

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

In re:)	
)	
Astaris Idaho LLC)	NPDES Appeal No. 01-25
)	
)	
Docket No. ID-000022-1)	
)	
)	

REMAND ORDER

On October 31, 2001, Astaris Idaho, LLC ("Petitioner") filed a Petition for Review ("Petition") in this matter. By motion dated December 17, 2001, U.S. EPA, Region 10 ("the Region") requested an extension of time to file its response to the Petition because the facility at issue in this matter was ceasing operations. On December 20, 2001, the Board issued an Order Granting Request for Extension of Time ("Order") granting the Region's request and stated that if the parties intended to seek a further extension "the parties should be prepared to justify continuing to hold this proceeding in abeyance versus terminating the proceeding without prejudice to reinstitute it at a later date if appropriate."

On February 27, 2002, the Region filed a Motion for Extension of Time requesting an extension of time until July 1, 2002, in which to file its response to the Petition. Upon request of the Board, on March 6, 2002 the parties filed a supplemental motion specifically addressing the question of whether this proceeding should be dismissed without prejudiced as outlined in the Board's Order. In their supplemental motion, the parties state that "given the

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Remand Order in the matter of Astaris Idaho LLC, NPDES Appeal No. 01-25, were sent to the following persons in the manner indicated:

First Class Mail
Postage Prepaid:

Jane C. Souzon
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue, 14th Floor
Seattle, WA 98101

David M. Heineck
Summit Law Group
1505 Westlake Avenue, Suite 300
Seattle, WA 98109

Dated: March 11, 2002

_____/s/_____
Annette Duncan
Secretary