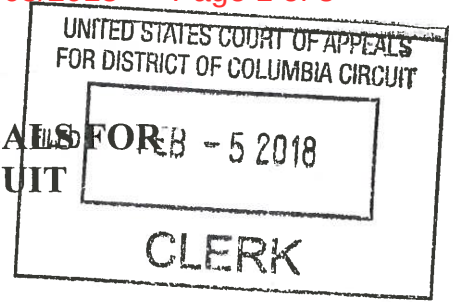
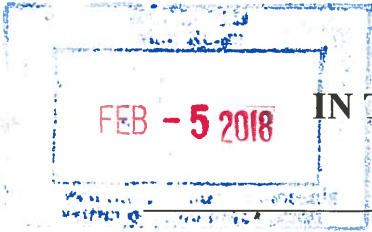


ORIGINAL



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

SIERRA CLUB,

*Petitioner,*

v.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY and SCOTT  
PRUITT, Administrator, U.S.  
Environmental Protection Agency

*Respondents.*

No. 18-1038

ORIGINAL

PETITION FOR REVIEW

Pursuant to Clean Air Act § 307(b)(1), 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15 and D.C. Circuit Rule 15, Sierra Club hereby petitions this Court for review of the final action taken by Respondents U.S. Environmental Protection Agency and Administrator Scott Pruitt in *In the Matter of PacifiCorp Energy – Hunter Power Plant, Emery County, Utah*, Order on Petition No. VIII-2016-4 (Oct. 16, 2017), notice of which was published in the Federal Register at 82 Fed. Reg. 58196 (Dec. 11, 2017) (Attachment 1).

DATED: February 2, 2018.

Respectfully submitted,



KERI N. POWELL

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*Counsel for Petitioner Sierra Club*

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

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FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED FEB - 5 2018  
CLERK

FEB - 5 2018

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**RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule

26.1, Sierra Club makes the following disclosures:

**Sierra Club**

Non-Governmental Corporate Party to this Action: Sierra Club.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

DATED: February 2, 2018.

Respectfully submitted,



Keri N. Powell

Powell Environmental Law

315 W Ponce de Leon Ave.

Suite 842

Decatur, GA 30030

(678) 902-4450

kpowell@powellenvironmentallaw.com

*Counsel for Petitioner Sierra Club*

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing **Petition for Review and Rule 26.1 Disclosure Statement** on Respondents by sending a copy via First Class Mail to each of the following addresses on this 2<sup>nd</sup> day of February, 2018:

The Honorable Edward Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

The Honorable Jefferson Beauregard Sessions, III  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

Correspondence Control Unit  
Office of General Counsel (2311)  
United States Environmental Protection Agency  
William Jefferson Clinton Federal Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

  
Keri N. Powell

# Attachment 1

number: (703) 305-5190; email address: [hernandez.connie@epa.gov](mailto:hernandez.connie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. What information is EPA particularly interested in?**

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

**II. What information collection activity or ICR does this action apply to?**

*Title:* EUPs for Pesticides.  
*ICR number:* EPA ICR No. 0276.16.  
*OMB control number:* OMB Control No. 2070-0040.

*ICR status:* This ICR is currently scheduled to expire on August 31, 2018. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* This ICR is a renewal of an existing ICR that is currently approved by OMB and is due to expire August 31, 2018. The information collection provides EPA with the data necessary to

determine whether to issue an EUP under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA requires that before a pesticide product may be distributed or sold in the U.S., it must be registered by EPA. However, FIFRA section 5 authorizes EPA to issue an EUP to allow pesticide companies to temporarily ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for registration of a pesticide product. The EUP application must be submitted in order to obtain a permit.

*Burden statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 567 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

*Respondents/Affected Entities:* Entities potentially affected by this ICR are engaged in pesticide, fertilizer, and other agricultural chemical manufacturing. The NAICS for respondents under the ICR include: 325320 (Pesticide and other Agricultural Chemical Manufacturing).

*Estimated total number of potential respondents:* 31 annually.

*Frequency of response:* On occasion.

*Estimated total average number of responses for each respondent:* 1.

*Estimated total annual burden hours:* 567 hours.

*Estimated total annual costs:* \$37,497. There are no capital operation & maintenance costs associated with this information collection.

**III. Are there changes in the estimates from the last approval?**

There is an increase of 11 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's adjustment as a result of increased EUP submissions by program participants, as well as higher wage rates for managerial, technical, and clerical occupations. This change is an adjustment.

**IV. What is the next step in the process for this ICR?**

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR

1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Authority:** 44 U.S.C. 3501 *et seq.*

Dated: November 27, 2017.

**Charlotte Bertrand,**

*Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2017-26658 Filed 12-8-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9971-26-Region 8]

**Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for PacifiCorp Energy—Hunter Power Plant (Emery County, Utah)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on a petition to object to a state operating permit.

**SUMMARY:** The EPA Administrator signed an order, dated October 16, 2017, denying the petition submitted by the Sierra Club (Petitioner) objecting to the proposed Clean Air Act (CAA) title V operating permit issued to PacifiCorp Energy. The Order responds to the April 11, 2016 petition objecting to the proposed title V operating permit #1500101002 (Hunter Permit) issued by the Utah Department of Environmental Quality, Division of Air Quality (UDAQ) for the Hunter Power Plant in Castle Dale, Emery County, Utah. The Order constitutes a final action on the petition.

**ADDRESSES:** You may review copies of the Order, the petition, and other supporting information at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202-1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view these documents. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays. The Order is also available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

**FOR FURTHER INFORMATION CONTACT:** Patrick Wauters, Air Program (8P-AR), EPA Region 8, 1595 Wynkoop Street,

Denver, Colorado 80202–1129, (303) 312–6114, [wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords the EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. Pursuant to sections 307(b) and 505(b)(2) of the Act, a petition for judicial review of those portions of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice appears in the **Federal Register**.

The EPA received a petition from the Petitioner, requesting that the EPA object to the proposed Hunter Permit for the Hunter Power Plant. The petitioner alleges that the Hunter Permit fails to ensure compliance with applicable requirements under the CAA in that: (1) The permit fails to include Prevention of Significant Deterioration (PSD) requirements; (2) the permit includes Plantwide Applicability Limits that are unlawful and invalid; (3) the permit fails to include unpermitted Approval Order Modifications in 2010, including Best Achievable Control Technology (BACT) requirements; (4) the permit fails to include 2010 PSD requirements, including BACT, for oxides of nitrogen; and (5) UDAQ failed to respond to the Petitioner's comments.

On October 16, 2017, the Administrator issued an Order denying the petition. The Order explains the EPA's basis for denying the petition.

Dated: November 27, 2017.

**Douglas H. Benevento,**

*Regional Administrator, Region 8.*

[FR Doc. 2017–26623 Filed 12–8–17; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of the Receivership of 10395, The First National Bank of Florida, Milton, Florida

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10395, The First National Bank of Florida, Milton, Florida, has been authorized to take all actions necessary to terminate the Receivership Estate of The First National Bank of Florida (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective December 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: December 6, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2017–26660 Filed 12–8–17; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of the Receivership of 10506, NBRS Financial, Rising Sun, Maryland

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10506, NBRS Financial, Rising Sun, Maryland, has been authorized to take all actions necessary to terminate the Receivership Estate of NBRS Financial (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective December 1, 2017, the Receivership Estate has been

terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: December 6, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2017–26647 Filed 12–8–17; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of the Receivership of 10381, LandMark Bank of Florida, Sarasota, Florida

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10381, LandMark Bank of Florida, Sarasota, Florida, has been authorized to take all actions necessary to terminate the Receivership Estate of LandMark Bank of Florida (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective December 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: December 6, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2017–26659 Filed 12–8–17; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of the Receivership of 10509, Northern Star Bank, Mankato, Minnesota

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10509, Northern Star Bank, Mankato, Minnesota, has been authorized to take all actions necessary to terminate the Receivership Estate of Northern Star Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-