

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

_____)	
In the Matter of:)	
)	
Heritage Environmental)	
Services)	RCRA Appeal No. 99-2
)	
)	
Permit No. AZD081705402)	
_____)	

ORDER DISMISSING PETITION

By motion dated April 19, 2001, U.S. EPA Region IX seeks dismissal of the Petition for Review in the above-captioned matter. Motion to Dismiss Petition As Moot ("Motion") (Apr. 19, 2001). In support of the Motion, the Region states:

After reopening the public comment period after the filing of the Petition, EPA Region IX determined that the facility operations do not require a federal permit in addition to the permit issued by the authorized State. EPA Region IX therefore withdrew the permit on March 30, 2001, rendering the Petition challenging the earlier issuance of the permit moot.

Motion at 1 (footnote omitted). The Motion states that counsel for EPA has contacted counsel for the permittee and Petitioners, and that "both have informed EPA that they do not oppose this motion." Motion at 2.

The Motion is granted and the Petition is hereby dismissed
as moot.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 30, 2001

By: _____ /s/
Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition in the matter of Heritage Environmental Services, RCRA Appeal No. 99-2, were sent to the following persons in the manner indicated:

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Dated: May 1, 2001

/s/
Annette Duncan
Secretary