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

EDISON ELECTRIC INSTITUTE,	) ) )
Petitioner, V.	) ) No. 24-1152
<b>v.</b>	)
U.S. ENVIRONMENTAL PROTECTION AGENCY,	) ) )
Respondent.	) ) )

#### **PETITION FOR REVIEW**

Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and Rule 15(a) of the Federal Rules of Appellate Procedure, Edison Electric Institute (EEI) hereby petitions this Court for review of the actions of the Administrator of the United States Environmental Protection Agency (EPA) published in the Federal Register on May 9, 2024, titled "New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule." 89 Fed. Reg. 39,798 (May 9, 2024). A copy of these Final Rules is attached hereto.

EEI is compelled to seek judicial review of the agency's determination that

carbon capture and storage (CCS) should be the basis for compliance with portions

of EPA's final rule. EPA's record and the docket do not support the agency's

finding that CCS is adequately demonstrated for broad deployment across our

industry at this time, or that 90% CO<sub>2</sub> capture through CCS is currently achievable.

EEI's members are actively working to demonstrate CCS so that it can be deployed

when it meets industry cost and performance requirements. But EPA's

determination that CCS is the best system of emission reduction for both existing

coal-fired and new combustion turbine units is premature.

Respectfully submitted,

/s/ Amanda Shafer Berman

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Counsel for Petitioner EEI

Dated: May 22, 2024

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#### **CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 C.F.R. § 23.12(a), on this date, I hereby certify that I will cause to be delivered, via certified U.S. mail, return-receipt requested, a copy of the foregoing Petition for Review to the following:

Michael S. Regan, Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

Correspondence Control Unit Office of General Counsel (2311) U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

Merrick B. Garland Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Ave., N.W. Washington, D.C. 20530

Todd Kim Assistant Attorney General Environmental and Natural Resources Division U.S. Department of Justice 950 Pennsylvania Ave., N.W. Washington, D.C. 20530

> /s/ Amanda Shafer Berman Amanda Shafer Berman

Dated: May 22, 2024

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# RULE 26.1 DISCLOSURE STATEMENT OF EDISON ELECTRIC INSTITUTE

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner Edison Electric Institute (EEI) states that it is a national association of investor-owned electric utility companies. It has no parent companies, subsidiaries or affiliates. EEI has no outstanding shares or debt securities in the hands of the public, and no publicly-owned company has a 10% or greater ownership interest in EEI.

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## Respectfully submitted,

### /s/ Amanda Shafer Berman

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