

PETITION FOR REVIEW

Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Section 7006(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 et seq., the Portland Cement Association ("PCA") hereby petitions this Court for review of the final rule of the U.S. Environmental Protection Agency (docket number EPA-HQ-RCRA-2008-0329), entitled *Non-Hazardous Secondary Materials That Are Solid Waste; Final Rule*, 78 Fed. Reg. 9112 (February 7, 2013)

(the "NHSM" rule). Respondents issued this final rule pursuant to sections 2002(a)(1) and 1004(27) of RCRA, as amended, 42 U.S.C. 6912(a)(1) and 6903(27). The rule is to be codified in 40 C.F.R. part 241. PCA has members that will be directly regulated by this rule.

Dated: May 6, 2013

Respectfully submitted,

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¹ In the same Federal Register notice in which the NHSM rule is published, EPA also published a rule under the federal Clean Air Act, 42 U.S.C. § 7401 *et seq*. The instant petition for review relates only to the NHSM rule EPA issued under RCRA.

FOR DISTRICT OF COLUMBIA CIRCUIT UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT FILED MAY -62013 MAY - 62013IN THE UNITED STATES COURT OF APPEALS FOR CLERK RECEIVED THE DISTRICT OF COLUMBIA CIRCUIT PORTLAND CEMENT ASSOCIATION, Petitioner, V. U.S. ENVIRONMENTAL PROTECTION No. 13-1156 AGENCY and BOB PERCIASEPE, Acting Administrator, U.S. Environmental UNITED STATES COURT OF APPEALS Protection Agency, Respondents.

UNITED STATES COURT OF APPEALS

RULE 26.1 STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioner makes the following Disclosure:

The Portland Cement Association ("PCA") is a not-for-profit association that represents companies in the Unites States and Canada engaged in the manufacture of Portland cement. The PCA conducts market development, engineering, research, education, technical assistance and public affairs programs on behalf of its member companies. Its mission focuses on improving and

expanding the quality and uses of cement and concrete, raising the quality of construction, and contributing to a better environment.

The PCA is a "trade association" within the meaning of Circuit Rule 26.1(b). It has no parent corporation, and no publicly held company owns a 10 percent or greater interest in the PCA.

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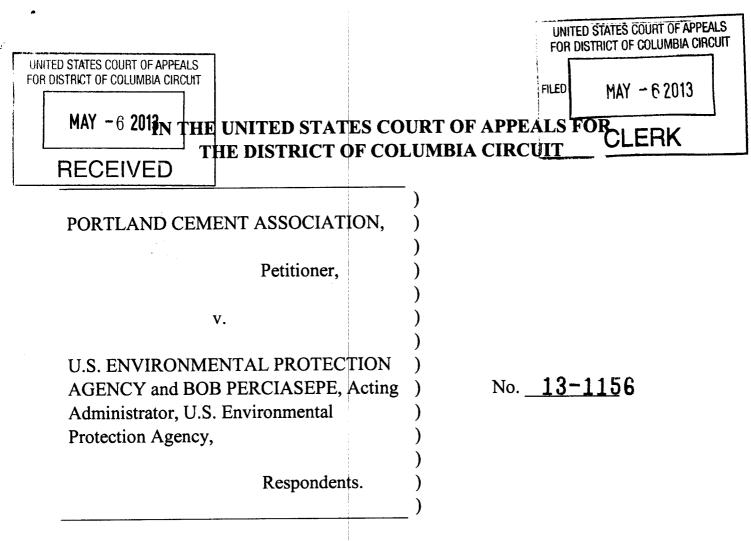
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petition for Review and Rule 26.1

Statement have been served by U.S. first-class mail this 6th day of May 2013, upon each of the following:

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