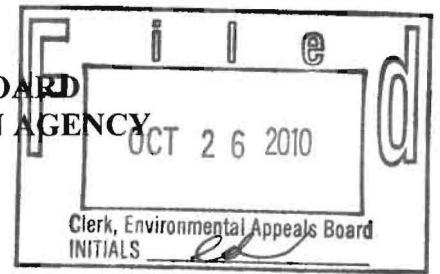


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re: _____)
American Airlines, Inc. _____)
Permit No. MOD0439035048 (Part II) _____)
_____)

RCRA Appeal No. 10-01

ORDER STAYING PROCEEDINGS

By motion filed on October 20, 2010, United States Environmental Protection Agency, Region 7 ("Region) requests the Environmental Appeals Board ("Board") stay the proceedings in this Resource Conservation and Recovery Act ("RCRA") permit appeal under 42 U.S.C. §§ 6901-6992k. See Motion for Stay in Proceedings ("Motion") at 1.

On August 11, 2010, the Region issued a Hazardous Waste Management Facility Part II Permit ("Permit"), number MOD0439035048, to American Airlines, Inc. ("American") for the MCI Maintenance and Engineering Base located at Kansas City International Airport in Kansas City, Missouri. Notice of Permit Appeal by American Airlines, Inc., and Brief in Support ("Petition") at 1. According to the Region, the Missouri Department of Natural Resources ("MDNR") simultaneously issued a RCRA permit for this facility. Motion at 1. The simultaneously-issued permits designate American as the "operator" and the City of Kansas City as the "owner" of the facility. *Id.*; Petition at 1.

On September 13, 2010, American filed a petition for review with the Board pursuant to 40 C.F.R. § 124.19. In its appeal, American challenges the Region's designation of American as the "operator" of the facility. Petition at 1. Upon receipt of the petition, the Board sent a copy of

it to the Region, requesting that the Region respond to the petition no later than November 1, 2010.

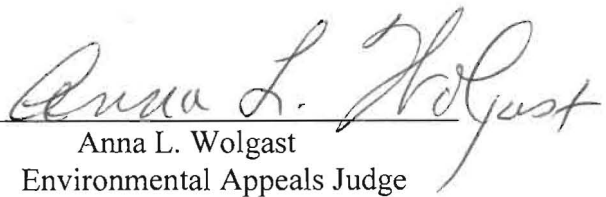
In its motion, the Region explains that the State of Missouri has received authorization to administer its own hazardous waste and corrective action programs. Motion at 1. According to the Region, “[a]ll of the substantive requirements (that is, the ongoing work under the post-closure and corrective action portions of the permit) are contained in the State-issued permit.” *Id.* at 2. The Region claims that the portion of the Permit it issued was “to cover only those requirements promulgated pursuant to the Hazardous and Solid Waste Amendments of 1984 (“HSWA”), P.L. 98-616, 98 Stat. 3221, for which the State of Missouri has not received authorization, as well as any new HSWA requirements promulgated during the life of the permit.” *Id.*

According to the Region, American appealed both the MDNR-issued permit and the EPA-issued permit. *Id.* The Missouri appeal procedure involves a hearing before the Missouri Administrative Hearing Commission, which makes a recommendation to the Hazardous Waste Commission, the entity that renders the decision on the appeal. *Id.* The Region is concerned that if the Board proceeds with its appeal process at the same time the Missouri entities are proceeding, “there is a risk that there may be conflicting results from the proceedings before the two different tribunals.” *Id.* The Region therefore requests a stay pending the resolution of the Missouri matter. *Id.* at 3. The hearing is scheduled to begin on February 8, 2011. *Id.* at 2. The Region represents that it contacted counsel for American and he does not object to the stay request.

The Board agrees with the Region that in the interest of efficiency and judicial economy the proceedings in this matter should be stayed. For good cause shown, the Board hereby STAYS the above-captioned matter for six months. By no later than Monday April 25, 2011, the Region shall submit a status report advising whether the Board should extend the stay, establish a schedule for the Region to file a response to the petition, or take other action. Should the status of the action in the Missouri matter change, or if there is any other material change in the underlying circumstances of the case or the parties, the parties shall request that the Board modify or lift this stay.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: 
Anna L. Wolgast
Environmental Appeals Judge

Dated: *October 24, 2010*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Staying Proceedings in the matter of American Airlines, Inc., RCRA Appeal No. 10-01, were sent to the following persons in the manner indicated:

By Inter-Office Mail:

Belinda L. Holmes
U.S. EPA
OECA/OSRE 2272A
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

By First Class Mail:

Robert J. Joyce
McAfee & Taft, PC
1717 S. Boulder Avenue, Suite 900
Tulsa, OK 74119

Dated: OCT 26 2010



Annette Duncan
Secretary