

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-1297

September Term, 2006

Filed On: July 23, 2007 [1055696]

Texas Disposal Systems Landfill, Inc., et al.,
Petitioners

v.

Environmental Protection Agency and Stephen L.
Johnson, in his capacity as Administrator, U.S.
Environmental Protection Agency,
Respondents

Silicon Valley Toxics Coalition,
Intervenor for Petitioner

BEFORE: Randolph, Rogers, and Tatel, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the opposition thereto, and the reply; and the motion for leave to participate as amicus curiae, it is

ORDERED that the motion to dismiss be granted. The court lacks jurisdiction over the petition for review. Petitioner has not sought review of a final regulation or requirement under the Resource Conservation and Recovery Act, 42 U.S.C. § 6976(a), and has not demonstrated that the Environmental Protection Agency's action constitutes the promulgation of a regulation. See Florida Power & Light Co. v. EPA, 145 F.3d 1414, 1418 (D.C. Cir. 1998); American Portland Cement Alliance v. EPA, 101 F.3d 772, 775 (D.C. Cir. 1996). It is

FURTHER ORDERED that the motion for leave to participate as amicus curiae be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam