

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

SIERRA CLUB

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

Case No. ____

PETITION FOR JUDICIAL REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), the Sierra Club hereby petitions for review of the final action of the United States Environmental Protection Agency published in the Federal Register at 75 Fed. Reg. 31,514 (June 3, 2010), entitled “Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule.”

Sierra Club notes that it has also filed a motion to intervene in support of the Environmental Protection Agency (“EPA”) in a case brought by industry petitioners challenging this final agency action. *See Southeastern Legal Foundation et al. v. EPA*, D.C. Cir. No. 10-1131, Motion of Sierra Club et al. to

Intervene In Support of Respondent, Doc. 1253229 (July 2, 2010). Sierra Club supports EPA's decision to phase in regulation of greenhouse gases from stationary sources over time, starting in January 2011 with the largest sources. Through this Petition, the Sierra Club seeks review of EPA's decision to codify its "Johnson Memo" interpretation governing when pollutants become "subject to regulation" under the Clean Air Act. *See* D.C. Cir. No 09-1018.

Respectfully submitted this 2nd day of August, 2010.

Attorneys for Petitioner

Joanne Spalding
85 Second Street, Second Floor
San Francisco, CA 94105
415-977-5725
415-977-5793 (Fax)
joanne.spalding@sierraclub.org

Craig Holt Segall
408 C St. NE
Washington, DC, 20003
202-548-4597
fax: (202)-547-6009
craig.segall@sierraclub.org