

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

City Utilities of Springfield, Missouri by and  
through the Board of Public Utilities

Petitioner,

v.

No. 24-1200

United States Environmental Protection Agency  
and Michael S. Regan, Administrator, United  
States Environmental Protection Agency,

Respondents.

**PETITION FOR REVIEW**

Pursuant to 42 U.S.C. § 6976(a), Federal Rule of Appellate Procedure 15, and Circuit Rule 15, City Utilities of Springfield, Missouri, by and through the Board of Public Utilities (“City Utilities”), hereby petitions this Court for judicial review of the regulation promulgated and final action taken by Respondents the United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, entitled “Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments,” which was published in the Federal Register at 89 Fed. Reg. 38,950 (May 8, 2024) (“Final Rule”). A copy of the Final Rule is attached hereto as Exhibit A.

City Utilities is a municipally owned public utility and a component unit of the City of Springfield, Missouri, as authorized by Article 6, Section 19 of the

Constitution of the State of Missouri, and Chapter 91 of the Revised Statutes of Missouri that provides electricity, natural gas, water, broadband and public transportation services to customers in a 320 square mile area of southwestern Missouri. In particular, City Utilities provides electric services to approximately 119,000 customers. To serve its customers, City Utilities owns and operates a range of electricity generating facilities, including one of the nation's newest and cleanest coal-fired units, as well as natural gas-fired and renewable generating units.

Jurisdiction and venue are proper in this Court because petitions for review of rules and regulations promulgated under the Resource Conservation and Recovery Act “may be filed only in the United States Court of Appeals for the District of Columbia.” 42 U.S.C. § 6976(a)(1). Additionally, the petition is timely filed within 90 days of the promulgation of the Final Rule. *Id.*

Petitioner will show that the Final Rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion or not in accordance with law. Petitioner therefore requests that the Court hold unlawful and set aside the challenged aspects of the Final Rule, and grant such other relief as the Court may deem appropriate.

Dated: June 13, 2024

Respectfully submitted,

/s/ John McCaffrey

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