

**FOR PUBLICATION**

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

CITY AND COUNTY OF SAN  
FRANCISCO,

*Petitioner,*

v.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY,

*Respondent.*

No.21-70282

Environmental  
Protection Agency

**ORDER**

On Remand from the United States Supreme Court

Filed April 28, 2025

Before: William A. Fletcher, Ronald M. Gould, and Daniel  
P. Collins, Circuit Judges.

Order

## COUNSEL

Andrew C. Silton (argued) and Richard S. Davis, Beveridge & Diamond PC, Washington, D.C.; David S. Louk, Estie M. Kus, and John Roddy, Deputy City Attorneys; Sheryl L. Bregman, Utilities General Counsel; Yvonne R. Meré, Chief Deputy City Attorney; David Chiu, City Attorney; San Francisco City Attorney's Office; City and County of San Francisco; San Francisco, California; for Petitioner.

Elisabeth Carter (argued), Attorney; Todd Kim, Assistant Attorney General; Eric Hostetler, Senior Counsel; Environment and Natural Resources Division, United States Department of Justice; Washington, D.C.; Peter Z. Ford, Pooja Parikh, and Marcela Von Vacano, Attorneys; United States Environmental Protection Agency; Washington, D.C.; for Respondent.

David Y. Chung, Elizabeth B. Dawson, and Lynn T. Phan, Crowell & Moring LLP, Washington, D.C.; Hilary Meltzer, Assistant Corporation Counsel; Georgia M. Pestana and Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York; New York City Law Department; New York, New York; Roberta L. Larson, Somach Simmons & Dunn, Sacramento, California; for Amici Curiae National Association of Clean Water Agencies, California Association of Sanitation Agencies, Louisville/ Jefferson County Metropolitan Sewer District, and City of New York.

Marc N. Melnick and Daniel S. Harris, Deputy Attorneys General; Annadel A. Almendras and Myung J. Park, Supervising Deputy Attorneys General; Robert W. Byrne, Senior Assistant Attorney General; Office of the California Attorney General; Oakland, California; for Amicus Curiae

California Regional Water Quality Control Board, San Francisco Bay Region.

James J. Steinkrauss and Lauren C. Kilmister, Rath Young and Pignatelli PC, Concord, New Hampshire, for Amicus Curiae Boston Water and Sewer Commission.

James N. Saul, Earthrise Law Center at Lewis & Clark Law School, Portland, Oregon, for Amici Curiae Law Professors.

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## **ORDER**

The Supreme Court reversed our judgment denying Petitioner's petition for review. *See City & County of San Francisco v. EPA*, 145 S. Ct. 704, 720 (2025). In accordance with the judgment of the Supreme Court, the petition for review is granted, Section I.I.1 of Attachment G and Section V of the challenged permit are vacated, and the matter is remanded to the Environmental Protection Agency for further proceedings consistent with the opinion of the Supreme Court.

**IT IS SO ORDERED.**