

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

ORIGINAL

DEC 22 2015

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

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FOR DISTRICT OF COLUMBIA CIRCUIT
FILED
DEC 22 2015
CLERK

AMERICAN FOREST & PAPER
ASSOCIATION, INC. and
AMERICAN WOOD COUNCIL,

Petitioners

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PETITION FOR
REVIEW

No. 15-1485

Pursuant to Fed. R. App. P. 15 and Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), American Forest & Paper Association, Inc. and American Wood Council hereby petition this Court to review a final rule promulgated by the U.S. Environmental Protection Agency entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units; Final Rule,” published at 80 Fed. Reg. 64,662 on October 23, 2015, (EPA Docket No. EPA-HQ-OAR-2013-0602) (the “Emission Guidelines”).

In particular, petitioners are filing this action to address provisions of the Emission Guidelines that describe how state plans under Clean Air Act section 111(d), 42 U.S.C. § 7411(d), should deal with potential generation of electricity through combustion of biomass-based fuels.

A Rule 26.1 Disclosure Statement is attached.

Dated: December 21, 2015

Respectfully submitted,



Russell S. Frye (D.C. Bar No. 331124)

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*Attorney for Petitioners American Forest & Paper
Association, Inc. and American Wood Council*

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PETITIONERS' RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1 and Circuit Rule 26.1, undersigned counsel for American Forest & Paper Association, Inc. and American Wood Council certifies as follows:

1. American Forest & Paper Association, Inc. is a non-profit, nationwide trade association representing the U.S. pulp, paper, packaging, and wood products manufacturing industry.
2. American Wood Council is a non-profit, nationwide trade association

representing member companies engaged in the manufacture of traditional and engineered wood products in North America.

3. This proceeding involves a petition for review, pursuant to 42 U.S.C. § 7607(b) and Fed. R. App. P. 15(a), of the United States Environmental Protection Agency's issuance of "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units; Final Rule," published at 80 Fed. Reg. 64,662 on October 23, 2015. American Forest & Paper Association, Inc. and American Wood Council have members that operate facilities and manage forest resources that will be affected by the challenged emission guidelines.

4. American Forest & Paper Association, Inc. and American Wood Council each has no parent corporation, and no publicly held company owns more than a 10 percent interest in American Forest & Paper Association, Inc. or American Wood Council. Both are "trade associations" within the meaning of Circuit Rule 26.1(b).

Dated: December 21, 2015

Respectfully submitted,



Russell S. Frye (D.C. Bar No. 331124)
FryeLaw PLLC

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition for Review and accompanying Rule 26.1 Disclosure Statement were served by placing them in the U.S. mail, first class, postage prepaid, this 21st day of December, 2015, upon the following persons:

Administrator Regina A. McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
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Washington, DC 20460

Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
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