

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN PETROLEUM INSTITUTE,)	
)	
Petitioner,)	
)	
v.)	No. 14-1048
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

STATEMENT OF ISSUES TO BE RAISED

Petitioner American Petroleum Institute hereby provides its preliminary and non-binding statement of issues to be raised in this petition for review:

Whether the Environmental Protection Agency's ("EPA's") decision to interpret the definition of "solid waste" in section 1004(27) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6903(27), to encompass carbon dioxide as a supercritical fluid, even though EPA conceded that "the RCRA definition of solid waste . . . does not speak to materials such as supercritical fluids," 79 Fed. Reg. 350, 355 (2014), was arbitrary or capricious, in excess of statutory authority, or otherwise not in accordance with law.

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Respectfully submitted,

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