

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NORTHWEST ENVIRONMENTAL)
ADVOCATES; THE OCEAN)
CONSERVANCY; and WATERKEEPERS)
NORTHERN CALIFORNIA,)

Petitioners,)

v.)

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)
_____)

No. _____

PETITION FOR REVIEW

PETITION FOR REVIEW OF A DECISION
OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Northwest Environmental Advocates, The Ocean Conservancy, and Waterkeepers Northern California (collectively “Petitioners”) hereby petition the Court for review of the Environmental Protection Agency’s (“EPA”) September 2, 2003 Decision on Petition for Rulemaking to Repeal 40 C.F.R. 122.3(a) (“Decision”), published at 68 Fed. Reg. 53,165 (Sept. 9, 2003). In the Decision, EPA denied Petitioner’s petition to repeal the regulatory exemption codified at 40 C.F.R. 122.3(a) on the grounds that such regulation was promulgated in excess of EPA’s statutory authority under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

Petitioners are non-profit organizations formed to advocate for the protection, preservation, and sound management of waters of the United States. Petitioners have a substantial interest in the Decision because the federal action taken therein will have adverse impacts on the Petitioners and their members' interests in the unique aquatic ecosystems found in waters of the United States. By this Petition for Review, Petitioners request that the Court set aside the September 2, 2003 Decision and order EPA immediately to repeal 40 C.F.R. 122.3(a).

Respectfully submitted this 30th day of December, 2003.

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