

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

In re:)

Montana Refining Company)

Docket No. MTD000475194)

RCRA Appeal No. 95-8

ORDER DISMISSING APPEAL

By motion dated December 8, 1997, the Montana Refining Company ("MRC") requests that the Board dismiss MRC's petition for review filed in the above-captioned matter. In support of this motion, MRC states:

Consistent with the terms outlined in the parties' Joint Motion for Stay of Proceedings filed on September 17, 1996, and subsequent status reports filed with the Board, EPA and the State of Montana have issued MRC a joint permit that replaces the August 14, 1995, permit that is the subject of this Petition for Review. This new, joint permit which became effective on December 2, 1997, includes provisions agreed by the parties to resolve the issues that motivated MRC to file its petition for review.

Counsel for EPA advises that the Agency has no objection to the granting of this motion.

For good cause shown, the motion is granted and MRC's appeal is hereby dismissed with prejudice.

So ordered.

Dated: 12/10/97

ENVIRONMENTAL APPEALS BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Dismissing Appeal in the matter of Montana Refining Company, RCRA Appeal No. 95-8, were sent to the following persons in the manner indicated:

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Dated: 12/10/97

_____/s/
Mildred T. Johnson
Staff Assistant