

Case No:

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

STATE OF CALIFORNIA
by and through ARNOLD SCHWARZENEGGER, GOVERNOR OF THE STATE OF
CALIFORNIA, and the CALIFORNIA AIR RESOURCES BOARD,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
STEPHEN L. JOHNSON, ADMINISTRATOR,

Respondents.

**PETITION FOR REVIEW OF
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

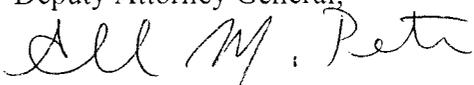
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California Air Resources Board

PETITION FOR AGENCY REVIEW

Petitioner State of California, by and through Arnold Schwarzenegger, Governor of the State of California, and the California Air Resources Board (“CARB”), hereby petitions this Court to review and compel action unlawfully withheld and unreasonably delayed by the United States Environmental Protection Agency and Stephen L. Johnson, Administrator, (collectively “US EPA”), in failing to either grant or deny California’s request, under section 209(b) of the Clean Air Act (42 U.S.C. § 7543(b)), for a waiver of preemption of California’s Regulation to Control Greenhouse Gas Emissions from Motor Vehicles (Cal. Code Regs. tit. 13, §§ 1900, 1961, 1961.1 (2007); CARB Exec. Order No. G-05-061, Cal. Reg. Notice Register 2005, No. 39-Z, at 1427-28 (2005)). This regulation requires reductions in fleet-average, greenhouse-gas emissions for most new passenger motor vehicles sold in California, beginning with the 2009 model-year. The petition is brought pursuant to section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), the Administrative Procedure Act, 5 U.S.C. §§ 551 and 706(1), and the All Writs Act, 28 U.S.C. § 1561. CARB requested the waiver on December 21, 2005. The US EPA’s docket for California’s waiver request is EPA-HQ-OAR-2006-0173.

DATED: October 29, 2007

Respectfully Submitted
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