

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED NOV - 5 2015  
CLERK

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

NOV - 5 2015

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

RECEIVED

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
*PETITIONER*

v.

NO. 15-1409

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and  
REGINA A. MCCARTHY, Administrator,  
United States Environmental Protection Agency,  
*RESPONDENTS*


**PETITION FOR REVIEW**

The State of Mississippi hereby petitions this Court, pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and 5 U.S.C. § 702, for review of the final rule of the United States Environmental Protection Agency published in the *Federal Register* at 80 Fed. Reg. 64,662 (October 23, 2015) and titled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." This Court has jurisdiction, and is a proper venue for this action, under 42 U.S.C. § 7607(b)(1).

Petitioner will show that the final rule is in excess of the agency's statutory authority, goes beyond the bounds set by the United States Constitution, and otherwise is arbitrary, capricious, an abuse of discretion and not in accordance with law. Accordingly, Petitioner asks the Court to hold unlawful and set aside the rule, and to order such other relief as may be appropriate. See 42 U.S.C. § 7607(d).

Dated: November 4, 2015

Respectfully submitted,

---

*Attorney for the Petitioner, Mississippi  
Department of Environmental Quality*

Counsel for Petitioner:

Donna J. Hodges  
Senior Counsel  
Mississippi Department of Environmental Quality  
P.O. Box 2261  
Jackson, Mississippi 39225-2261  
Telephone (601) 961-5369  
Facsimile (601) 961-5349  
Email: [donna\\_hodges@deq.state.ms.us](mailto:donna_hodges@deq.state.ms.us)

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

MISSISSIPPI DEPARTMENT OF )  
ENVIRONMENTAL QUALITY )  
*PETITIONER* )

v. )

NO. \_\_\_\_\_ )

UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, and )  
REGINA A. MCCARTHY, Administrator, )  
United States Environmental Protection )  
Agency, )  
*RESPONDENTS* )


**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. App. P. 26.1 and D.C. Circuit Local Rule 26.1, Petitioner makes the following statement:

The Mississippi Department of Environmental Quality is a state-government entity. Accordingly, it has no disclosures to make under the above-referenced rules.

Dated: November 4, 2015.

Respectfully submitted,

  
\_\_\_\_\_  
Donna J. Hodges, Attorney for Petitioner  
Mississippi Department of Environmental  
Quality

Counsel for Petitioner:

Donna J. Hodges  
Senior Counsel  
Mississippi Department of Environmental Quality

P.O. Box 2261  
Jackson, Mississippi 39225-2261  
Telephone (601) 961-5369  
Facsimile (601) 961-5349  
Email: [donna\\_hodges@deq.state.ms.us](mailto:donna_hodges@deq.state.ms.us)

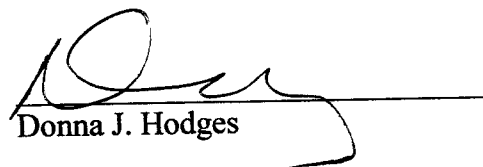
### CERTIFICATE OF SERVICE

I certify that on November 4, 2015, I caused a copy of the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement to be hand-served by courier on the following:

U.S. Environmental Protection Agency  
Office of the Administrator  
1200 Pennsylvania Avenue, N.W. #3000S  
Washington, D.C. 20460  
(202) 564-4700

Avi S. Garbow  
General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. #3000S  
Washington, D.C. 20460  
(202) 564-8040

The Honorable Loretta S. Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
(202) 514-2063

  
Donna J. Hodges