

9433.1987(04)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 87

5. Appealing a Petition Denial

A generator submitted a petition under §260.22 to amend Part 261 to exclude a hazardous waste produced at a particular facility, but the Agency's final decision was to deny the petition. What options does the generator have for appealing the Agency's decision to deny the petition?

A generator who has had his petition denied by the Agency may appeal to the U.S. Court of Appeals for the district of Columbia Circuit, pursuant to §7006(a)(1) of RCRA.

The generator may also wish to petition the Agency for reconsideration of the decision. Denial of a delisting petition is a final Agency action, however, and a petition for reconsideration does not extend the time to file suit in court.

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