Polyvinyl Chloride (PVC)/Resource Conservation and Recovery Act: U.S. Environmental Protection Agency and Center for Biological Diversity Enter into Consent Decree Addressing Petition to List

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") and Center for Biological Diversity ("CBD") entered into a proposed Consent Decree ("CD") addressing a resolution of a judicial action regarding discarded polyvinyl chloride ("PVC").

CBD had filed an action in the United States District Court for the District of Columbia arguing that EPA unreasonably delayed taking action on a petition to list discarded PVC as a hazardous waste under the Resource Conservation and Recovery Act ("RCRA").

CBD submitted a petition to EPA on July 24, 2014, requesting that EPA list PVC as a hazardous waste under RCRA. CBD alleged that EPA unreasonably delayed taking action on the petition.

The proposed CD requires no later than January 20, 2023, that EPA, pursuant to 40 CFR 260.20(c), sign a tentative decision of CBD's petition to classify discarded PVC as a hazardous waste under RCRA. Further, the CD requires that no later than two years after the signature of the CD EPA sign a final decision on the petition.

A copy of the proposed CD can be downloaded here.