

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

ASSOCIATION OF METROPOLITAN
SEWERAGE AGENCIES, CALIFORNIA
ASSOCIATION OF SANITATION
AGENCIES, INC., MARYLAND
ASSOCIATION OF MUNICIPAL
WASTEWATER AGENCIES, INC.,
SOUTH CAROLINA WATER QUALITY
ASSOCIATION, INC., TEXAS ASSOCIATION
OF METROPOLITAN SEWERAGE
AGENCIES, INC., VIRGINIA
ASSOCIATION OF MUNICIPAL
WASTEWATER AGENCIES, INC.,
WEST VIRGINIA MUNICIPAL
WATER QUALITY ASSOCIATION, INC.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and CHRISTINE
T. WHITMAN, in her official capacity as
Administrator of the United States
Environmental Protection Agency,

Respondents.

Case No. _____

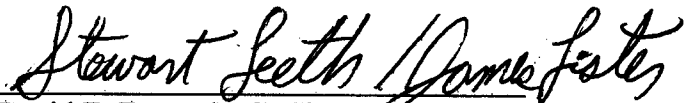
RECEIVED
U.S. COURT OF APPEALS
FOR THE D.C. CIRCUIT
2008 MAR 31 PM 8:03
FEDERAL DEPOSITORY

PETITION FOR REVIEW

Pursuant to Section 509(b)(1) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure, the Association of Metropolitan Sewerage Agencies, the California Association Of Sanitation Agencies, Inc., the Maryland Association of Municipal Wastewater Agencies, Inc., the South Carolina Water Quality Association, Inc., the Texas Association Of Metropolitan Sewerage Agencies, Inc., the Virginia Association of

Municipal Wastewater Agencies, Inc., and the West Virginia Municipal Water Quality Association, Inc. hereby petition this Court to review the final rule ratifying approval of several whole effluent toxicity ("WET") test methods for measuring the toxicity of effluents and receiving waters. This rule was promulgated by the United States Environmental Protection Agency on December 3, 2002, and published in the *Federal Register* on November 19, 2002. 67 Fed. Reg. 69,951-72 (November 19, 2002) (copy attached). Pursuant to 40 C.F.R. § 23.2 (2001) and the above-referenced *Federal Register* notice, the administrative action in promulgating these regulations was taken on December 3, 2002.

Respectfully submitted,



David E. Evans (D.C. Cir. No. 48602)
Stewart T. Leeth (D.C. Cir. No. 46079)
McGUIREWOODS LLP
901 East Cary Street
Richmond, Virginia 23219
(804) 775-4719

Counsel for
ASSOCIATION OF METROPOLITAN
SEWERAGE AGENCIES, CALIFORNIA
ASSOCIATION OF SANITATION
AGENCIES, INC., MARYLAND
ASSOCIATION OF MUNICIPAL
WASTEWATER AGENCIES, INC.,
SOUTH CAROLINA WATER QUALITY
ASSOCIATION, INC., TEXAS
ASSOCIATION OF METROPOLITAN
SEWERAGE AGENCIES,
VIRGINIA ASSOCIATION OF
MUNICIPAL WASTEWATER
AGENCIES, INC., WEST VIRGINIA
MUNICIPAL WATER QUALITY
ASSOCIATION, INC.,