

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

MAY -2 2013

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

COPY

NATIONAL ASSOCIATION OF  
CLEAN WATER AGENCIES,

Petitioner,

v.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY and BOB  
PERCIASEPE, ACTING  
ADMINISTRATOR, U.S.  
ENVIRONMENTAL PROTECTION  
AGENCY,

Respondents.

CASE No. 13-1152

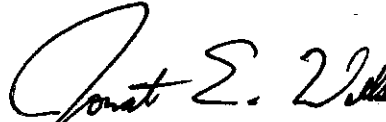
**PETITION FOR REVIEW**

Pursuant to the section 7006(a)(1) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6976(a)(1), the National Association of Clean Water Agencies hereby petitions this Court for review of the U.S. Environmental Protection Agency final agency action entitled "Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; Non-Hazardous Secondary Materials That Are Solid Waste," 78 Fed. Reg. 9112-9213 (Feb. 7, 2013). The challenged action, a copy of which is attached to this petition, promulgates 40 C.F.R. Part 241 and amendments to the regulations that were promulgated as "Identification of Non-Hazardous Secondary Materials That Are Solid Waste, Final Rule," 76 Fed. Reg. 15456-15551 (Mar. 21,

2011). This challenged action identifies which non-hazardous secondary materials, when used as fuels or ingredients in combusting units, are defined as "solid waste" under RCRA.

This 2<sup>nd</sup> day of May, 2013.

Respectfully submitted

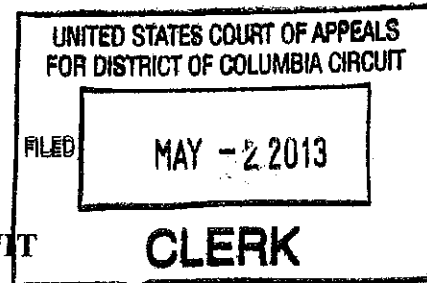
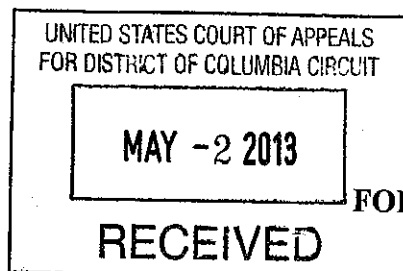


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**RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, Petitioner the National Association of Clean Water Agencies (NACWA) makes the following disclosures:

1. NACWA is a voluntary not-for-profit trade association of the nations' publicly-owned sewage treatment authorities and municipal clean water agencies. NACWA's members operate nearly 300 of the nations' publicly-owned treatment works, which collectively serve the majority of the sewered population of the United States.
2. NACWA's purpose and general nature is to provide a forum for collaboratively addressing issues affecting publicly-owned sewage treatment authorities and to advocate on behalf of its members regarding legislative, regulatory, and legal matters.

3. NACWA has no parent company, and no publicly held company has a 10 percent or greater ownership interest in NACWA.

4. NACWA has no outstanding shares or debt securities in the hands of the public and has no parent, subsidiary or affiliate that has issued shares or debt securities to the public.

This 2<sup>nd</sup> day of May, 2013.

Respectfully submitted



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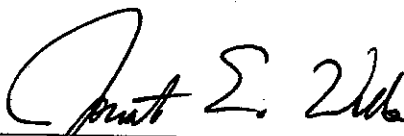
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Petition for Review and Rule 26.1 Disclosure Statement have been served by United States first-class mail this 2<sup>nd</sup> day of May, 2013 upon each of the following:

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