

02-658 ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION v. EPA

Ruling below: CA 9, 298 F.3d 814.

QUESTION PRESENTED

Whether the Ninth Circuit erred in upholding the EPA's assertion of authority to second-guess a permitting decision made by the State of Alaska-which had been delegated permitting authority under the Clean Air Act, 42 U.S.C. §§ 7401 et seq.- in conflict with decisions of this Court and other federal courts of appeals establishing the division of federal-state jurisdiction under the Act and similar statutory programs.

CERT. GRANTED: 2/24/03