

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; MICHAEL
S. REGAN, IN HIS OFFICIAL CAPACITY AS ADMINISTRATOR OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Respondents.

**PETITION FOR REVIEW OF A FINAL AGENCY ACTION OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Allison E. Burns
STRADLING YOCCA CARLSON & RAUTH A PROFESSIONAL
CORPORATION
A Professional Corporation
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6422
Telephone: 949 725 4000
Facsimile: 949 725 4100
Attorneys for Petitioner
Antelope Valley Air Quality Management District

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), Antelope Valley Air Quality Management District (the “District”) hereby petitions the Court for review of a final action of Respondents, the U.S. Environmental Protection Agency and Michael S. Regan, Administrator, U.S. Environmental Protection Agency, entitled “Air Plan Approval and Limited Approval-Limited Disapproval; California; Antelope Valley Air Quality Management District; Stationary Source Permits; New Source Review” (Final Rule) 88 Fed. Reg. 42621-01 (July 3, 2023) (the “Final Rule”). The District is specifically seeking review of the limited disapproval of the District’s revised Rules 1301, 1302, 1303, 1304, 1305, and 1309 as articulated in the Final Rule, a copy of which is attached as Exhibit 1 to this petition. This Court has jurisdiction and is a proper venue for this action pursuant to 42 U.S.C. § 7607(b).

Dated: July 28, 2023

Respectfully Submitted,

/s/

Allison E. Burns
STRADLING YOCCA CARLSON & RAUTH
A Professional Corporation
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: 949 725 4000
Facsimile: 949 725 4100

*Counsel for Petitioner
Antelope Valley Air Quality Management
District*

CORPORATE DISCLOSURE STATEMENT

In accordance with Federal Rule of Appellate Procedure 26.1, Petitioner Antelope Valley Air Quality Management District (“AVAQMD”) certifies the following: AVAQMD is a governmental entity that is not subject to Rule 26.1.

Dated: July 28, 2023

/s/

Allison E. Burns
Counsel for Petitioner
Antelope Valley Air Quality Management
District

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system, and a true and correct copy of the foregoing Petition for Review, with attachment, was served by FedEx on the parties below.

Petitioner will ensure that the parties below will receive a court-stamped copy of the Petition for Review with the date of filing. In accordance with Rule 25(d) of the Federal Rules of Appellate Procedure, I hereby certify that pursuant to 40 CFR § 23.12, a copy of the Petition for Review, with attachment, time-stamped by the Clerk of the Court, will be served by United States certified mail, return receipt requested, upon each of the following:

Michael S. Regan Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, DC 20460

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection
Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated:

/s/

Allison E. Burns
Counsel for Petitioner
Antelope Valley Air Quality Management
District