

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN LUNG ASSOCIATION OF METROPOLITAN CHICAGO, THE OHIO ENVIRONMENTAL COUNCIL, SIERRA CLUB, and VALLEY WATCH, INC.)	
Petitioners,)	
v.)	No. 06-
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and STEPHEN L. JOHNSON, Administrator, United States Environmental Protection Agency,)	
Respondents.)	

PETITION FOR REVIEW

Pursuant to Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), American Lung Association of Metropolitan Chicago, The Ohio Environmental Council, Sierra Club, and Valley Watch, Inc. hereby petition the Court to review the final action taken by respondents United States Environmental Protection Agency and Stephen L. Johnson, Administrator, United States Environmental Protection Agency, in the document, entitled “Best Available Control Technology Requirements for Proposed Coal-Fired Power Plant Projects,” and dated December 13, 2005. A copy of the document is attached to this petition, and also is available at <http://www.epa.gov/Region7/programs/artd/air/nsrmemos/igccbact.pdf>.

The substance of EPA’s action is contrary to the requirements of the Clean Air Act. It significantly and illegally weakens the federal permitting requirements for air pollution control at

new coal-fired power plants, thereby increasing Petitioners' members' exposure to significant amounts of air pollution associated with a variety of adverse health and welfare effects. The EPA action includes a significant new statement of the law by the Agency, as well as a change to Agency rules and prior interpretations of the Clean Air Act, and was promulgated entirely without notice and an opportunity for public comment, in violation of requirements contained in the Clean Air Act at 42 U.S.C. §§ 7471 & 7607(d).

DATED: February 10, 2006

Respectfully submitted,

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