

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

FRIENDS OF ANIMALS,)
)
Petitioner)
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
and)
)
MICHAEL REGAN, in his official capacity as)
Administrator of the Environmental)
Protection Agency,)
)
Respondents.)

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, Petitioner Friends of Animals hereby petitions the Court for review of Respondent Environmental Protection Agency’s (EPA) issuance of the Authorization to Discharge Under the National Pollutant Discharge Elimination System Permit Number FL0A00001 issued on June 8, 2022 (the “Permit”). This Court has jurisdiction of this Petition because the Permit was issued pursuant to the National Pollutant Discharge Elimination System (NPDES) and because Friends of Animals resides in Connecticut. *See* 33 U.S.C. § 1369(b)(1)(F).

Friends of Animals filed a Petition for Review of the Permit before the Environmental Appeals Board for the EPA. Friends of Animals argued that the Permit violates the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act. On May 6, 2022, the Environmental Appeals Board denied review in part and remanded the Petition in part to the EPA to clarify whether the Permit would cause

unreasonable degradation of the marine environment. Following remand, the EPA reissued the Permit, explaining that its previous “use of inconsistent phrasing . . . was unintentional.” The EPA clarified that its reissuance of the Permit was final agency action challengeable only in the Federal Circuit Courts of Appeal.

Friends of Animals accordingly petitions this Court for review of the Permit. Friends of Animals will show that the EPA violated the Clean Water Act in granting the Permit. Friends of Animals will also show that the Permit violates the Endangered Species Act. And finally, Friends of Animals will demonstrate that the EPA violated violated the National Environmental Policy Act in granting the Permit and in the Environmental Assessment that it conducted in conjunction with issuing the Permit. Friends of Animals respectfully requests that this Court vacate the Permit.

Date: September 12, 2022

/s/ Stephen R. Hernick
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