

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

In re:)	
)	
Joint Base Elmendorf-Richardson Hazardous)	RCRA Appeal No. 23-01
Waste Management Facility Permit)	
)	
United States Department of the Air Force,)	
673d Air Base Wing, <i>Permit Applicant</i>)	
Permit No. AK8 57002 8649)	

MOTION TO DISMISS

Petitioner, United States Department of the Air Force (“Air Force”), hereby files this Motion to Dismiss with prejudice its Petition for Review in RCRA Appeal No. 23-01.

As described in the Joint Motion for Extension of Stay, dated May 28, 2024, the Air Force and the Environmental Protection Agency (“EPA”) (collectively, “the Parties”) reached an agreement through the Environmental Appeals Board’s (“EAB”) Alternative Dispute Resolution program. Pursuant to the agreement and 40 C.F.R. § 270.42(d)(1), the Air Force submitted a permit modification request for Joint Base Elmendorf-Richardson’s Resource Conservation and Recovery Act (“RCRA”) permit – specifically requesting the permit modification be reviewed and approved as a Class 2 modification. On September 10, 2024, following the public participation process, EPA approved the permit modification request in accordance with the settlement agreement. The Air Force agreed to request dismissal of Appeal No. 23-01 with prejudice following approval of the permit modification request.

Accordingly, and pursuant to the Parties' agreement, the Air Force files this Motion to Dismiss Appeal No. 23-01 with prejudice.

Dated: September 20, 2024

Respectfully submitted,

MCKEVETT.STEVE
N.M.1544402907

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Motion to Dismiss* in the matter of Joint Base Elmendorf-Richardson Hazardous Waste Management Facility, RCRA Appeal No. 23-01, were sent to the following persons in the manner specified:

For EPA Region 10

Via electronic mail

Nicholas Vidargas
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For EAB

Via electronic filing

Mr. Emilo Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Ave
U.S. EPA East Building, Rm 3332
Washington, DC 20004

Dated: September 20, 2024

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