

**ORAL ARGUMENT SCHEDULED FOR JANUARY 25, 2005**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**No. 02-1387 and consolidated cases  
(COMPLEX)**

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**STATE OF NEW YORK, et al.,**

**Petitioners,**

**v.**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Respondent.**

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**On Petition for Review of Final Action of the  
United States Environmental Protection Agency**

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**BRIEF FOR RESPONDENT UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

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**August 9, 2004**