

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CENTER FOR BIOLOGICAL
DIVERSITY,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY, U.S. FISH
AND WILDLIFE SERVICE, and
NATIONAL MARINE FISHERIES
SERVICE,

Respondents.

Docket No. _____

[Agency Docket No. EPA-HQ-OW-
2019-0372; FRL-10019-29-OW]

PETITION FOR REVIEW

1. Pursuant to section 509(b)(1) of the Clean Water Act, 33 U.S.C § 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure, the Center for Biological Diversity (the Center) petitions this Court to review respondent U.S. Environmental Protection Agency's (EPA's) final agency action titled *National Pollutant Discharge Elimination System 2021 Issuance of the Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity* (Attachment A), which was noticed in the Federal Register on February 19, 2021,

86 Fed. Reg. 10,269 (Attachment B). The Center also petitions this Court to review two biological opinions on the multi-sector general permit issued by the National Marine Fisheries Service (NMFS) on January 6, 2021 (Attachment C) and the U.S. Fish and Wildlife Service (FWS) in February 2021 (Attachment D).

2. In issuing the multi-sector general permit, EPA violated the Clean Water Act, 33 U.S.C. §§ 1251–1388, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701–706. In issuing their biological opinions, FWS and NMFS violated the Endangered Species Act, 16 U.S.C. §§ 1531–1544, and the APA.

3. This Court has exclusive jurisdiction over this petition under the Clean Water Act, 33 U.S.C. § 1369(b). This petition is timely filed within 120 days after the permit was considered issued for the purposes of judicial review, which was March 5, 2021. 33 U.S.C. § 1369(b); 86 Fed. Reg. at 10,269; *see* 40 C.F.R. § 23.2 (issuing date for the purposes of judicial review “is two weeks after the document is published in the Federal Register”).

Respectfully submitted this 1st day of July, 2021.

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