

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

HYBAR LLC

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY AND MICHAEL S.  
REGAN, ADMINISTRATOR, UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY,

Respondents.

Case No. 24-1176

**PETITION FOR JUDICIAL REVIEW**

Hybar LLC petitions pursuant to 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15 for review of the Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s final action partially denying Hybar LLC’s administrative petition for reconsideration (“Hybar’s Reconsideration Petition”), submitted to EPA on August 4, 2023, which requested reconsideration of EPA’s imposition of a federal implementation plan on the State of Arkansas, included as part of the prior final action styled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards” published in the Federal Register, 88 *Fed. Reg.* 36654, on June 5, 2023 (“Good Neighbor Plan”).

Notice of EPA’s partial denial of Hybar’s Reconsideration Petition was published in the Federal Register on April 4, 2024 at 89 *Fed. Reg.* 23526, as part

of a final action styled “Partial Denial of Petitions for Reconsideration: Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards” (EPA Partial Denial). A copy of the foregoing EPA Partial Denial is attached to this Petition as Appendix A.

EPA’s partial denial only addressed one of the four grounds for reconsideration raised in Hybar’s Reconsideration Petition—namely, the fact that EPA lacked authority to impose the Good Neighbor Plan on Arkansas, because EPA’s prerequisite disapproval action had already been stayed by the Eighth Circuit in *Arkansas v. EPA*, Case No. 23-1320 (8th Cir., Order dated May 25, 2023). Accordingly, this petition for review concerns only EPA’s denial of that basis for reconsideration, and Hybar LLC may be entitled to file a subsequent petition for review when EPA acts upon the other independent grounds raised in Hybar’s Reconsideration Petition.

This petition for review is timely filed within sixty days of the date of publication of the notice of EPA’s Partial Denial in the Federal Register. 42 U.S.C. 7607(b)(1).

Respectfully submitted,



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June 3, 2024

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1A, Hybar LLC makes the following corporate disclosure: Hybar LLC is a steel manufacturer currently constructing a scrap-steel to rebar steel manufacturing facility in Arkansas. Hybar LLC which is 100% owned by Hybar Intermediate Holdings LLC, which is 100% owned by Green & Clean Holdings LLC. No publicly held corporation owns 10% or more of the stock of Hybar LLC, Hybar Intermediate Holdings LLC, or Green & Clean Holdings LLC.



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Mark W. DeLaquil

June 3, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Petition for Judicial Review and Corporate Disclosure Statement will be served this day by United State first-class mail upon the following:

United States Environmental Protection Agency  
Correspondence Control Unit  
Office of General Counsel (2344A)  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Administrator Michael S. Regan  
United States Environmental Protection Agency  
Office of the Administrator (1101A)  
1200 Pennsylvania Ave., NW  
Washington, D. C. 20460

Attorney General Merrick B. Garland  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530



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Mark W. DeLaquil

June 3, 2024