UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

| | | |
|---|---|---|
| STATES OF NEW YORK, CALIFORNIA, CONNECTICUT, MAINE, NEW MEXICO, OREGON, RHODE ISLAND, VERMONT, WISCONSIN, COMMONWEALTH OF MASSACHUSETTS, THE DISTRICT OF COLUMBIA, and THE CITY OF NEW YORK, Petitioners, | ) | Docket No.06- |
| v. | ) | |
| UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondent. | ) | |

**PETITION FOR REVIEW**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and § 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), New York, California, Connecticut, Maine, Massachusetts, New Mexico, Oregon, Rhode Island, Vermont, Wisconsin, the District of Columbia and New York City hereby petition the Court to review the final rule of the United States Environmental Protection Agency entitled "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units." The final

rule has been published at 71 Fed. Reg. 9866 (February 27, 2006), to be codified at 40 C.F.R. Part 60, subparts Da, Db and Dc.

Dated: April 26, 2006

Respectfully submitted,

FOR THE STATE OF NEW YORK

ELIOT SPITZER
Attorney General

CAITLIN HALLIGAN
Solicitor General

By: [signature]

PETER LEHNER
J. JARED SNYDER
Assistant Attorneys General
Environmental Protection Bureau
The Capitol
Albany, New York 12224
(518) 474-8010

FOR THE STATE OF CALIFORNIA and CALIFORNIA AIR RESOURCES BOARD

BILL LOCKYER
Attorney General

By: Ken Alex (by JJS)

KEN ALEX
Deputy Attorney General
California Department of Justice
1515 Clay Street, 20th floor
P.O. Box 70550
Oakland, CA 94612
(510) 622-2137

FOR THE STATE OF CONNECTICUT

RICHARD BLUMENTHAL
Attorney General

By: Kimberly Massicotte (by JJS)

KIMBERLY MASSICOTTE
MATTHEW LEVINE
Assistant Attorneys General
P.O. Box 120
55 Elm Street
Hartford, Connecticut 06141-0120
(860) 808-5250

FOR THE STATE OF MAINE

G. STEVEN ROWE
Attorney General

By: Gerald D. Reid (by JJS)

GERALD D. REID
Assistant Attorney General
Department of the Attorney General
State House Station #6
Augusta, Maine 04333-0006
(207) 626-8800

FOR THE COMMONWEALTH OF MASSACHUSETTS

THOMAS F. REILLY
Attorney General

By: James R. Milkey (by JJS)

JAMES R. MILKEY
WILLIAM L. PARDEE
Assistant Attorney General
Environmental Protection Division
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200

FOR THE STATE OF NEW MEXICO

PATRICIA A. MADRID
Attorney General

By: Stephen R. Farris (by JJS)

STEPHEN R. FARRIS
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87504-1508
(505) 827-6010

FOR THE STATE OF OREGON

HARDY MYERS
Attorney General

By: Philip Shradle (by JJS)

PHILIP SHRADLE
Special Counsel to the Attorney General
RICHARD M. WHITMAN
Assistant Attorney General
1162 Court St. N.E.
Salem, Oregon 97301

FOR THE STATE OF RHODE ISLAND

PATRICK C. LYNCH
Attorney General

By: Tricia K. Jedele (by JJS)

TRICIA K. JEDELE
Special Assistant Attorney General
Department of Attorney General
150 South Main Street
Providence, Rhode Island 02903
401-274-4400 ext. 2400

FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
Attorney General

By: Erick Titrud (by JJS)

ERICK TITRUD
KEVIN O. LESKE
Assistant Attorneys General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-3186

FOR THE STATE OF WISCONSIN

PEGGY A. LAUTENSCHLAGER
Attorney General

By: Thomas L. Dosch (by JJS)

THOMAS L. DOSCH
Assistant Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0770

FOR THE DISTRICT OF COLUMBIA

ROBERT J. SPAGNOLETTI
Attorney General

TODD S. KIM
Solicitor General

By: Donna M. Murasky (by JJS)

DONNA M. MURASKY
Senior Assistant Attorney General
Office of the Solicitor General
441 Fourth Street, N.W.
6th Floor So.
Washington, D.C. 20001
(202) 724-5667 & 727-6252

KIMBERLY KATZENBARGER
Assistant Attorney General
51 N Street, N.E.
Washington, D.C. 20002
(202) 535-2608

FOR THE CITY OF NEW YORK

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York

By: Christopher G. King (by JJS)

CHRISTOPHER G. KING
Assistant Corporation Counsel
100 Church Street
New York, New York 10007
(212) 788-1145

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of April, 2006, a copy of the foregoing Petition for Review was sent by U.S. mail, first class postage prepaid, to the following:

Hon. Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Hon. Stephen Johnson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

J. Jared Snyder