No.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF CALIFORNIA
by and through ARNOLD SCHWARZENEGGER, GOVERNOR OF THE STATE OF CALIFORNIA, the CALIFORNIA AIR RESOURCES BOARD,
and EDMUND G. BROWN JR., ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Petition for Review of Decision
of the United States Environmental Protection Agency

PETITION FOR REVIEW

EDMUND G. BROWN JR., Attorney General of the State of California
JANET GAARD
Acting Chief Assistant Attorney General
MARY E. HACKENBRACHT
Senior Assistant Attorney General
ELLEN M. PETER
Supervising Deputy Attorney General
MARC N. MELNICK, SBN 168187
Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, California 94612
[redacted]

Attorneys for Petitioner State of California

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), and 40 C.F.R. section 23.3, petitioner State of California by and through Arnold Schwarzenegger, Governor of the State of California, the California Air Resources Board, and Edmund G. Brown Jr., Attorney General of the State of California, hereby petitions the Court to review a final action of the Administrator of the United States Environmental Protection Agency ("US EPA"). This final agency action denied California's request, under section 209(b) of the Clean Air Act, 42 U.S.C. § 7543(b), for a waiver of federal preemption for California's regulations to control greenhouse gas emissions from motor vehicles. These regulations would require reductions in fleet-average greenhouse gas emissions, including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and hydrofluorocarbons (HFCs), for most new passenger motor vehicles sold in California, beginning with the 2009 model year.

This final agency action was issued by US EPA on December 19, 2007, and is attached. In that document, US EPA's Administrator wrote "to inform [Governor Schwarzenegger] of my decision with respect to the request for a waiver of Federal preemption for motor vehicle greenhouse gas emission standards submitted by the California Air Resources Board," and explained his reasons for his denial decision. The document did not make a finding of "nationwide scope or effect" as provided for in the third sentence of section 307(b)(1) of the

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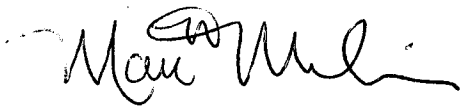
Clean Air Act, 42 U.S.C. § 7607(b)(1).

DATED: January 2, 2008

Respectfully submitted,

EDMUND G. BROWN JR., Attorney General
of the State of California
JANET GAARD
Acting Chief Assistant Attorney General
MARY E. HACKENBRACHT
Senior Assistant Attorney General
ELLEN M. PETER
Supervising Deputy Attorney General



MARC N. MELNICK
Deputy Attorney General

Attorneys for Petitioner State of California