

US EPA ARCHIVE DOCUMENT

BEFORE THE ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:)
)
Rohm & Haas Delaware Valley, Inc.,) RCRA Appeal No. 84-1
)
Applicant)
)
Permit No. PAD 00-229-2068)
_____)

ORDER DENYING PETITION FOR REVIEW

Clyde W. Waite, on behalf of the Bristol Township Board of Commissioners, petitioned the Administrator to review a permit issued to Rohm & Haas Delaware Valley, Inc. for operation of its hazardous waste management (HWM) facility in accordance with the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, ^{1/} by the Director, Hazardous Waste Management Division, U.S. Environmental Protection Agency, Region III.

Petitions for review of RCRA permits are not usually granted unless the permit determination is clearly erroneous or involves an exercise of discretion or policy which is important

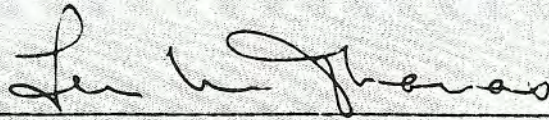
^{1/} The petition was submitted in accordance with 40 CFR §124.19 which provides, in pertinent part:

- (a) Within 30 days after a . . . final permit decision has been issued . . ., any person who filed comments on the draft permit . . . may petition the Administrator to review any condition of the permit decision

and which should be reviewed as a discretionary matter, 40 CFR §124.19(a)(1) and (2). The preamble to the regulations containing this standard states that "this power of review should be only sparingly exercised [and] . . . most permit conditions should be finally determined at the Regional level" 45 Fed. Reg. 33412 (May 19, 1980). The burden of demonstrating that the permit conditions should be reviewed is therefore on the petitioner. In this case, Mr. Waite did not challenge any particular condition in the petition. Instead, he requested that the Administrator "block the issuance" of the permit because the Township's concerns about the transportation of hazardous wastes to the facility and the storage of the wastes were not adequately addressed by the Region and "merit further consideration prior to the issuance of any permit." However, the Region's response to public comments on the proposed permit clearly shows that the Region did consider these concerns before issuing the permit. Therefore, there is no need to consider them any further and the petition for review is denied.

The Regional Administrator shall issue a final permit in accordance with 40 CFR §124.19(f)(1). Issuance of the permit shall be considered final Agency action for purposes of judicial review.

So ordered.

A handwritten signature in cursive script, reading "Lee M. Thomas", written over a horizontal line.

Lee M. Thomas
Administrator

Dated: FEB 14 1985

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Denying Petition for Review in the matter of Rohm & Haas Delaware Valley, Inc., RCRA Appeal No. 84-1, were mailed to the following:

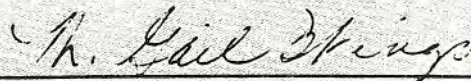
By 1st class mail,
postage prepaid:

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M. Gail Wingo
Secretary to the Chief
Judicial Officer

Dated: FEB 19 1985