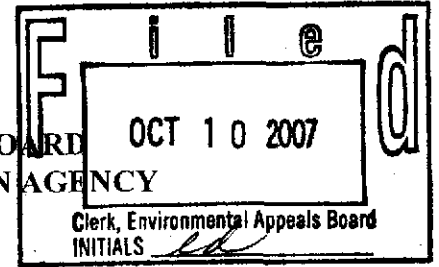


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Teck Cominco Alaska, Inc.)
Red Dog Mine)

NPDES Permit No. AK-003865-2)

NPDES Appeal Nos. 07-08 & 07-09

ORDER DISMISSING PETITIONS FOR REVIEW

On or about March 7, 2007, U.S. Environmental Protection Agency Region 10 (the "Region") issued National Pollutant Discharge Elimination System (NPDES) Permit No. AK-0003865-2 (the "Permit") to Teck Cominco Alaska, Inc. ("Teck Cominco"). On April 9, 2007, the following entities and individuals jointly filed¹ a petition (NPDES Appeal No. 07-08) seeking review of certain conditions of the Permit: the City of Kivalina; the Native Village of Kivalina IRA Council; Jerry Norton, as an individual and in his capacity as President of the Native Village of Kivalina IRA Council; Austin Swan, as an individual and in his capacity as Mayor of the City of Kivalina; Collene Swan, as an individual and in her capacity as Administrator of the Native Village of Kivalina IRA Council; Enoch Adams, Jr., as an individual and in his capacity as Vice

¹ A document is "filed" on the date it is received by the Clerk of the Environmental Appeals Board.

Mayor of the City of Kivalina; Leroy Adams; Andrew Koenig; Joseph Swan, Sr.; the Alaska Center for the Environment; Alaska Community Action on Toxics; and Northern Alaska Environmental Center (collectively the "Kivalina Petitioners"). On April 11, 2007, Teck Cominco filed a petition (NPDES Appeal No. 07-09) seeking review of certain conditions of the Permit.

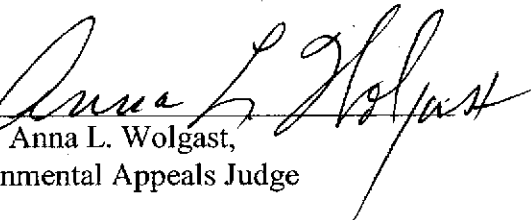
On September 28, 2007, the Region filed notice that it has withdrawn the Permit pursuant to 40 C.F.R. § 124.19(d), which allows the Region to withdraw its permitting decision at any time before the Board issues its decision and to prepare a new draft permit. Accordingly, because the Region's permitting decision has been withdrawn, the petitions filed by Kivalina Petitioners and Teck Cominco are hereby dismissed without prejudice.

So ordered.

Dated: 10/10/2007

ENVIRONMENTAL APPEALS BOARD

By:



Anna L. Wolgast,

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petitions for Review, in the matter of Teck Cominco Alaska, Inc., NPDES Appeal Nos. 07-08 & 07-09, were sent to the following persons in the manner indicated:

Telecopier and Pouch Mail:

Keith E. Cohon
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101
Fax: 206-553-0163

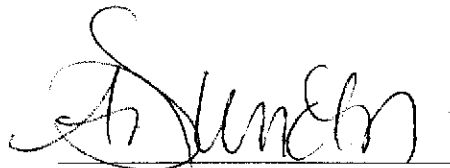
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Dated: OCT 10 2007



Annette Duncan
Secretary