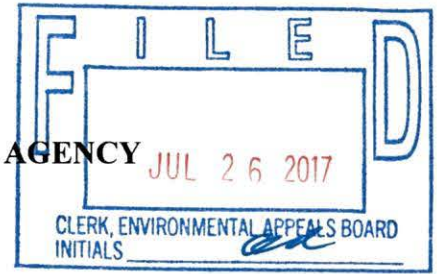


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____)	
In re:)	
)	
Florence Copper, Inc.)	UIC Appeal No. 17-02
)	
UIC Permit No. R9UIC-AZ3-FY11-1)	
_____)	

ORDER DISMISSING PETITION FOR REVIEW


On July 25, 2017, the Gila River Indian Community (the “Community”) filed a “Motion to Dismiss Appeal” pursuant to 40 C.F.R. § 124.19(k). *See* Gila River Indian Community’s Motion to Dismiss Appeal (“Motion to Dismiss”). Section 124.19(k) provides that a petitioner, by motion, may request that the Environmental Appeals Board (“Board”) dismiss its appeal. The motion “must briefly state the reason for its request.” 40 C.F.R. § 124.19(k). The Community represents in its motion that it has reached a settlement with Florence Copper, Inc. (the permittee in this matter) and that the Community therefore moves to “dismiss its appeal with prejudice * * * in lieu of further litigation of this appeal” and that “the Community no longer seeks any relief from the Board.” Motion to Dismiss Appeal at 1. The Motion to Dismiss makes no representation as to the position of U.S. Environmental Protection Agency, Region 9 (the “Region”) on the motion. *See* 40 C.F.R. 124.19(f)(2) (“In advance of filing a motion, parties must attempt to ascertain whether the other party(ies) concur(s) or object(s) to the motion and must indicate in the motion the attempt made and the response obtained.”). The Clerk of the Board contacted the Region to ascertain its position on the Motion to Dismiss, and the Region stated that it does not oppose the Motion to Dismiss.

Based on the foregoing, the Board **GRANTS** the Community's Motion to Dismiss. The Community's petition and appeal are dismissed with prejudice. The Board previously scheduled oral argument on this petition and two other petitions (UIC Appeal Nos. 17-01 & 17-03) for July 27, 2017. In light of this order, UIC Appeal No. 17-02 is removed from the July 27, 2017 oral argument calendar. The Board will proceed with oral argument on July 27, 2017 on UIC Appeal Nos. 17-01 & 17-03.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: JUL 26 2017

By: 
Aaron P. Avila
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Aaron P. Avila, Mary Kay Lynch, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I certify that copies of the forgoing *Order Dismissing Petition for Review* in the matter of Florence Copper, Inc, UIC Appeal No. 17-02, were sent to the following persons in the manner indicated:

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JUL 26 2017

Dated: _____



Annette Duncan
Administrative Assistant