

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

State of Illinois,

Petitioner

v.

United States Environmental Protection Agency,

Respondent

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Docket No. 03-03-1390

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 State of Illinois *ex rel.* Lisa Madigan, the Attorney General of the State of Illinois, hereby petitions the Court to review the final rule of the United States Environmental Protection Agency entitled "Prevention of Significant Deterioration (PSD) and Non-attainment 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 Units, Pollution Control Projects," 67 Fed.

Reg. 80185 (December 31, 2002), is the subject of a challenge already pending before the Court. *See New York et al. v. EPA* (02-1387 and consolidated cases).

Respectfully submitted,

THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____

THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

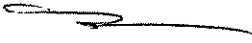
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217/782-9031
Dated: October 27, 2003

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 U.S. Mail, first class postage prepaid, to the following:

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BY: 
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