

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-1140****September Term, 2020**

FILED ON: JANUARY 19, 2021

AMERICAN LUNG ASSOCIATION AND AMERICAN PUBLIC HEALTH ASSOCIATION,  
PETITIONERS

v.

ENVIRONMENTAL PROTECTION AGENCY AND ANDREW WHEELER, ADMINISTRATOR,  
RESPONDENTS

AEP GENERATING COMPANY, ET AL.,  
INTERVENORS

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Consolidated with 19-1165, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185,  
19-1186, 19-1187, 19-1188

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On Petitions for Review of a Final Action  
of the Environmental Protection Agency

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Before: MILLETT, PILLARD, and WALKER, *Circuit Judges*

**J U D G M E N T**

These causes came on to be heard on the petitions for review of a final order of the Environmental Protection Agency and were argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the ACE Rule be vacated and remanded to the Agency; the amendments to the implementing regulations that extend the compliance timeline be vacated; the Coal Petitioners' petitions for review be denied; and the Robinson Petitioners' petition for review be dismissed for lack of standing, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy  
Deputy Clerk

Date: January 19, 2021

Opinion Per Curiam

Opinion concurring in part, concurring in the judgment in part, and dissenting in part filed by Circuit Judge Walker.