

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

---

In the Matter of:	)	
	)	
Ketchikan Pulp Company	)	NPDES Appeal No. 95-6
	)	
Permit No. AK-000092-2	)	
	)	

---

**ORDER DISMISSING MOTION FOR RECONSIDERATION  
AND LIFTING STAY**

On December 10, 1996, the Board denied a petition for review filed by the Ketchikan Pulp Company ("KPC") in the above-captioned matter. *See In re: Ketchikan Pulp Co.*, 6 E.A.D. 675 (EAB 1996). On December 20, 1996, KPC filed a motion for reconsideration of the Board's December 10 Order. By order dated December 23, 1996, the Board granted KPC's unopposed request for a stay of the Board's December 10 Order. Without ruling on the substance of KPC's reconsideration request, the Board stayed this matter until further notice based on the "'changed circumstance' of KPC's announced imminent closure and the desire of the parties to attempt to resolve this matter through settlement." Order Granting Stay And Establishing A Briefing Schedule at 2. At the request of the parties, the Board has continued this stay in subsequent orders.<sup>1</sup>

---

<sup>1</sup>The Board has also stayed the time period in which the Region must respond to the motion for reconsideration.

By submission dated January 11, 1999, KPC states as follows:

The parties believe that the revocation of the NPDES permit at issue in this appeal and the reissuance of a new NPDES permit have made the issues in this proceeding moot and that no purpose will be served in continuing this proceeding. Pursuant to 40 C.F.R. § 124.91, KPC requests that the proceeding be dismissed.

KPC's Motion to Dismiss NPDES Appeal. Accordingly, KPC's motion for reconsideration is hereby dismissed and the stay of the Board's December 10, 1996 Order Denying Review is lifted.

So ordered.

Environmental Appeals Board

By \_\_\_\_\_ /s/  
Edward E. Reich  
Environmental Appeals Judge

Dated: 01/26/99

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing Order Dismissing Motion for Reconsideration and Lifting Stay in the Matter of Ketchikan Pulp Company, NPDES Appeal No. 95-6, were sent to the following persons in the manner indicated:

First Class Mail  
Postage Prepaid:

Bert P. Krages II  
Attorney at Law  
900 S.W. Fifth Avenue  
Suite 1900  
Portland, Oregon 97204

Eric B. Fjelstad  
Zeigler, Cloudy, Peterson,  
Woodell & Seaver  
307 Bawden Street  
Ketchikan, Alaska 99901

Jeff Kopf  
Assistant Regional Counsel  
U.S. EPA, Region X  
1200 Sixth Avenue, SO-155  
Seattle, WA 98101

By Inter-office Mail:

Randolph L. Hill (2355)  
Office of General Counsel

Dated: 01/26/99

\_\_\_\_\_/s/  
Annette Duncan  
Secretary