

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

THE 200 FOR HOMEOWNERSHIP, )  
THE 60 PLUS ASSOCIATION, )  
ORANGE COUNTY WATER DISTRICT, )  
and MESA WATER DISTRICT )

*Petitioners,* )

v. )

UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY )

*Respondent.* )

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Case No. 23-1147, consolidated with Nos.  
23-1143 (lead case), 23-1144, 23-1145, 23-  
1146, and 23-1148

**PETITIONERS’ STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Court’s Order of June 6, 2023, Petitioners The 200 For Homeownership, *et al.*, herby submit the following preliminary and non-binding Statement of Issues to be Raised in this Petition for Review of EPA’s final action entitled *California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision*, published in the Federal Register at 88 Fed. Reg. 20,688 (Apr. 6, 2023) (“Waiver Grant”).

1. Whether the Waiver Grant exceeded EPA’s statutory authority under Section 209 of the Clean Air Act;

2. Whether EPA's determinations in the Waiver Grant were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with or consistent with law or contrary to the United States Constitution;
3. Whether EPA properly determined in the Waiver Grant that California satisfied the requirements of section 209(b) of the Clean Air Act, including but not limited to demonstrating the "need" for the requested waiver for the specific emission standards;
4. Whether the Waiver Grant violates the constitutional equal-sovereignty doctrine.

Petitioners in 23-1147 reserve the right to supplement or modify this issue statement.

Respectfully submitted,



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Mesa Water District*

Date: June 2, 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system.

Dated: July 6, 2023

A handwritten signature in black ink, appearing to read 'Rafe Petersen', with a long horizontal flourish extending to the right.

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HOLLAND & KNIGHT LLP  
Rafe Petersen