

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. **03-1048**

PETITION FOR REVIEW

Pursuant to Clean Air Act § 307(b)(1), 42 U.S.C. § 7607(b)(1), Natural Resources Defense Council, Environmental Defense, Sierra Club, American Lung Association, and Communities for a Better Environment 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), 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." 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,



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**RULE 26.1 STATEMENT OF PETITIONERS
NATURAL RESOURCES DEFENSE COUNCIL, ET AL.**

Pursuant to Fed. R. App. P. 26.1 and D.C. Circuit Rule 26.1, petitioners Natural Resources Defense Council, Environmental Defense, Sierra Club, American Lung Association, and Communities for a Better Environment make the following disclosures:

Natural Resources Defense Council. Natural Resources Defense Council has no parent companies, and no publicly held company has a 10% or greater ownership interest in Natural Resources Defense Council.

Natural Resources Defense Council, a corporation organized and existing under the laws of the State of New York, is a national nonprofit organization dedicated to improving the quality of the human environment and protecting the nation's endangered natural resources.

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

Environmental Defense, a corporation organized and existing under the laws of the State of New York, is a national nonprofit organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to the most urgent environmental problems.

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

Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

American Lung Association. American Lung Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in American Lung Association.

American Lung Association, a nonprofit corporation organized and existing under the laws of the State of Maine, is a national organization dedicated to the conquest of lung disease and the promotion of lung health.

Communities for a Better Environment. Communities for a Better Environment has no parent companies, and no publicly held company has a 10% or greater ownership interest in Communities for a Better Environment.

Communities for a Better Environment (CBE) is a 501(c)(3) nonprofit corporation organized and existing under the laws of the State of California. CBE has approximately 20,000

members in California and is dedicated to improving the quality of the environment in California and throughout the United States.

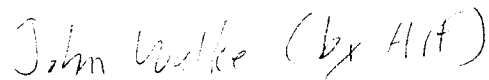
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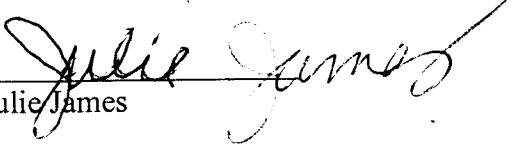
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing (1) Petition for Review and (2) Rule 26.1 Statement of Petitioners Natural Resources Defense 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
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1200 Pennsylvania Avenue, N.W.
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Julie James