

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

NATIONAL RURAL ELECTRIC)
COOPERATIVE ASSOCIATION,)
LIGNITE ENERGY COUNCIL,)
NATIONAL MINING)
ASSOCIATION,)
MINNKOTA POWER)
COOPERATIVE, INC.,)
EAST KENTUCKY POWER)
COOPERATIVE, INC.,)
ASSOCIATED ELECTRIC)
COOPERATIVE INC.,)
BASIN ELECTRIC POWER)
COOPERATIVE, and)
RAINBOW ENERGY CENTER, LLC,)

Case No. 24-1179

Petitioners,)

v.)

U.S. ENVIRONMENTAL)
PROTECTION AGENCY and)
MICHAEL S. REGAN, in his official)
capacity as Administrator of the U.S.)
Environmental Protection Agency,)

Respondents.)

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15(a)(1), Petitioners National Rural Electric Cooperative

Association, Lignite Energy Council, National Mining Association, Minnkota Power Cooperative, Inc., East Kentucky Power Cooperative, Inc., Associated Electric Cooperative Inc., Basin Electric Power Cooperative, and Rainbow Energy Center, LLC hereby petition this Court for review of the final action taken by Respondents United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, published in the Federal Register at 89 Fed. Reg. 38508 (May 7, 2024), and titled “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review” (the “Final Rule”). A copy of the Final Rule is attached hereto.

This Court has jurisdiction and is a proper venue for this action under 42 U.S.C. § 7607(b)(1). Petitioners will show that the Final Rule is in excess of the agency’s statutory authority and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. *See* 5 U.S.C. § 706(2). Accordingly, Petitioners ask this Court to hold unlawful and set aside the Final Rule, and to order such other relief as might be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: June 3, 2024

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Respectfully Submitted,

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Cooperative, Inc., East Kentucky
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/s/Megan H. Berge

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Energy Center, LLC

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CORPORATE DISCLOSURE STATEMENTS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit
Rule 26.1, Petitioners National Rural Electric Cooperative Association,

Lignite Energy Council, National Mining Association, Minnkota Power Cooperative, Inc., East Kentucky Power Cooperative, Inc., Associated Electric Cooperative Inc., Basin Electric Power Cooperative, and Rainbow Energy Center, LLC, submit the following corporate disclosure statements:

National Rural Electric Cooperative Association (“NRECA”) is the national association for nearly 900 not-for-profit rural electric cooperatives and public power districts that provide electric service to roughly one in eight Americans, covering 56% of the Nation’s landmass. Rural electric cooperatives serve millions of businesses, homes, schools, farms, irrigation systems, and other establishments in 2,500 of the nation’s over 3,100 counties, including 92% of the Nation’s persistent poverty counties. America’s electric cooperatives are owned by the people they serve, and they comprise a unique sector of the electric industry. Electric cooperatives are focused on providing affordable, reliable, and safe electric power in an environmentally responsible manner. NRECA is not a publicly held corporation, and NRECA has no parent corporation. No publicly held company has 10% or greater ownership interest in NRECA.

Lignite Energy Council (“LEC”) is a regional, nonprofit organization whose primary mission is to promote the continued development and use of lignite coal as an energy resource. LEC’s membership includes producers of lignite coal who have an ownership interest in and who mine lignite, users of lignite who operate lignite-fired electric generating plants, and suppliers of goods and services to the lignite coal industry. LEC has no outstanding shares or debt securities in the hand of the public and has no parent company. No publicly held company has a 10% or greater ownership interest in LEC.

National Mining Association (“NMA”) is a nonprofit national trade association that represents the interests of the mining industry, including every major coal company operating in the United States. NMA has over 280 members, whose interests it represents before Congress, the administration, federal agencies, the courts, and the media. NMA is a “trade association” within the meaning of Circuit Rule 26.1(b). NMA is not a publicly held corporation and has no parent corporation. No publicly held company has 10% or greater ownership interest in NMA.

Minnkota Power Cooperative, Inc. (“Minnkota”) is a

corporation organized under the laws of the State of Minnesota, and its corporate headquarters are located at 5301 32nd Avenue South, Grand Forks, North Dakota 58201. Minnkota is owned by 11 rural electric cooperatives: Beltrami Electric Cooperative, Cass County Electric Cooperative, Cavalier Rural Electric Cooperative, Clearwater-Polk Electric Cooperative, Nodak Electric Cooperative, North Star Electric Cooperative, PKM Electric Cooperative, Red Lake Electric Cooperative, Red River Valley Co-op Power, Roseau Electric Cooperative, and Wild Rice Electric Cooperative. No publicly held corporation owns 10% or more of Minnkota's stock.

East Kentucky Power Cooperative, Inc. ("East Kentucky") is a corporation organized under the laws of the Commonwealth of Kentucky, and its corporate headquarters are located at 4775 Lexington Road, Winchester, Kentucky 40392. East Kentucky is owned by 16 rural electric cooperatives: Big Sandy Rural Electric Cooperative, Blue Grass Energy Cooperative, Clark Energy Cooperative, Cumberland Valley Electric, Farmers Rural Electric Cooperative, Fleming-Mason Energy Cooperative, Grayson Rural Electric Cooperative, Inter-County Energy, Jackson Energy Cooperative, Licking Valley Rural Electric

Cooperative, Nolin Rural Electric Cooperative, Owen Rural Electric Cooperative, Salt River Electric Cooperative, Shelby Energy Cooperative, South Kentucky Rural Electric Cooperative, and Taylor County Rural Electric Cooperative. No publicly held corporation owns 10% or more of East Kentucky's stock.

Associated Electric Cooperative Inc. is a corporation organized under the laws of the State of Missouri. Associated Electric Cooperative Inc. has no parent companies, non-wholly owned subsidiaries, or affiliates that have issued shares to the public.

Basin Electric Power Cooperative (“Basin Electric”) is a cooperative corporation organized under the laws of the State of North Dakota, and its corporate headquarters are located at 1717 East Interstate Avenue, Bismarck, North Dakota 58503. Basin Electric is owned by 141 rural electric cooperatives. Its Class A members include: Central Montana Electric Power Cooperative, Central Power Electric Cooperative, Corn Belt Power Cooperative, Crow Wing Power, East River Electric Power Cooperative, Grand Electric Cooperative, KEM Electric Cooperative, L&O Power Cooperative, Members 1st Power Cooperative, Minnesota Valley Cooperative Light & Power Association,

Minnesota Valley Electric Cooperative, Mor-Gran-Sou Electric Cooperative, Northwest Iowa Power Cooperative, Rosebud Electric Cooperative, Rushmore Electric Power Cooperative, Tri-State Generation and Transmission Association, Upper Missouri Power Cooperative, Wright-Hennepin Cooperative Electric Association, Wyoming Municipal Power Agency. No publicly held company has 10% or greater ownership interest in Basin Electric.

Rainbow Energy Center, LLC (“Rainbow) is a North Dakota limited liability company, is a wholesale power generation company headquartered in Bismarck, North Dakota. Rainbow is a wholly owned subsidiary of REMC Assets, LP, a North Dakota limited partnership. REMC Group, LLC, a North Dakota limited liability company, holds the 1% general partner controlling interest in REMC Assets, LP. No publicly held corporation has a 10% or greater ownership interest in REMC Assets, LP or in REMC Group, LLC.

Dated: June 3, 2024

/s/Elizabeth C. Williamson

ELIZABETH C. WILLIAMSON

*Attorney for Petitioners National
Rural Electric Cooperative Association,
Minnkota Power Cooperative, Inc.,
East Kentucky Power Cooperative, Inc.,
Associated Electric Cooperative Inc.,
and Basin Electric Power Cooperative*

/s/Misha Tseytlin

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*Attorney for Petitioners Lignite Energy
Council and National Mining
Association*

/s/Megan H. Berge

MEGAN H. BERGE

*Attorney for Petitioner Rainbow
Energy Center, LLC*

CERTIFICATE OF FILING AND SERVICE

I certify that on June 3, 2024, I caused this Petition and Rule 26.1 Corporate Disclosure Statements to be filed with the United States Court of Appeals for the D.C. Circuit.

I further certify that a true and accurate copy of this Petition and Rule 26.1 Corporate Disclosure Statements were served via certified mail, return receipt requested, on the following addresses:

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950 Pennsylvania Avenue, N.W.
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Dated: June 3, 2024

/s/Elizabeth C. Williamson
ELIZABETH C. WILLIAMSON