

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
)	
Astaris Idaho LLC)	NPDES Appeal No. 01-25
)	
)	
Docket No. ID-000022-1)	
)	
)	

REMAND ORDER

On October 31, 2001, Astaris Idaho, LLC ("Petitioner") filed a Petition for Review ("Petition") in this matter. By motion dated December 17, 2001, U.S. EPA, Region 10 ("the Region") requested an extension of time to file its response to the Petition because the facility at issue in this matter was ceasing operations. On December 20, 2001, the Board issued an Order Granting Request for Extension of Time ("Order") granting the Region's request and stated that if the parties intended to seek a further extension "the parties should be prepared to justify continuing to hold this proceeding in abeyance versus terminating the proceeding without prejudice to reinstitute it at a later date if appropriate."

On February 27, 2002, the Region filed a Motion for Extension of Time requesting an extension of time until July 1, 2002, in which to file its response to the Petition. Upon request of the Board, on March 6, 2002 the parties filed a supplemental motion specifically addressing the question of whether this proceeding should be dismissed without prejudiced as outlined in the Board's Order. In their supplemental motion, the parties state that "given the

continuing uncertainty in Astaris' plans for reducing or eliminating its discharge * * * [t]he parties have now agreed to this Joint Motion, withdrawing the second request for extension and requesting a remand of the permit while settlement discussions continue."

Upon consideration, the Board hereby stays further briefing in this matters, and remands the permit to Region 10 to allow it to proceed with efforts to settle this matter. This remand is without prejudice to the right of any party to request reinstatement of the appeal, if that should prove necessary, by written notice to the Board.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: _____/s/
Kathie A. Stein
Environmental Appeals Judge

Dated: March 8, 2002

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Remand Order in the matter of Astaris Idaho LLC, NPDES Appeal No. 01-25, were sent to the following persons in the manner indicated:

First Class Mail
Postage Prepaid:

Jane C. Souzon
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue, 14th Floor
Seattle, WA 98101

David M. Heineck
Summit Law Group
1505 Westlake Avenue, Suite 300
Seattle, WA 98109

Dated: March 11, 2002

_____/s/
Annette Duncan
Secretary