

IN THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

CENTER FOR BIOLOGICAL)
DIVERSITY, a non-profit organization,)
)
Petitioner,)
) No. _____
v.)
) **PETITION FOR REVIEW**
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, a United)
States Government Agency, and LEE)
ZELDIN, in his official capacity as EPA)
ADMINISTRATOR,)
)
Respondents.)

PETITION FOR REVIEW OF AN ACTION
BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Pursuant to section 509(b)(1) of the Clean Water Act, 33 U.S.C. §
1369(b)(1), Federal Rule of Appellate Procedure 15, and Ninth Circuit Local Rule
15-1, the Center for Biological Diversity (Petitioner) hereby petitions this Court for
review of the “Pesticide General Permit (PGP) for Discharges from the Application
of Pesticides” (Pesticide Permit), Docket No. EPA-HQ-OW-2023-0268, issued by
the United States Environmental Protection Agency (EPA) under the Clean Water
Act, 33 U.S.C. § 1251, *et seq.* A copy of the Pesticide Permit is attached hereto as
Exhibit A.

The Pesticide Permit authorizes discharges of biological pesticides, and chemical pesticides that leave residue, from point sources into waters of the United States for pesticide application for mosquito and other flying insect pest control, weed and algae pest control, animal pest control, or forest canopy pest control. In issuing the Pesticide Permit, EPA failed to comply with its obligations under the Clean Water Act and its implementing regulations. *See* 33 U.S.C. §§ 1311, 1318, 1342; 40 C.F.R. Part 122.

Notice of this action was published in the Federal Register at 89 Fed. Reg. 102,134 (Dec. 17, 2024). A copy of the Federal Register notice is attached hereto as Exhibit B. The Pesticide Permit will become effective on October 31, 2026. *Id.* In accordance with 40 C.F.R. § 23.2, the Pesticide Permit is considered issued for the purpose of judicial review beginning two weeks after publication in the Federal Register, or on December 31, 2024. *Id.* This challenge is timely and ripe for judicial review by this Court. *See* 33 U.S.C. § 1369(b)(1)(F) (authorizing review by the Court of Appeals for EPA action in “issuing or denying any permit under [33 U.S.C. § 1342]” within 120 days of permit issuance).

Respectfully submitted this 29th day of April 2025.

s/ Allison LaPlante

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s/ Hannah Connor

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