

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

_____)	
In re:)	
)	
Phelps Dodge Corporation)	
(Christmas Facility))	NPDES Appeal No. 00-17
)	
Docket No. AZ0020516)	
_____)	

ORDER ON NOTICE OF PERMIT WITHDRAWAL

By motion dated December 1, 2000, Respondent, Region IX, notified this Board of its decision to withdraw the permit that is the subject of the above-referenced appeal. The reason given by Region IX is that it will prepare a new permit for Phelps Dodge Corporation Christmas Facility pursuant to 40 C.F.R. § 124.6. On December 6, 2000, this Board directed Phelps Dodge Corporation and Phelps Dodge Miami, Inc. (collectively "Petitioner") to show cause why its petition should not be dismissed given the Region's decision to withdraw the contested permit.¹ Petitioner responded by motion dated December 21, 2000, in which it acknowledged that its petition had become moot and should be dismissed.

¹Order to Show Cause (EAB, Dec. 16, 2000).

Accordingly, the Board hereby dismisses the appeal in its entirety.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 01/08/01

By: _____/s/_____

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order on Notice of Permit Withdrawal in the matter of Phelps Dodge Corporation (Christmas Facility), NPDES Appeal No. 00-17, were sent to the following persons in the manner indicated:

By First Class Mail Postage Prepaid:

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Dated: 01/08/01

_____/s/_____
Annette Duncan
Secretary