## **United States Court of Appeals** for the District of Columbia Circuit

Carbon Sequestration Council and	)	
Southern Company Services, Inc.	)	
	)	
Petitioners,	)	
	)	
V.	)	No. 14-1046
	)	Consolidated with 14-1048
Environmental Protection Agency	)	
and Gina McCarthy, Administrator,	)	
	)	
Respondents.	)	

## STATEMENT OF ISSUES TO BE RAISED

Petitioners Carbon Sequestration Council and Southern Company Services, Inc. hereby provide their 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.

DATED: May 8, 2014 Respectfully submitted,

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