

## **CERTIFICATE OF COMPLIANCE WITH WORD LIMITATION**

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), I hereby certify that the foregoing brief contains 43771 words as computed by WordPerfect 9.

/S/ Angeline Purdy

---

Angeline Purdy

## **CERTIFICATE OF SERVICE**

I hereby certify that two copies of the foregoing BRIEF FOR RESPONDENT UNITED STATES ENVIRONMENTAL PROTECTION AGENCY have been served by United States first-class mail this 9th day of August, upon the following:

Eliot Spitzer  
Attorney General  
Caitlin Halligan  
Solicitor General  
J. Jared Snyder  
Michael J. Myers  
Assistant Attorneys General  
Environmental Protection Bureau  
The Capitol  
Albany, NY 12224-0341  
[jared.snyder@oag.state.ny.us](mailto:jared.snyder@oag.state.ny.us)  
[michael.myers@oag.state.ny.us](mailto:michael.myers@oag.state.ny.us)  
*For State of New York*

Peter Hans Lehner  
Attorney General's Office,  
State of New York  
Environmental Protection Bureau  
120 Broadway, 26<sup>th</sup> Floor  
New York, NY 10271  
[peter.lehner@oag.state.ny.us](mailto:peter.lehner@oag.state.ny.us)  
*For State of New York*

Richard Blumenthal  
Attorney General  
Kimberly P. Massicotte  
Matthew I. Levine  
Attorney General's Office,  
State of Connecticut  
P.O. Box 120

55 Elm Street  
Hartford, CT 06141-0120  
[matthew.levine@po.state.ct.us](mailto:matthew.levine@po.state.ct.us)  
*For State of Connecticut*

G. Steven Rowe  
Attorney General  
Gerald D. Reid  
Attorney General's Office of State of Maine  
6 State House Station  
111 Sewall Street  
Augusta, ME 04333-0006  
[jerry.reid@state.me.us](mailto:jerry.reid@state.me.us)  
*For State of Maine*

J. Joseph Curran, Jr.  
Attorney General  
Kathy M. Kinsey  
Lorraine Herson-Jones  
Office of the Attorney General  
Maryland Department of the Environment  
1800 Washington Boulevard, Ste. 6048  
Baltimore, MD 21230  
[Kkinsey@mde.state.md.us](mailto:Kkinsey@mde.state.md.us)  
[Lherson-jones@mde.state.md.us](mailto:Lherson-jones@mde.state.md.us)  
*For State of Maryland*

Thomas F. Reilly  
Attorney General  
William L. Pardee

Frederick D. Augenstern  
James Milkey  
Assistant Attorneys General  
Environmental Protection Division  
200 Portland Street, 3<sup>rd</sup> Floor  
Boston, MA 02114  
[fred.augenstern@ago.state.ma.us](mailto:fred.augenstern@ago.state.ma.us)  
[bill.pardee@ago.state.ma.us](mailto:bill.pardee@ago.state.ma.us)  
[jim.milkey@ago.state.ma.us](mailto:jim.milkey@ago.state.ma.us)  
***For Commonwealth of Massachusetts***

Peter W. Heed  
Attorney General  
Maureen D. Smith  
Senior Assistant Attorney General  
Environmental Protection Bureau  
Office of Attorney General  
33 Capitol Street  
Concord, NH 03301-6397  
[Maureen.Smith@doj.nh.gov](mailto:Maureen.Smith@doj.nh.gov)  
***For State of New Hampshire***

Peter C. Harvey  
Attorney General  
Stefanie A. Brand  
Ruth E. Carter  
Kevin P. Auerbacher  
Jean Reilly  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, NJ 08625-0093  
[brandste@law.dol.lps.state.nj.us](mailto:brandste@law.dol.lps.state.nj.us)  
[kevin.auerbacher@dol.lps.state.nj.us](mailto:kevin.auerbacher@dol.lps.state.nj.us)  
[Ruth.Carter@law.dol.lps.state.nj.us](mailto:Ruth.Carter@law.dol.lps.state.nj.us)  
[morellis@law.dol.lps.state.nj.us](mailto:morellis@law.dol.lps.state.nj.us)  
[reilljea@law.dol.lps.state.nj.us](mailto:reilljea@law.dol.lps.state.nj.us)  
***For State of New Jersey***

Patrick C. Lynch  
Attorney General  
Tricia K. Jedele  
Special Assistant Attorney General  
Dep't of Attorney General  
150 South Main Street  
Providence, RI 02903  
[tjedele@riag.state.ri.us](mailto:tjedele@riag.state.ri.us)  
***For State of Rhode Island***

William H. Sorrell  
Attorney General  
Erick Titrud  
Kevin O. Leske  
Office of the Attorney General

109 State Street  
Montpelier, VT 05609-1001  
[etitrud@atg.state.vt.us](mailto:etitrud@atg.state.vt.us)  
[kleske@atg.state.vt.us](mailto:kleske@atg.state.vt.us)  
***For State of Vermont***

Norman L. Rave  
Lois Godfrey Wye  
Angeline Purdy  
U.S. Department of Justice  
Environment & Natural Resources Division  
P.O. Box 23986  
L'Enfant Plaza Station  
Washington, DC 20026-3986  
[norman.rave@usdoj.gov](mailto:norman.rave@usdoj.gov)  
[lois.wye@usdoj.gov](mailto:lois.wye@usdoj.gov)  
[angeline.purdy@usdoj.gov](mailto:angeline.purdy@usdoj.gov)  
***For US EPA, et al.***

Monica Derbes Gibson  
Alan Eckert  
Office of General Counsel  
U. S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW (MC 2344A)  
Washington, DC 20460  
[Gibson.monica@epa.gov](mailto:Gibson.monica@epa.gov)  
[Eckert.alan@epa.gov](mailto:Eckert.alan@epa.gov)  
***For US EPA, et al.***

Michael P. Bedrin, Chief Counsel  
Robert A. Reiley  
Commonwealth of Pennsylvania,  
Dept. of Environmental Protection  
9<sup>th</sup> Floor RCSOB  
P.O. Box 8464  
Harrisburg, PA 17105-8464  
[rreiley@state.pa.us](mailto:rreiley@state.pa.us)  
***For Commonwealth of Pennsylvania (D.C. Cir. 03-1016)***

Barbara B. Baird, District Counsel  
South Coast AQMD  
21865 E Copley Drive  
P.O. Box 4940  
Diamond Bar, CA 91765-0940  
[bbaird@aqmd.gov](mailto:bbaird@aqmd.gov)  
[vrodriguez@aqmd.gov](mailto:vrodriguez@aqmd.gov)  
***For South Coast Air Quality Management District (D.C. Cir. 03-1033 and 03-1457)***

Donna M. Murasky  
Senior Litigation Counsel  
Office of Corporation Counsel (Appellate  
Division)  
441 Fourth Street, NW, Sixth Floor  
Washington, DC 20001  
[donna.murasky@dc.gov](mailto:donna.murasky@dc.gov)  
[kkatzenbarger@dchealth.com](mailto:kkatzenbarger@dchealth.com)  
**For District of Columbia  
(D.C. Cir. 03-1036)**

James R. May  
James M. Stuhltrager  
Mid-Atlantic Environmental Law Center  
4601 Concord Pike, P.O. Box 7474  
Wilmington, DE 19803-0474  
[James.Stuhltrager@law.widener.edu](mailto:James.Stuhltrager@law.widener.edu)  
[james.r.may@law.widener.edu](mailto:james.r.may@law.widener.edu)  
**For Delaware Nature Society  
(D.C. Cir. 03-1040)**

M. Jane Brady, Attorney General  
Valerie S. Csizmadia  
Deputy Attorney General  
Department of Justice  
102 W. Water Street, 3<sup>rd</sup> Floor  
Dover, DE 19904  
[vesizmadia@state.de.us](mailto:vesizmadia@state.de.us)  
**For State of Delaware (D.C. Cir. 03-1041)**

Bill Lockyer, Attorney General  
Matthew J. Goldman  
Mary E. Hackenbracht  
Attorney General's Office of California  
1300 I Street  
P.O. Box 944255  
Sacramento, CA 94244-2500  
[matthew.goldman@doj.ca.gov](mailto:matthew.goldman@doj.ca.gov)  
**For People of the State of California, et al.  
(D.C. Cir. 03-1044)**

Stephen S. Stark, County Counsel  
William M. Dillon  
Deputy County Counsel  
County of Santa Barbara

105 E. Anapamu St. #201  
Santa Barbara, CA 93101  
[w Dillon@co.santa-barbara.ca.us](mailto:w Dillon@co.santa-barbara.ca.us)  
**For Santa Barbara County Air Pollution  
Control District (D.C. Cir. 03-1045)**

Frank O. Sieh, County Counsel  
Robert N. Kwong  
Assistant County Counsel  
County of Ventura  
County Government Ctr., Admin Bldg.  
800 South Victoria Avenue  
Ventura, California 93009-1830  
[rk Wong@coconet.org](mailto:rk Wong@coconet.org)  
**For Ventura County Air Pollution Control  
District (D.C. Cir. 03-1045)**

Katherine Currie Pittard  
District Counsel  
Sacramento MAQMD  
777 12<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
**For Sacramento Metropolitan Air Quality  
Management District (D.C. Cir. 03-1045)**

David P. Schott, District Counsel  
Monterey Bay Unified Air Pollution Control  
District  
24580 Silver Cloud Court  
Monterey, CA 93940  
[dschott@mbuapcd.org](mailto:dschott@mbuapcd.org)  
**For Monterey Bay Unified Air Pollution  
Control District (D.C. Cir. 03-1045)**

Steven M. Basha  
County Counsel  
Leslyn K. Syren  
Deputy County Counsel  
625 Court Street, Room 201  
Woodland, CA 95695  
**For Yolo Solano Air Quality Management  
District (D.C. Cir. 03-1045)**

F. William Brownell  
Henry V. Nickel  
Douglas S. Burdin  
David S. Harlow  
Craig Harrison  
Hunton & Williams LLP  
1900 K Street, NW, Ste. 1200  
Washington, DC 20006-1109  
[bbrownell@hunton.com](mailto:bbrownell@hunton.com)  
[hnickel@hunton.com](mailto:hnickel@hunton.com)  
[dburdin@hunton.com](mailto:dburdin@hunton.com)

[vfini@hunton.com](mailto:vfini@hunton.com)  
[mparker@hunton.com](mailto:mparker@hunton.com)  
[धारlow@hunton.com](mailto:धारlow@hunton.com)  
[charrison@hunton.com](mailto:charrison@hunton.com)  
[sfisher@hunton.com](mailto:sfisher@hunton.com)  
[mjaber@hunton.com](mailto:mjaber@hunton.com)

*For Utility Air Regulatory Group  
(D.C. Cir. 03-1046), Alabama Power Company,  
et al (D.C. Cir. 03-1176) and (D.C. Cir. 03-  
1178)*

Leslie S. Ritts  
Lorane F. Hebert  
Hogan & Hartson  
555 Thirteenth Street, NW  
Washington, DC 20004-1109  
[lsritts@hhlaw.com](mailto:lsritts@hhlaw.com)

*For National Environmental Development  
Association's Clean Air Regulatory Project  
(D.C. Cir. 03-1047)*

Christopher P. McCormack  
Tyler Cooper & Alcorn, LLP  
205 Church Street  
P.O. Box 1936  
New Haven, CT 06509-1910  
[mccormac@tylercooper.com](mailto:mccormac@tylercooper.com)

*For City of Groton, City of Middletown,  
City of Stamford, Town of Cornwall, Town  
of East Hartford, Town of Easton, Town of  
Greenwich, Town of Hebron, Town of  
Lebanon, Town of Newtown, Town of  
North Stonington, Town of Pomfret, Town  
of Putnam, Town of Rocky Hill, Town of  
Salisbury, Town of Thompson, Town of  
Wallingford, Town of Washington, Town  
of Westbrook, Town of Weston, Town of  
Woodstock, Connecticut (D.C. Cir. 03-  
1049)*

Daniel C. Esty  
Esty & Associates  
213 Preston Road  
Cheshire, CT 06410  
[daniel.esty@yale.edu](mailto:daniel.esty@yale.edu)

*For City of Hartford, City of New Haven,  
City of New London, City of Waterbury,  
and Town of Westport, Connecticut*

*(D.C. Cir. 03-1049)*

Peggy A. Lautenschlager  
Attorney General  
Thomas L. Dosch  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857  
[doschtl@doj.state.wi.us](mailto:doschtl@doj.state.wi.us)  
*For State of Wisconsin (D.C. Cir. 03-1050)*

Denise W. Kennedy  
Robert T. Connery  
John F. Shepherd  
Holland & Hart  
555 Seventeenth Street  
Suite 3200  
Denver, CO 80202  
[rconnery@hollandhart.com](mailto:rconnery@hollandhart.com)  
[dkennedy@hollandhart.com](mailto:dkennedy@hollandhart.com)  
[jshepherd@hollandhart.com](mailto:jshepherd@hollandhart.com)  
*For Newmont Mining Corporation (D.C.  
Cir. 03-1051)*

Lisa Madigan, Attorney General  
Matthew J. Dunn  
Thomas E. Davis  
Environmental Bureau  
500 South Second Street  
Springfield, IL 62706  
[tdavis@atg.state.il.us](mailto:tdavis@atg.state.il.us)  
[Gina.Roccaforte@epa.state.il.us](mailto:Gina.Roccaforte@epa.state.il.us)  
*For State of Illinois (D.C. Cir. 03-1052)*

Michael A. Cardozo

Corporation Counsel of the City of New York

Mark P. McIntyre  
William Plache  
Corporation Counsel's Office of the  
City of New York  
New York City Law Department  
100 Church Street  
New York, NY 10007  
[wplache@law.nyc.gov](mailto:wplache@law.nyc.gov)  
[cking@law.nyc.gov](mailto:cking@law.nyc.gov)  
***For City of New York (D.C. Cir. 03-1054)***

Dennis J. Herrera  
City Attorney  
Andrew Schwartz  
Office of the City Attorney  
City and County of San Francisco  
1 Dr. Carlton B Goodlett Place  
City Hall, Room 234  
San Francisco, CA 94102  
[andrew.schwartz@sfgov.org](mailto:andrew.schwartz@sfgov.org)  
***For City and County of San Francisco  
(D.C. Cir. 03-1054)***

William H. Lewis Jr.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
[wlewis@morganlewis.com](mailto:wlewis@morganlewis.com)  
***For Clean Air Implementation Project (D.C.  
Cir. 03-1056), NSR Manufacturers Roundtable  
(D.C. Cir. 03-1057) and American Chemistry  
Council (D.C. Cir. 03-1175) and Intervenors  
American Petroleum Institute***

Jerry W. Kilgore  
Attorney General  
Roger L. Chaffe  
Carl Josephson  
Office of the Attorney General  
Special Prosecutions Section  
900 East Main Street  
Richmond, VA 23219  
[cjosephson@oag.state.va.us](mailto:cjosephson@oag.state.va.us)  
[rchaffe@oag.state.va.us](mailto:rchaffe@oag.state.va.us)  
***For Commonwealth of Virginia***

Steve Carter  
Attorney General  
Thomas M. Fisher  
Office of the Attorney General

302 West Washington Street  
IGC South, 5<sup>th</sup> Floor  
Indianapolis, IN 46204-2770  
[tfisher@atg.state.in.us](mailto:tfisher@atg.state.in.us)  
***For Attorney General for the State of Indiana***

Phil Kline  
Attorney General  
David W. Davies  
129 SW Tenth Avenue, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1597  
***For State of Kansas***

Jon C. Bruning  
Attorney General  
David Cookson  
Natalee J. Skillman  
Assistant Attorneys General  
2115 State Capitol  
Lincoln, NE 68509-8920  
[dcookson@notes.state.ne.us](mailto:dcookson@notes.state.ne.us)  
[nskillma@notes.state.ne.us](mailto:nskillma@notes.state.ne.us)  
***For State of Nebraska***

Wayne Stenehjem  
Attorney General  
Lyle G. Witham  
Dean J. Haas  
Office of Attorney General  
500 North Ninth Street  
Bismarck, ND 58501-4509  
[lwitham@state.nd.us](mailto:lwitham@state.nd.us)  
[ckvislen@state.nd.us](mailto:ckvislen@state.nd.us)  
***For State of North Dakota***

Henry D. McMaster  
Attorney General  
J. Emory Smith  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
[AGESMITH@ag.state.sc.us](mailto:AGESMITH@ag.state.sc.us)  
***For State of South Carolina***

Lawrence E. Long  
Attorney General  
Roxanne Giedd  
Office of the Attorney General  
500 East Capitol Avenue  
Pierre, SD 57501  
***For State of South Dakota***  
Mark L. Shurtleff  
Attorney General  
Fred G. Nelson  
Office of the Attorney General  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873  
[fnelson@utah.gov](mailto:fnelson@utah.gov)  
***For State of Utah***

Russell S. Frye  
John L. Wittenborn  
Collier Shannon Scott  
3050 K Street, NW, Ste. 400  
Washington, DC 20007  
[rfrye@colliershannon.com](mailto:rfrye@colliershannon.com)  
[jwittenborn@colliershannon.com](mailto:jwittenborn@colliershannon.com)  
***For American Forest & Paper Assn. (D.C. Cir. 03-1175), Specialty Steel Industry of North America, and Steel Manufacturers Assn.***

Philip M. Jay, District Counsel  
San Joaquin Valley Unified APCD  
1990 East Gettysburg  
Fresno, CA 93726  
[phil.jay@valleyair.org](mailto:phil.jay@valleyair.org)  
***For San Joaquin Valley Unified Air Pollution Control District***

Gregg D. Renkes, Attorney General  
Steven E. Mulder,  
Assistant Attorney General  
Office of Attorney General  
Department of Law  
1031 West 4<sup>th</sup> Avenue, Ste. 200  
Anchorage, AK 99501  
[Steve.Mulder@law.state.ak.us](mailto:Steve.Mulder@law.state.ak.us)  
***For State of Alaska***

Robert A. Messina  
General Counsel  
Illinois Environmental Regulatory Group  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705-5776

[amessina@ierg.org](mailto:amessina@ierg.org)  
***For Illinois State Chamber of Commerce and Illinois Environmental Regulatory Group***

Dell E. Perelman  
Leslie A. Hulse  
Counsel  
American Chemistry Council  
1300 Wilson Boulevard  
Arlington, VA 22209  
[leslie\\_hulse@americanchemistry.com](mailto:leslie_hulse@americanchemistry.com)  
***For American Chemistry Council (D.C. Cir. 03-1175)***

Martha Elizabeth Cox  
Harry M. Ng  
American Petroleum Institute  
1220 L Street, NW  
Washington, DC 20005  
[cox@api.org](mailto:cox@api.org)  
***For American Petroleum Institute***

William Bumpers  
Baker & Botts  
1299 Pennsylvania Avenue, NW  
The Warner, Suite 1300 West  
Washington D.C. 20004-2400  
***For Duquesne Light Company***

Charles H. Knauss  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW  
Suite 300  
Washington, DC 20007-5116  
[chknauss@swidlaw.com](mailto:chknauss@swidlaw.com)  
[mcbrown@swidlaw.com](mailto:mcbrown@swidlaw.com)  
***For Alliance of Automobile Manufacturers***

Julie C. Becker  
Alliance of Automobile Manufacturers  
1401 Eye Street, NW, Suite 900  
Washington, DC 20005  
[jbecker@autoalliance.org](mailto:jbecker@autoalliance.org)  
***For Alliance of Automobile Manufacturers***

Richard Wasserstrom  
Environmental Counsel  
American Forest & Paper Association, Inc.  
1111 19<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20036  
***For American Forest & Paper Association***

David Mark Driesen

Syracuse University College of Law  
Offices of the Faculty  
Syracuse, NY 13244-1030  
[ddriesen@law.syr.edu](mailto:ddriesen@law.syr.edu)  
*For Amici H. Rodham Clinton, J. Corzine, J. Jeffords, P. Leahy, B. Boxer, F. Lautenberg, C. Schumer, and J. Reed*

Christopher H. Schroeder  
Duke University School of Law  
P.O. Box 90360  
Durham, NC 27708-0360  
[schroeder@law.duke.edu](mailto:schroeder@law.duke.edu)  
*For Amicus Clean Air Trust*

Charles J. Crist, Attorney General  
Jonathan A. Glogau  
Office of the Attorney General  
The Capitol  
Suite PL-01  
Tallahassee, FL 32399-1050  
[jon\\_glogau@oag.state.fl.us](mailto:jon_glogau@oag.state.fl.us)  
[jack\\_chisolm@dep.state.fl.us](mailto:jack_chisolm@dep.state.fl.us)  
*For Amicus State of Florida*

Hope M. Babcock  
Senior Attorney/Director  
**Eric Albert**  
**Staff Attorney**  
Institute for Public Representation  
Georgetown University Law Center  
600 New Jersey Avenue, NW, Ste. 312  
Washington, DC 20001  
[babcock@law.georgetown.edu](mailto:babcock@law.georgetown.edu)  
[ea72@law.georgetown.edu](mailto:ea72@law.georgetown.edu)  
*For Amici American Thoracic Society, American College of Chest Physicians, and National Association for the Medical Direction of Respiratory Care*

William D. Evans, Sr.  
Anne Arundel County Office of Law  
2660 Riva Road  
Annapolis, MD 21401  
[lwkbryne@mail.aacounty.org](mailto:lwkbryne@mail.aacounty.org)  
*For Amicus Anne Arundel County, Maryland*

Keri N. Powell  
Howard I. Fox

Earthjustice  
1625 Massachusetts Ave., N.W.  
Suite 702  
Washington, D.C. 20036-2212  
[kpowell@earthjustice.org](mailto:kpowell@earthjustice.org)  
[hfox@earthjustice.org](mailto:hfox@earthjustice.org)  
[jjames@earthjustice.org](mailto:jjames@earthjustice.org)  
*Natural Resources Defense Council, Environmental Defense, Sierra Club, American Lung Association, and Communities for a Better Environment (D.C. Cir. 03-1048, 03-1130, and 03-1437)*

John D. Walke  
David G. McIntosh  
Natural Resources Defense Council  
1200 New York Ave., N.W. Suite 400  
Washington, D.C. 20005  
[dmcintosh@nrdc.org](mailto:dmcintosh@nrdc.org)  
*For Natural Resources Defense Council (D.C. Cir. 03-1048, 03-1130, and 03-1437)*

Jonathan F. Lewis  
Ann Brewster Weeks  
Clean Air Task Force  
77 Summer Street  
8<sup>th</sup> Floor  
Boston, MA 02110  
[jlewis@catf.us](mailto:jlewis@catf.us)  
[aweeks@catf.us](mailto:aweeks@catf.us)  
*Alabama Environmental Council, et al. (D.C. Cir. 03-1055 and 03-1437)*

/S/ Angeline Purdy

---

