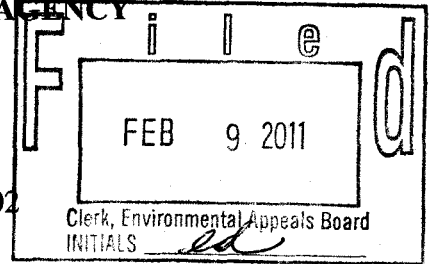


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Powertech (USA) Inc.

UIC Permit No. CO51237-08412

UIC Appeal Nos. 11-01 & 11-02

ORDER DISMISSING PETITIONS FOR REVIEW

On December 3, 2010, U.S. Environmental Protection Agency Region 8 (“Region”) issued an Underground Injection Control (“UIC”) permit to Powertech (USA) Inc. (“Powertech”). The Board received two petitions seeking review of the permit: one from Coloradoans Against Resource Destruction (“CARD”) and one from Mr. James B. Woodward. Both petitions appear to have been timely filed.

On February 7, 2011, the Region issued a notice withdrawing the December 3, 2010 permit pursuant to its authority under 40 C.F.R. § 124.19(d).¹ See U.S. EPA Region 8, Notice of Withdrawal of UIC Permit No. CO51237-08412 (Feb. 7, 2011). On the same day, the Region filed a motion with the Board requesting that the petitions be dismissed as moot. Respondent Region 8’s Motion to Dismiss as Moot the Petitions for Review of the UIC Permit (“Motion to Dismiss”). The Region states that it is withdrawing the permit in its entirety and intends to issue a new draft permit, which will be subject to notice and comments in accordance with the applicable regulations. Motion to

¹ Section 124.19(d) allows a permit issuer to unilaterally withdraw a permit decision (or portion thereof) prior to the Board rendering a decision to grant or deny review. See *In re Desert Rock Energy Co.*, PSD Appeal Nos. 09-03 through 09-06, slip op. at 11 (EAB Sept. 24, 2009), 14 E.A.D. ____ (Remand Order).

Dismiss at 2. The Region states further that it has contacted both CARD and Mr. Woodward “and they concur with the Region’s request to dismiss the petition[s].” *Id.*

Upon consideration, the Board concludes that the Region’s withdrawal of the permit in its entirety renders the two petitions challenging the permit moot. The petitions are therefore **DISMISSED WITH PREJUDICE.**

So ordered.²

Dated: *February 9, 2011*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*
Kathie A. Stein
Environmental Appeals Judge

² The three-member panel deciding this matter is comprised of Environmental Appeals Judges Edward E. Reich, Kathie A. Stein, and Anna L. Wolgast. 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Dismissing Petitions for Review in the matter of Powertech (USA) Inc., UIC Appeal Nos. 11-01 & 11-02, were sent to the following persons in the manner indicated:

First Class Mail:

Jeffrey C. Parsons
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540

James B. Woodward
P.O. Box 599
Wellington, CO 80549

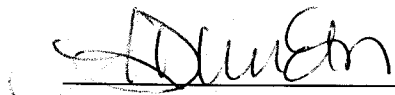
Interoffice Mail:

Leslie Darman (2355A)
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Lucita C. Chin (MC-8RC)
Associate Regional Counsel
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202

Dated: FEB - 9 2011



Annette Duncan
Secretary