

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

SIERRA CLUB,)	
)	
<i>Petitioner,</i>)	
v.)	No. 18-1167
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY, <i>et al.</i> ,)	
)	
<i>Respondents.</i>)	

NON-BINDING STATEMENT OF ISSUES TO BE RAISED

Petitioner Sierra Club submits this non-binding statement of issues to be raised in this challenge:

Whether EPA acted illegally and arbitrarily in providing for waiver, where a proposed Prevention of Significant Deterioration source’s projected air quality impacts on ambient air pollution levels are below “significant impact levels,” of the legally required showing that the proposed source will not cause or contribute to violation of any increment or national ambient air quality standard.

DATED: July 19, 2018

Respectfully submitted,

/s/ Seth L. Johnson
Seth L. Johnson
Earthjustice
1625 Massachusetts Ave., NW
Suite 702
Washington, DC 20036-2243

(202) 667-4500
sjohnson@earthjustice.org

Counsel for Petitioner Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2018, I have served the foregoing **Non-Binding Statement of Issues to Be Raised** on all registered counsel through the Court's electronic filing system (ECF), or, with permission, via email.

/s/ Seth L. Johnson
Seth L. Johnson