

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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STATE OF NEW YORK, STATE OF CONNECTICUT, )  
STATE OF MAINE, STATE OF MARYLAND, )  
COMMONWEALTH OF MASSACHUSETTS, )  
STATE OF NEW HAMPSHIRE, STATE OF )  
NEW JERSEY, STATE OF NEW MEXICO ex rel. )  
Patricia A. Madrid, Attorney General and Ron Curry, )  
Secretary of the Environment Department, )  
COMMONWEALTH OF PENNSYLVANIA, )  
STATE OF RHODE ISLAND, STATE OF VERMONT, )  
STATE OF WISCONSIN, the DISTRICT OF )  
COLUMBIA, the CITY OF NEW YORK, CITY OF )  
SAN FRANCISCO, the following CONNECTICUT cities: )  
GROTON, HARTFORD, MIDDLETOWN, )  
NEW HAVEN, NEW LONDON, STAMFORD, )  
WATERBURY, and the following CONNECTICUT )  
towns: CORNWALL, EAST HARTFORD, )  
GREENWICH, HEBRON, LEBANON, NEWTOWN, )  
NORTH STONINGTON, POMFRET, PUTNAM, )  
ROCKY HILL, SALISBURY, THOMPSON, )  
WALLINGFORD, WASHINGTON, WESTBROOK, )  
WESTPORT, WESTON, and WOODSTOCK, )  
)  
Petitioners, )  
v. )  
)  
UNITED STATES ENVIRONMENTAL PROTECTION )  
AGENCY, )  
Respondent. )  
)

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Docket No. 03-\_\_\_\_\_

**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 petitioners listed above hereby petition 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 40 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 (NSR): 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: October 27, 2003

Respectfully submitted,

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