Environmental Protection Agency

§ 270.155 May the decision to approve or deny my RAP application be administratively appealed?

(a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Director’s decision to approve or deny your RAP application to EPA’s Environmental Appeals Board under §124.19 of this chapter. Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under §124.15 of this chapter (or a decision under §270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under §§124.19(c) and 124.10 of this chapter, the Director will give public notice of any grant of review of RAPs by the Environmental Appeals Board through the same means used to provide notice under §270.145. The notice will include:

(1) The briefing schedule for the appeal as provided by the Board;

(2) A statement that any interested person may file an amicus brief with the Board; and

(3) The information specified in §270.145(c), as appropriate.