

FILED
MAY 03 2024
U.S. Court of Appeals
Eighth Circuit- St. Paul, MN

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

RECEIVED
MAY 03 2024
U.S. Court of Appeals
Eighth Circuit- St. Paul, MN

UNITED STATES STEEL)
CORPORATION,)

Petitioner,)

v.)

U.S. ENVIRONMENTAL PROTECTION)
AGENCY, and MICHAEL S. REGAN,)
Administrator, United States)
Environmental Protection Agency,)

Case No. 24-1946

Respondents.

PETITION FOR REVIEW

Pursuant to Section 307 of the Clean Air Act, 42 U.S.C. § 7607, 5 U.S.C. §§ 701-706, and Rule 15 of the Federal Rules of Appellate Procedure, Petitioner United States Steel Corporation (“U. S. Steel”) hereby petitions this Court for review of the final action of the United States Environmental Protection Agency and Michael S. Regan in his official capacity as Administrator, entitled “National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing,” which was published in the *Federal Register* at 89 Fed. Reg. 16,408 (March 6, 2024) (“Rule”). The Rule imposes emission standards and other requirements on taconite iron ore processing facilities under EPA’s authority to regulate hazardous air pollutants under 42 U.S.C. § 7412 and to amend existing hazardous air

pollutant requirements under 42 U.S.C. § 7412(d)(6). A copy of the Rule is attached as Exhibit A.

This petition is timely filed within 60 days from the date notice of promulgation of the Rule was published in the Federal Register.

42 U.S.C. § 7607(b)(1).

This Court has jurisdiction and is the proper venue for this action because the Rule is “locally or regionally applicable” under 42 U.S.C. § 7607(b)(1). It applies only to the taconite iron ore processing facilities, which are few and are located in only two States (Minnesota and Michigan) within the same region.

Respectfully submitted,

/s/John D. Lazzaretti

John D. Lazzaretti

SQUIRE PATTON BOGGS (US) LLP

1000 Key Tower

127 Public Square

Cleveland, Ohio 44114

Telephone: (216) 479-8350

Facsimile: (216) 479-8780

Email: john.lazzaretti@squirepb.com

Kendra A. Jones

David W. Hacker

The Law Department of

United States Steel Corporation

600 Grant Street, Ste. 1800

Pittsburgh, PA 15219-2800

Telephone: (479) 200-9743 (Jones)

(412) 433-2919 (Hacker)

Facsimile: (412) 433-2964

Email: kjones@uss.com
dwhacker@uss.com

*Counsel for Petitioner United States Steel
Corporation*

Dated: May 3, 2024

CERTIFICATE OF SERVICE

I hereby certify that, Pursuant to Federal Rule of Appellate Procedure 15(c), the Clerk will serve each Respondent. I further certify that, on May 3, 2024, the foregoing PETITION FOR REVIEW was served by certified mail, return receipt requested, on each of the following:

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Mail Code 1101A
Washington, D.C. 20460

The Honorable Merrick Garland
Attorney General of the United States
Robert F. Kennedy Building
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Correspondence Control Unit
Office of General Counsel (2311)
United States Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, N.W.

Debra Shore
Regional Administrator
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

/s/John D. Lazzaretti

John D. Lazzaretti
Counsel for Petitioner

FILED
MAY 03 2024
U.S. Court of Appeals
Eighth Circuit- St. Paul, MN

RECEIVED
MAY 03 2024
U.S. Court of Appeals
Eighth Circuit- St. Paul, MN

United States Court of Appeals***For The Eighth Circuit***Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329**St. Louis, Missouri 63102****Stephanie N. O'Banion**
*Acting Clerk of Court***VOICE (314) 244-2400**
FAX (314) 244-2780
www.ca8.uscourts.gov

May 03, 2024

John D. Lazzaretti
SQUIRE & PATTON
1000 Key Tower
127 Public Square
Cleveland, OH 44114

RE: 24-1946 U.S. Steel Corporation v. EPA, et al

Dear Counsel:

We have received a petition for review of an order of the United States Environmental Protection Agency in the above case, together with payment in the amount of \$600 for the docket fee.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

The petition has been filed and docketed. A copy of the petition is hereby served upon the respondent in accordance with Federal Rule of Appellate Procedure, 15(c).

Your attention is invited to the briefing schedule pertaining to administrative agency cases, a copy of which will be sent under separate Notice of Docket Activity. The clerk's office provides a number of practice aids and materials to assist you in preparing the record and briefs. You can download the materials from our website, the address of which is shown above. Counsel for both sides should familiarize themselves with the material and immediately confer regarding the briefing schedule and contents of the appendix.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

Stephanie N. O'Banion
Acting Clerk of Court

CBO

cc: Merrick B. Garland
David W. Hacker
Kendra A. Jones
Office of General Counsel
Debra Shore

District Court/Agency Case Number(s): EPA-HQ-OAR-2017-0664

United States Steel Corporation

Petitioner

v.

U.S. Environmental Protection Agency; Michael S. Regan, Administrator, United States
Environmental Protection Agency

Respondents

John D. Lazzaretti
SQUIRE & PATTON
1000 Key Tower
127 Public Square
Cleveland, OH 44114

Merrick B. Garland
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue
Washington, DC 20530

David W. Hacker
U.S. STEEL CORPORATION
Law Department
Suite 1500
600 Grant Street
Pittsburgh, PA 15219-2800

Kendra A. Jones
U.S. STEEL CORPORATION
Law Department
Suite 1500
600 Grant Street
Pittsburgh, PA 15219-2800

Office of General Counsel
U.S. ENVIRONMENTAL PROTECTION AGENCY
Correspondence Control Unit
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Debra Shore
U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 5
77 W. Jackson Boulevard
Chicago, IL 60604-0000