

25-579 DEPT. OF AIR FORCE V. GUAHAN

DECISION BELOW: 128 F.4th 1089

LOWER COURT CASE NUMBER: 22-16613

QUESTION PRESENTED:

The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6901 *et seq.*, is a comprehensive environmental statute providing for cradle-to-grave regulation of hazardous waste through a scheme of cooperative federalism. Under RCRA, the United States Environmental Protection Agency may authorize state and territorial regulators to administer permitting programs for hazardous-waste-treatment facilities in their respective jurisdictions, including facilities operated by the federal government. The questions presented are as follows:

1. Whether the federal government's submission to a state or territorial regulator of an application to renew a RCRA permit is "final agency action" that is immediately reviewable under the Administrative Procedure Act, 5 U.S.C. 704.

2. Whether the federal government must comply with the general environmental-review procedures of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, before submitting a permit-renewal application under RCRA, which sets forth its own specific procedures to review environmental impacts in the context of hazardous-waste treatment.

CERT. GRANTED 3/9/2026