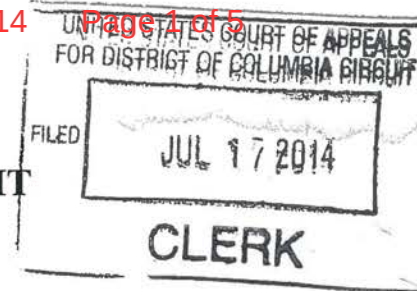




**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**



SIERRA CLUB DE PUERTO RICO,  
CIUDADANOS EN DEFENSA DEL AMBIENTE,  
MADRES DE NEGRO DE ARECIBO, and  
COMITÉ BASURA CERO ARECIBO,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY,  
and GINA MCCARTHY, ADMINISTRATOR OF THE  
U.S. ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Case No. 14-1138

**ORIGINAL**


**PETITION FOR REVIEW**

Pursuant to the Clean Air Act, § 307(b)(1), 42 U.S.C. § 7607(b)(1), Rule 15 of the Federal Rules of Appellate Procedure, and Circuit Rule 15, the Sierra Club de Puerto Rico, Ciudadanos en Defensa del Ambiente, Madres de Negro de Arcibo, and Comité Basura Cero Arcibo hereby petition the court for review of the U.S. Environmental Protection Agency’s decision granting a Prevention of Significant Deterioration permit to Energy Answers Arcibo, LLC, and the decision of the Environmental Appeals Board dated March 25, 2014, in *In re: Energy Answers Arcibo, LLC*, PSD Appeal Nos. 13-05 through 13-09. Notice of the final agency action was published in the Federal Register at 79 Fed. Reg. 28710 (May 19, 2014), attached as Exhibit 1.

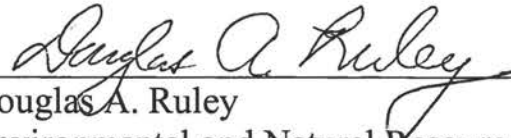
This petition seeks judicial review of the nationally applicable final rule of the Environmental Protection Agency entitled *Requirements for Preparation, Adoption, and Submittal of SIPs; Approval and Promulgation of State Implementation Plans*, 45 Fed. Reg. 31,307, 31,312 (May 13, 1980) (to be codified at 40 C.F.R. §51.18(j)), attached as Exhibit 2. This rule is now codified at 40 C.F.R. §51.165(a)(2)(i). Under this rule, the Environmental Protection Agency unlawfully limits the preconstruction review program for nonattainment areas under Sections 172(c)(5) and 173 of the Clean Air Act to a new major stationary source “that is major for the pollutant for which the area is designated nonattainment.” Petitioners’ challenge is ripe under the Court’s decision in *Coalition for Responsible Regulation v. Environmental Protection Agency*, 684 F.3d 102 (June 26, 2012).

Dated: July 16, 2014

Respectfully submitted,

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

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CIUDADANOS EN DEFENSA DEL AMBIENTE,		)
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COMITÉ BASURA CERO ARECIBO,		) Case No. _____
		)
	Petitioners,	)
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		)
U.S. ENVIRONMENTAL PROTECTION AGENCY,		)
and GINA MCCARTHY, ADMINISTRATOR OF THE		)
U.S. ENVIRONMENTAL PROTECTION AGENCY,		)
		)
	Respondent.	)
<hr/>		)

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Petition for Review, on this 16th day of July, 2014, via USPS First-class Mail to the following:

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