



August 12, 2011

VIA Federal Express

Mark J. Langer, Clerk  
United States Court of Appeals for the  
District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW  
Washington, DC 20001-2866

Re: Center for Biological Diversity, et al. v. EPA, D.C. Cir. No. 11-

Dear Mr. Langer:

Enclosed please find for filing an original and five copies of (1) a Petition for Review of the final decision of the Administrator taken at 76 Fed. Reg. 43,490 *et seq.* (July 20, 2011) (copy attached), to exempt CO<sub>2</sub> emissions from bioenergy and other biogenic sources for a period of three years from the PSD and Title V programs under the Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31,514 (June 3, 2010); and (2) a Certificate of Compliance with Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1. Please stamp the fifth copy of the Petition, and return it to me in the enclosed self-addressed envelope.

As noted in the attached Certificate of Service, I have served copies of the Petition and the Rule 26.1 Certificate on the Environmental Protection Agency. I have also enclosed a copy of the challenged regulation and a check in the amount of \$450.00 for the required filing fee.

Thank you very much for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Ann Brewster Weeks".

Ann Brewster Weeks

Counsel for Environmental Petitioners

(TMB)

Enclosures

CENTER FOR BIOLOGICAL DIVERSITY,  
CONSERVATION LAW FOUNDATION,  
NATURAL RESOURCES COUNCIL OF MAINE,  
GEORGIA FORESTWATCH, and WILD VIRGINIA

Petitioners,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, and  
LISA P. JACKSON, Administrator,  
United States Environmental Protection Agency,

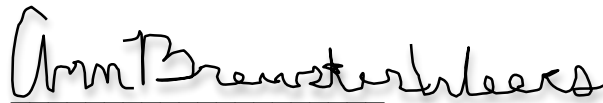
Respondents.

Pursuant to Clean Air Act section 307(b)(1), 42 U.S.C. section 7607(b)(1), and Federal Rule of Appellate Procedure and D.C. Circuit Rule 15(a)(1), Center for Biological Diversity, Conservation Law Foundation, Natural Resources Council of Maine, Georgia ForestWatch, and Wild Virginia hereby petition the Court for review of the final action taken by Respondents United States Environmental Protection Agency and Lisa P. Jackson, Administrator, United States Environmental Protection Agency, at 76 Fed. Reg. 43,490 *et seq.* (July 20,

2011), to exempt for a period of three years CO<sub>2</sub> emissions from bioenergy and other biogenic sources from the PSD and Title V program requirements under the Greenhouse Gas Tailoring Rule, 75 Fed. Reg. 31,514 (June 3, 2010).

DATED: August 12<sup>th</sup> 2011

Respectfully submitted,

  
Ann Brewster Weeks  
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*Attorneys for Petitioners*  
Conservation Law Foundation and  
Natural Resources Council of Maine



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Georgia ForestWatch and

Wild Virginia

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UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, and  
LISA P. JACKSON, Administrator,  
United States Environmental Protection Agency,

Respondents.

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioners Center for Biological Diversity, Conservation Law Foundation, Natural Resources Council of Maine, Georgia ForestWatch, and Wild Virginia make the following disclosures:

**Center for Biological Diversity.** Center for Biological Diversity, a not-for-profit organization organized under the laws of the State of New Mexico and

incorporated under Section 501(c)(3) of the Internal Revenue Code, is focused on the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health. Its core organizational missions include securing protection for species threatened by the impacts of global warming, ensuring compliance with applicable law in order to reduce greenhouse emissions and other air pollution, and educating and mobilizing the public on global warming and air quality issues. Center for Biological Diversity does not have any outstanding shares or debt securities in the hands of the public nor any parent, subsidiary, or affiliates that have issued shares or debt securities to the public.

Center for Biological Diversity has no parent companies, and no publicly held company has a 10% or greater ownership interest in Center for Biological Diversity.

**Conservation Law Foundation.** Conservation Law Foundation is a not-for-profit corporation organized under the laws of the Commonwealth of Massachusetts and incorporated under Section 501(c)(3) of the Internal Revenue Code that uses law, science, policy, and the business markets to find pragmatic, innovative solutions to New England's toughest environmental problems.

Conservation Law Foundation has no parent companies, and no publicly held company has a 10% or greater ownership interest in Conservation Law Foundation.

**Natural Resources Council of Maine.** Natural Resources Council of Maine, a not-for-profit corporation organized and existing under the laws of the State of Maine and incorporated under Section 501(c)(3) of the Internal Revenue Code, is a membership organization dedicated to preserving the quality of the air, water, forest and other natural resources of the State of Maine, for the benefit of its people and its environment.

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

**Georgia ForestWatch.** Georgia ForestWatch is a nonprofit organization organized under the laws of the State of Georgia and incorporated under Section 501(c)(3) of the Internal Revenue Code that works to promote healthy forests and watersheds in national forest lands in Georgia.

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

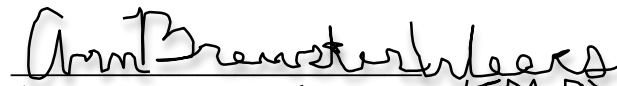
**Wild Virginia.** Wild Virginia is a nonprofit organization organized under the laws of the State of Virginia and incorporated under Section 501(c)(3) of the

Internal Revenue Code. Wild Virginia works to preserve wild forest ecosystems in Virginia's National Forests.

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

DATED: August 12<sup>th</sup> 2011

Respectfully submitted,

  
Ann Brewster Weeks (TMB)

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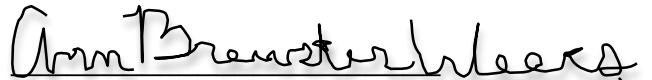
*Attorneys for Petitioners*  
Georgia ForestWatch and  
Wild Virginia

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Center for Biological Diversity, *et al.*'s Petition for Review and Rule 26.1 Statement of Petitioners Center for Biological Diversity, *et al.* have been served by United States first-class mail this 12th day of August 2011, upon the following:

Lisa P. Jackson, Administrator  
United States Environmental Protection Agency  
1101A EPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Office of General Counsel (2344A)  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code 2344A  
Washington, DC 20460

  
Ann Brewster Weeks  
Attorney for Environmental (TMB)  
Petitioners