

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

NATURAL RESOURCES DEFENSE COUNCIL,
ENVIRONMENTAL DEFENSE,
SIERRA CLUB,
AMERICAN LUNG ASSOCIATION, and
COMMUNITIES FOR A BETTER ENVIRONMENT,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and
CHRISTINE TODD WHITMAN,
Administrator,
United States Environmental Protection Agency,

Respondents.

No. **03-1055**

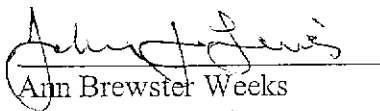
PETITION FOR REVIEW

Pursuant to Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), Alabama Environmental Council, Clean Air Council, Group Against Smog and Pollution, Michigan Environmental Council, The Ohio Environmental Council, Scenic Hudson, and Southern Alliance for Clean Energy hereby petition the Court for review of the final action (including promulgation of regulations) taken by respondents United States Environmental Protection Agency and Christine Todd Whitman, Administrator, United States Environmental Protection Agency, at 67 Fed. Reg. 80186 *et seq.* (Dec. 31, 2002), and entitled "Prevention of Significant Deterioration, (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects" (attached hereto). This action prolongs and increases

the exposure of petitioners' members to air pollution associated with a variety of adverse health and welfare effects.

DATED: February 28, 2003.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jonathan F. Lewis", is written over a horizontal line.

Ann Brewster Weeks
Jonathan F. Lewis
Clean Air Task Force
77 Summer Street
8th Floor
Boston, MA 02110

Attorneys for Petitioners

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

ALABAMA ENVIRONMENTAL COUNCIL,)
CLEAN AIR COUNCIL, GROUP AGAINST SMOG)
AND POLLUTION, MICHIGAN ENVIRONMENTAL)
COUNCIL, OHIO ENVIRONMENTAL COUNCIL,)
SCENIC HUDSON, and SOUTHERN ALLIANCE FOR)
CLEAN ENERGY)
Petitioners,)
v.) No.
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and)
CHRISTINE TODD WHITMAN,)
Administrator,)
United States Environmental Protection Agency,)
Respondents.)

**RULE 26.1 STATEMENT OF PETITIONERS
ALABAMA ENVIRONMENTAL COUNCIL, ET AL.**

Pursuant to Fed. R. App. P. 26.1 and D.C. Circuit Rule 26.1, petitioners Alabama Environmental Council, Clean Air Council, Group Against Smog and Pollution, Michigan Environmental Council, The Ohio Environmental Council, Scenic Hudson, and Southern Alliance for Clean Energy make the following disclosures:

Alabama Environmental Council. Alabama Environmental Council has no parent companies, and no publicly held company has a 10% or greater ownership interest in Alabama Environmental Council.

Alabama Environmental Council, a nonprofit corporation organized and existing under the laws of the State of Alabama, works to protect and preserve Alabama's natural heritage.

Clean Air Council. Clean Air Council has no parent companies, and no publicly held company has a 10% or greater ownership interest in Clean Air Council.

Clean Air Council, a nonprofit corporation organized and existing under the laws of the Commonwealth of Pennsylvania, uses public education, community advocacy, and government oversight to ensure enforcement of environmental laws in its efforts to improve air quality throughout Pennsylvania and Delaware.

Group Against Smog and Pollution Group. Group Against Smog and Pollution has no parent companies, and no publicly held company has a 10% or greater ownership interest in Group Against Smog and Pollution.

Group Against Smog and Pollution, a nonprofit corporation organized and existing under the laws of the Commonwealth of Pennsylvania, is dedicated to creating a healthy, sustainable environment, with a focus on improving air quality in the Pittsburgh region.

Michigan Environmental Council. Michigan Environmental Council has no parent companies, and no publicly held company has a 10% or greater ownership interest in Michigan Environmental Council.

Michigan Environmental Council, a nonprofit corporation organized and existing under the laws of the State of Michigan, is dedicated to addressing threats to Michigan's environment, promoting alternatives to urban blight and suburban sprawl, advocating for a sustainable

environment and economy, protecting Michigan's water legacy, promoting cleaner energy, and working to diminish environmental impacts on children's health.

The Ohio Environmental Council. The Ohio Environmental Council has no parent companies, and no publicly held company has a 10% or greater ownership interest in The Ohio Environmental Council.

The Ohio Environmental Council, a nonprofit corporation organized and existing under the laws of the State of Ohio, works to inform, unite, and empower Ohio citizens to protect the environment and conserve natural resources.

Scenic Hudson. Scenic Hudson has no parent companies, and no publicly held company has a 10% or greater ownership interest in Scenic Hudson.

Scenic Hudson is a nonprofit corporation organized and existing under the laws of the State of New York and is dedicated to protecting and enhancing the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley.

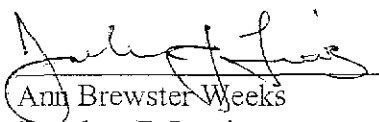
Southern Alliance for Clean Energy. Southern Alliance for Clean Energy has no parent companies, and no publicly held company has a 10% or greater ownership interest in Southern Alliance for Clean Energy.

Southern Alliance for Clean Energy, a nonprofit corporation organized and existing under the laws of the State of Tennessee, is a regional organization working in eight southeastern states on energy issues, and dedicated to finding positive solutions to the negative impacts of power

production by working for clean air policies and promoting the use of renewable energy and implementation of energy efficiency practices.

DATED: February 28, 2003.

Respectfully submitted,

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that the foregoing (1) Petition for Review and (2) Rule 26.1 Statement of Petitioners Alabama Environmental Council, *et al.* have been served by U.S. first-class mail, this 28th day of February, 2003, upon the following:

Christine Todd Whitman
Administrator
Environmental Protection Agency
1101A EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460


Jonathan F. Lewis