

CASE NO.

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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PANOCHE ENERGY CENTER, LLC,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY; MICHAEL REGAN,  
Administrator of the U.S. Environmental Protection Agency, in his official  
capacity; and MARTHA GUZMAN ACEVES, Regional Administrator of the U.S.  
Environmental Protection Agency, Region IX

Respondents.

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*On Review from Final Permit Decision of U.S. Environmental Protection Agency  
UIC Permit No. R9UIC-CA1-FY17-2R*

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**PETITION FOR REVIEW**

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Petitioner Panoche Energy Center, LLC (“Petitioner”) petitions this Court under 42 U.S.C. § 300j-7, 5 U.S.C. § 704, and Federal Rule of Appellate Procedure 15(a) for review of an offsite ambient monitoring condition of an Underground Injection Control (“UIC”) well permit (“Final Permit Decision”) issued by Region 9 of the U.S. Environmental Protection Agency (“EPA”). EPA’s Final Permit Decision arises from a proceeding under the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*, and includes: (i) the Final Permit, Permit No. R9UIC-CA1-FY17-2R, issued by EPA on September 30, 2022, (ii) the Environmental Appeals Board’s (“EAB”) Order Denying Review dated May 26, 2023, and (iii) EPA’s Notice of Final Permit Decision dated June 7, 2023. Copies of these decisions are attached as Exhibits A, B, and C, respectively.

This Court has jurisdiction under 42 U.S.C. § 300j-7 and 28 U.S.C. § 1331 because EPA’s Final Permit Decision, which took effect for purposes of judicial review on June 21, 2023, is a final agency action within the meaning of 42 U.S.C. § 300j-7(a)(2), 5 U.S.C. § 704, and 40 C.F.R. § 124.19(l)(2)(i). Venue properly lies in this Court under 42 U.S.C. § 300j-7(a)(2) because Petitioner transacts business and maintains facilities within the geographical boundaries of this Circuit.

Because EPA’s Final Permit Decision is contrary to Petitioner’s constitutional rights, in excess of EPA’s jurisdiction and authority, without observance of lawful

procedure, and otherwise contrary to law, Petitioner respectfully requests that the Court grant the petition, review and set aside EPA's Final Permit Decision, and grant any further relief that the Court deems just and equitable.

DATED this 23rd day of June 2023.

Respectfully submitted,

K&L GATES LLP

By: s/ J. Timothy Hobbs

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