



**ATTORNEY GENERAL STRANGE JOINS LEGAL CHALLENGE OVER EPA'S  
REJECTION OF STATE PLANS CONTROLLING CARBON EMISSIONS DURING  
POWER PLANT STARTUPS, SHUTDOWNS**

(MONTGOMERY) – Attorney General Luther Strange announced today that Alabama has joined 16 other states in a legal action against the Environmental Protection Agency for illegally invalidating the individual air quality protection plans in those states. In June, the EPA issued a final rule requiring 35 states, including Alabama, to revise their individual State Implementation Plans governing carbon emissions during power plant startup, shutdown or malfunction.

“Once again the EPA has resorted to taking a sledgehammer approach in forcing its politically-driven agenda on states,” said Attorney General Strange. “For decades, states – including Alabama – have adequately ensured compliance with the carbon emission standards set for power plant shutdowns and startups during times of maintenance or repair. Now the EPA is hastily and illegally reversing course in an attempt to settle a lawsuit with an environmental group.”

While the Clean Air Act assigns the EPA the primary responsibility of identifying air pollutants that pose a threat to public health and to set national air quality standards, it also gives the states the primary responsibility to determine how to achieve those standards. The EPA’s rush to settle the matter has led the agency to adopt an illegal final rule that is in conflict with the Clean Air Act and imposes on Alabama’s right to determine the most effective strategy for achieving air quality standards.

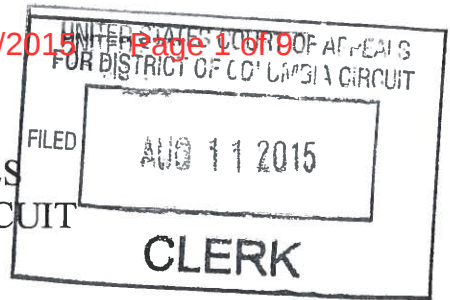
Today, Attorney General Strange joined Florida and 15 other states in filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit asking the Court to review the EPA’s final rule. Besides the clear violation of states’ rights under the Clean Air Act, the final rule also stands to stall or reverse progress the plaintiffs have made in improving the quality of the air in their states.

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF FLORIDA,  
STATE OF ALABAMA,  
STATE OF ARIZONA,  
STATE OF ARKANSAS,  
STATE OF DELAWARE,  
STATE OF GEORGIA,  
STATE OF KANSAS,  
STATE OF LOUISIANA,  
STATE OF MISSISSIPPI,  
STATE OF MISSOURI,  
STATE OF OHIO,  
STATE OF OKLAHOMA,  
STATE OF SOUTH CAROLINA,  
STATE OF SOUTH DAKOTA,  
STATE OF WEST VIRGINIA,  
COMMONWEALTH OF KENTUCKY,  
and  
NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL  
RESOURCES,

Case No. 15-1267

Petitioners,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY AND GINA  
McCARTHY, ADMINISTRATOR,

Respondents.

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PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1),  
and Federal Rule of Appellate Procedure 15, the States of Florida, Alabama,

Arizona, Arkansas, Delaware, Georgia, Kansas, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, South Carolina, South Dakota, West Virginia, Commonwealth of Kentucky, and North Carolina Department of Environment and Natural Resources petition the Court for review of the United States Environmental Protection Agency's ("EPA") final action on rulemaking titled *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction*, published in the Federal Register at 80 Fed. Reg. 33,839 on June 12, 2015, and attached to this petition as Exhibit 1.

Specifically, EPA erroneously concluded that the following State's EPA-approved State Implementation Plans are "substantially inadequate" with respect to periods of startup, shutdown and malfunction and must be revised. See: Alabama – 80 Fed. Reg. at 33,962; Arizona – 80 Fed. Reg. at 33,971-72; Arkansas – 80 Fed. Reg. at 33,967; Delaware – 80 Fed. Reg. at 33,960; Florida – 80 Fed. Reg. at 33,962; Georgia – 80 Fed. Reg. at 33,962-63; Kansas – 80 Fed. Reg. at 33,969; Kentucky – 80 Fed. Reg. at 33,963; Louisiana – 80 Fed. Reg. at 33,967-68; Mississippi – 80 Fed. Reg. at 33,963-64; Missouri – 80 Fed. Reg. at 33,969; North Carolina – 80 Fed. Reg. at 33,964; Ohio – 80 Fed. Reg. at 33,966-67; Oklahoma – 80 Fed. Reg. at 33,968; South Carolina – 80 Fed. Reg. at 33,964; South Dakota –

80 Fed. Reg. at 33,971; and West Virginia – 80 Fed. Reg. at 33,961-62.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of August, 2015, I caused one copy of the foregoing Petition for Review of Petitioner Florida, et al. to be served on each of the following by United States mail, first class:

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