

JUL 15 2016

RECEIVED

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

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT	
FILED	JUL 15 2016
CLERK	

STATE OF NORTH DAKOTA

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PETITION FOR REVIEW

Case No. 16-1242

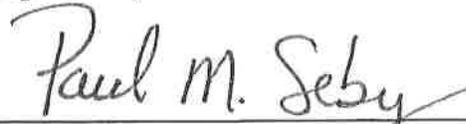
The State of North Dakota, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1) (“CAA”) and 5 U.S.C. § 702, respectfully petition this Court for review of a final rule issued by the United States Environmental Protection Agency (“EPA”) published in the *Federal Register* at 81 Fed. Reg. 35823 (June 3, 2016), entitled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,” attached hereto. 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: July 14, 2016

Respectfully submitted,



Paul M. Seby
Special Assistant Attorney General
Greenberg Traurig, LLP
1200 17th Street, Suite 2400
Denver, CO 80202
Phone: (303) 572-6584
seby@gtlaw.com

Wayne Stenehjem
Attorney General
Matthew A. Sagsveen
North Dakota Office of the Attorney
General
500 N. 9th Street
Bismarck, ND 58501
Phone: (701) 328-2925
ndag@nd.gov
masagsve@nd.gov

***Counsel for Petitioner State of North
Dakota***

CERTIFICATE OF SERVICE

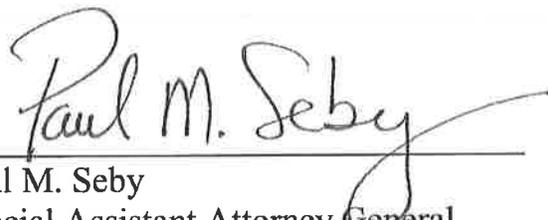
I hereby certify that I will cause to be served a true copy of the Petition for

Review via U.S. mail on the 14th 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 (2311A)
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460



Paul M. Seby
Special Assistant Attorney General
State of North Dakota
*Counsel for Petitioner State of North
Dakota*