

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SOUTH COAST AIR QAULITY  
MANAGEMENT DISTRICT,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, and MICHAEL  
LEAVITT, its Administrator,

Respondents.

03-1402

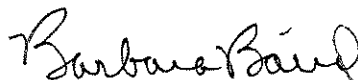
Docket No. \_\_\_\_\_

**PETITION FOR REVIEW**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and §307(b) of the Clean Air Act, 42 U.S.C. §7607(b), the South Coast Air Quality Management District 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 rule, which has been published at 68 Fed.Reg. 61247-61280 (October 27, 2003) (to be codified at C.F.R. §§51.165, 51.166, 52.21 and 52.24), is related to a rule entitled "Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review: Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects," 67 Fed.Reg. 80185 (December 31, 2002), that is the subject of a challenge already pending before a complex panel of the Court. See *New York, et al. v. EPA* (02-1387 and consolidated cases).

Dated: November 5, 2003

Respectfully submitted,



Barbara Baird, District Counsel, D.C. Bar #42484  
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**DECLARATION OF SERVICE BY OVERNIGHT COURIER AND U.S. MAIL**

**Case Name: South Coast Air Quality Management District v. United States  
Environmental Protection Agency, et al.; Case No. 03-\_\_\_\_\_**

I, the undersigned, certify and declare that I am over the age of 18 years, employed at 21865 Copley Drive in the City of Diamond Bar, County of Los Angeles, State of California, and not a party to the above-entitled action.

On November 5, 2003, I served two copies of the attached **PETITION FOR REVIEW** by placing a two copies thereof enclosed in a sealed envelope with shipping charges thereon fully prepaid with an overnight courier service addressed as follows:

Michael Leavitt, Administrator  
USEPA  
1200 Pennsylvania Avenue, N.W.  
3<sup>rd</sup> Floor  
Washington, D.C. 20004

On November 5, 2003, I served two copies of the same document by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail addressed as follows:

**SEE ATTACHED SERVICE LIST**

I caused such envelopes to be deposited in the mail at Diamond Bar, California, as indicated, the envelopes mailed with postage thereon fully prepaid. I am readily familiar with the District's practice of collection and processing correspondence for mailing. The mail is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on a motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 5, 2003, at Diamond Bar, California.

  
\_\_\_\_\_  
Vanessa M. Rodriguez

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