

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

THE NATIONAL ASSOCIATION OF)	
MANUFACTURERS, AMERICAN FROZEN FOOD)	
INSTITUTE, AMERICAN PETROLEUM INSTITUTE,)	
BRICK INDUSTRY ASSOCIATION, CORN)	
REFINERS ASSOCIATION, GLASS PACKAGING)	
INSTITUTE, INDEPENDENT PETROLEUM)	
ASSOCIATION OF AMERICA, INDIANA CAST)	
METALS ASSOCIATION, MICHIGAN)	
MANUFACTURERS ASSOCIATION, MISSISSIPPI)	
MANUFACTURERS ASSOCIATION, NATIONAL)	
ASSOCIATION OF HOME BUILDERS, NATIONAL)	
FEDERATION OF INDEPENDENT BUSINESS,)	
NATIONAL OILSEED PROCESSORS)	
ASSOCIATION, NATIONAL PETROCHEMICAL	)	Case No. 10-1127
AND REFINERS ASSOCIATION, NORTH	)	(consolidated with
AMERICAN DIE CASTING ASSOCIATION,	)	Case Nos. 10-1109,
SPECIALTY STEEL INDUSTRY OF NORTH	)	10-1110, 10-1114,
AMERICA, TENNESSEE CHAMBER OF	)	10-1115, 10-1118,
COMMERCE AND INDUSTRY, WESTERN	)	10-1119, 10-1120,
STATES PETROLEUM ASSOCIATION, WEST	)	10-1122, 10-1123
VIRGINIA MANUFACTURERS	)	10-1124, 10-1125,
ASSOCIATION, and WISCONSIN	)	10-1126, 10-1128,
MANUFACTURERS & COMMERCE	)	10-1129)
)	
Petitioners,)	
)	
v.)	
)	
U.S. ENVIRONMENTAL PROTECTION)	
AGENCY and LISA P. JACKSON,)	
Administrator, U.S. Environmental)	
Protection Agency,)	
)	
Respondents.)	

PETITIONERS' NON-BINDING STATEMENT OF ISSUES

Petitioners the National Association of Manufacturers, American Frozen Food Institute, American Petroleum Institute, Brick Industry Association, Corn Refiners Association, Glass Packaging Institute, Independent Petroleum Association of America, Indiana Cast Metals Association, Michigan Manufacturers Association, Mississippi Manufacturers Association, National Association of Home Builders, National Federation of Independent Business, National Oilseed Processors Association, National Petrochemical and Refiners Association, North American Die Casting Association, Specialty Steel Industry of North America, Tennessee Chamber of Commerce and Industry, Western States Petroleum Association, West Virginia Manufacturers Association, and Wisconsin Manufacturers & Commerce in Case No. 10-1127 (which is consolidated with in consolidated Case No. 10-1109) hereby submit the following Non-Binding Statement of Issues in this proceeding regarding EPA's "Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs; Final Rule." 75 Fed. Reg. 17,004 (Apr. 2, 2010) ("Subject to Regulation Decision" or "STR Decision"):

Whether Respondents' action is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, including:

- a. Whether Respondents' determination that the Clean Air Act's Prevention of Significant Deterioration program and Title V apply to

greenhouse gases is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;

- b. Whether Respondents' determination that the Clean Air Act's Prevention of Significant Deterioration program applies to pollutants for which no National Ambient Air Quality Standard has been established is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;
- c. Whether Respondents' determination that greenhouse gases become subject to permitting requirements under the Clean Air Act beginning on January 2, 2011, is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;
- d. Whether Respondents' interpretations of
 - i) the Clean Air Act's Prevention of Significant Deterioration and Title V permitting requirements, and
 - ii) the regulations in 40 C.F.R. parts 51 and 52are arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.

This is a preliminary listing of issues that Petitioners may raise. Petitioners reserve the right to modify the list of issues addressed, as well as to address these and other issues in more detail in future pleadings.

Respectfully submitted,

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