative record, failed to consider comments during the administrative process, exceeds

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the EPA's statutory authority, and goes beyond the bounds established by the United States Constitution.

Date: October 30, 2015

Respectfully Submitted,

ENERGY AND ENVIRONMENT
LEGAL INSTITUTE

By Counsel:



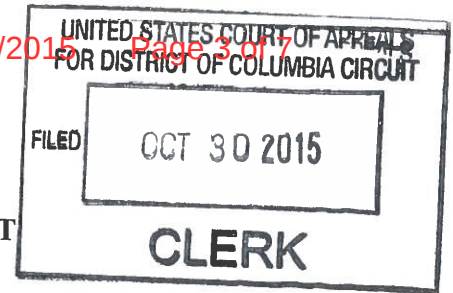
Chaim Mandelbaum
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Counsel for Petitioner

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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 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.

Date: October 30, 2015

Respectfully Submitted,

ENERGY AND ENVIRONMENT
LEGAL INSTITUTE

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By Counsel:

A handwritten signature in black ink that reads "Chaim Mandelbaum". The signature is written in a cursive, slightly slanted style.

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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 Commonwealth of Virginia. EELI does not have a parent corporation. No publicly held corporation owns ten percent or more of EELI's stock.

Respectfully submitted on this 29th day of October, 2015, 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 2nd day of November, 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

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