

**Case No.**

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**In the United States Court of Appeals  
for the Ninth Circuit**

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CENTER FOR BIOLOGICAL DIVERSITY, DESERT CITIZENS AGAINST POLLUTION,  
CALIFORNIA COMMUNITIES AGAINST TOXICS, AND SIERRA CLUB,

*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND ANDREW  
WHEELER, ACTING ADMINISTRATOR, UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

*Respondents.*

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**PETITION FOR REVIEW**

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Pursuant to the Clean Air Act § 307(b)(1), 42 U.S.C. §7607(b)(1), Rule 15 of the Federal Rules of Appellate Procedures and Circuit Rule 15, the Center for Biological Diversity, Desert Citizens Against Pollution, California Communities Against Toxics, and the Sierra Club hereby petition the Court for review of the final action taken by respondents United States Environmental Protection Agency (EPA) and its Acting Administrator, Andrew Wheeler, entitled “Clean Air Act

Prevention of Significant Deterioration Permit Issued to Palmdale Energy LLC for the Palmdale Energy Project.” EPA assigned this action Docket number EPA-R09-OAR-2017-0473. Notice of this action was published in the Federal Register on December 11, 2018. *See* 83 Fed. Reg. 63,638 (Dec. 11, 2018) attached as Exhibit 1.

DATED: February 8, 2019

Respectfully submitted,

/s/ Robert Ukeiley

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Counsel for Center for Biological Diversity, Desert  
Citizens Against Pollution, California  
Communities Against Toxics and Sierra Club

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

CENTER FOR BIOLOGICAL DIVERSITY)  
DESERT CITIZENS AGAINST )  
POLLUTION, CALIFONIA )  
COMMUNITIES AGAINST TOXICS, )  
AND SIERRA CLUB, )

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UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, and )

ANDREW WHEELER, )  
Acting Administrator, United States )  
Environmental Protection Agency, )

Respondents. )

Docket No.

**RULE 26.1 DISCLOSURE STATEMENT**

Center for Biological Diversity, Desert Citizens Against Pollution, California Communities Against Toxics, and Sierra Club have no parent companies. There are no publicly held companies that have a 10 percent or greater ownership interest in Center for Biological Diversity, Desert Citizens Against Pollution, California Communities Against Toxics, or Sierra Club.

DATED: February 8, 2019

Respectfully submitted,

/s/ Robert Ukeiley

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Citizens Against Pollution, California  
Communities Against Toxics and Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Petition for Review on those listed below by sending a copy via First Class Mail to each of the following addresses on the 8th day of February, 2019.

Acting Administrator Andrew Wheeler  
EPA Headquarters 1101A  
United States Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Acting Attorney General Matthew G. Whitaker  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Correspondence Control Unit  
Office of General Counsel (2311)  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

John Krallman  
Air and Radiation Law Office  
Office of General Counsel (MC 2344-A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Julie Walters  
Office of Regional Counsel (MC ORC-2)  
U.S. EPA, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Thomas Johns, Vice President-Development  
Palmdale Energy, LLC  
c/o Summit Power Group, LLC  
801 Second Avenue, Suite 1150  
Seattle, Washington 98104

/s/ Robert Ukeiley

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## **EXHIBIT 1**

stock washer can be neither technically nor economically feasible to control.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subpart BB.

*Form numbers:* None.

*Respondents/affected entities:* Kraft pulp mills.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart BB).

*Estimated number of respondents:* 97 (total).

*Frequency of response:* Initially, occasionally and semiannually.

*Total estimated burden:* 13,900 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$5,020,000 (per year), which includes \$3,510,000 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* There is an adjustment decrease in the estimated burden and cost as currently identified in the OMB Inventory of Approved Burdens. The decrease is not due to any program changes. The change in burden is due to an industry decline since the last ICR renewal, resulting in a decrease in the number of respondent subject to the standard.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018-26729 Filed 12-10-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2017-0473; FRL-9987-65-Region 9]

### Clean Air Act Prevention of Significant Deterioration Permit Issued to Palmdale Energy LLC for the Palmdale Energy Project

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that the Environmental Protection Agency, Region IX (EPA Region IX) issued a final permit decision to Palmdale Energy, LLC for a Clean Air Act Prevention of Significant Deterioration (PSD) permit for the construction of the Palmdale Energy Project (PEP).

**DATES:** The final PSD permit decision for the PEP was issued and became effective on October 25, 2018. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit within 60 days of December 11, 2018.

**ADDRESSES:** The EPA established a docket for this action under Docket ID No. EPA-R09-OAR-2017-0473. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the docket index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information about accessing docket materials for this action.

**FOR FURTHER INFORMATION CONTACT:** Lisa Beckham, Permits Office (Air-3), U.S. Environmental Protection Agency, Region IX, (415) 972-3811, [beckham.lisa@epa.gov](mailto:beckham.lisa@epa.gov). Anyone who wishes to review the EPA's Environmental Appeals Board (EAB) decision described below or documents in the EAB's electronic docket for its decision can obtain them at <http://www.epa.gov/eab/>. The final PSD permit is available in the electronic docket for this action at <http://www.regulations.gov> (Docket ID: EPA-R09-OAR-2017-0473).

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Action

On April 25, 2018, EPA Region IX initially issued PSD Permit No. SE 17-01 to Palmdale Energy, LLC under 40 CFR 124.15, authorizing the construction and operation of the PEP. By its own terms, and consistent with 40 CFR 124.15(b), the effective date of the permit was delayed as the result of the filing of a petition for review of the Region's permit decision with the EAB.

On October 23, 2018, the EAB denied review of the permit decision. *See In re Palmdale Energy LLC*, PSD Appeal No. 18-01 (EAB Oct. 23, 2018), 17 E.A.D. \_\_\_\_ (Order Denying Review). Following the EAB's action, pursuant to 40 CFR 124.19(l)(2), EPA Region IX issued a final permit decision on October 25, 2018. All conditions of the PEP PSD

permit, as initially issued by EPA Region IX on April 25, 2018, were final and effective as of October 25, 2018.

Dated: November 13, 2018.

**Elizabeth J. Adams,**

*Division Director, Region IX.*

[FR Doc. 2018-26687 Filed 12-10-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2014-0066; FRL-9986-51-OEI]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (EPA ICR No. 1831.07, OMB Control No. 2060-0391), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before January 10, 2019.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2014-0066, to: (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public