

FOR THE DISTRICT OF COLUMBIA CIRCUIT

PEOPLE OF THE STATE OF
CALIFORNIA ex rel. BILL LOCKYER,
ATTORNEY GENERAL OF
CALIFORNIA, and CALIFORNIA AIR
RESOURCES BOARD,

Petitioners,

03-1383

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PETITION FOR REVIEW

BILL LOCKYER
Attorney General of the State of California

MARY E. HACKENBRACHT
Senior Assistant Attorney General

MATTHEW J. GOLDMAN
Deputy Attorney General
State Bar No. 11330
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-4223
Fax: (916) 327-2319

Attorneys for Petitioners

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**PEOPLE OF THE STATE OF CALIFORNIA ex
rel. BILL LOCKYER, ATTORNEY GENERAL
OF CALIFORNIA, and CALIFORNIA AIR
RESOURCES BOARD,**

Petitioners,

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

PETITION FOR REVIEW

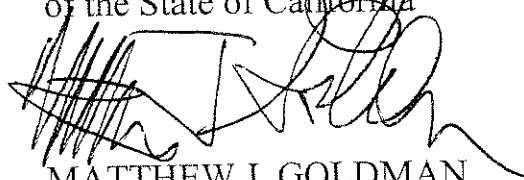
Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S. C. §7607(b), the People of the State of California ex rel. Bill Lockyer, Attorney General of California, and the California Air Resources Board hereby petition the Court to review the final rule of the United States Environmental Protection Agency entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement." The final rule, which has been published at 68 Fed. Reg. 61247-61280 (October 27, 2003) (to be codified at 40

C.F.R. §§ 51.165, 51.166, 52.21, and 52.24), is the second part of a two-part rule. The first part, entitled "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Unites, Pollution Control Projects," 67 Fed. Reg. 80185 (December 31, 2002), is the subject of a challenge already pending before this Court. *See New York et al. v. EPA* (02-1387 and consolidated cases).

Dated: October 27, 2003

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California

A handwritten signature in black ink, appearing to read 'Matthew J. Goldman', is written over the printed name and title of the signatory.

MATTHEW J. GOLDMAN
Deputy Attorney General
Attorneys for Petitioners

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

**PEOPLE OF THE STATE OF
CALIFORNIA ex rel. BILL LOCKYER,
ATTORNEY GENERAL OF
CALIFORNIA, and CALIFORNIA AIR
RESOURCES BOARD,**

Petitioners,

03-1383

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

CERTIFICATE OF SERVICE

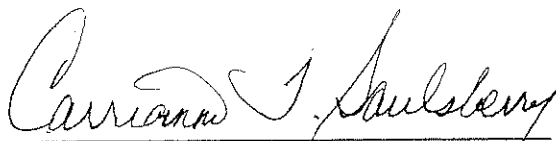
I, hereby certify that on this 27th day of October 2003, a copy of the foregoing
Petition for Review has been sent by overnight Federal Express Mail, postage
prepaid, to the following:

Environmental Protection Agency,
Respondent:

Marianne Lamont Horinko
Acting Administrator
U.S. Environmental Protection Agency
1101 A
US EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Carol S. Holmes
U.S. Environmental Protection Agency
(EPA) Office of General Counsel
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Thomas L. Sansonetti
Assistant Attorney General
Environmental & Natural Resources Div.
U.S. Department of Justice
10th Street & Constitution Ave., NW
Washington, DC 20460

By: 
CARRIANNO T. SAULSBERRY
Secretary to Matthew J. Goldman
Deputy Attorney General