

SHORT RECORD
NO. 25-1239
FILED 02/14/2025

No. _____

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

STATE OF WISCONSIN,

Petitioner,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY and LEE ZELDIN,
Administrator, United States
Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Pursuant to Clean Air Act Section 307(b)(1), 42 U.S.C. § 7607(b)(1), the Administrative Procedure Act, 5 U.S.C. §§ 553(e) & 702, and Federal Rule of Appellate Procedure 15(a), the State of Wisconsin hereby petitions this Court for review of the final rule of the U.S. Environmental Protection Agency, titled “Findings of Failure to Attain and Reclassification of Areas in Illinois, Indiana, Michigan, Ohio, and Wisconsin as Serious for the 2015 Ozone National Ambient Air Quality Standards,” published in the Federal Register at

89 Fed. Reg. 101,901 (December 17, 2024) (EPA Docket No. EPA–R05–OAR–2024–0546). A copy of the rule is attached to this petition.

This Court has jurisdiction and is the proper venue for this action, under 42 U.S.C. § 7607(b)(1), because the final rule is “locally or regionally applicable” and thus is reviewable “only in the United States Court of Appeals for the appropriate circuit.” *Id.* In the final rule, EPA determined that three Moderate nonattainment areas in Wisconsin failed to attain the 2015 ozone National Ambient Air Quality Standards (NAAQS) by the attainment date of August 3, 2024, and therefore reclassified those areas to Serious nonattainment for the 2015 ozone NAAQS. EPA also did not make any findings that the final rule is “based on a determination of nationwide scope or effect.” *Id.*

This petition for review is timely under 42 U.S.C. § 7607(b)(1), Fed. R. App. Pro. 26(a)(1)(C), and the final rule, which states that “petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 2025.” 89 Fed. Reg. 101, 907.

CERTIFICATE OF SERVICE

I certify that on February 14, 2025, I electronically filed the foregoing *Petition For Review* with the clerk of court using the CM/ECF system, which will accomplish electronic notice and service for all participants who are registered CM/ECF users.

I further certify that two copies of the above document are being mailed to:

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Dated this 14th day of February 2025.

Electronically signed by:

s/ Gabe Johnson-Karp
GABE JOHNSON-KARP
Assistant Attorney General