

BEFORE THE ENVIRONMENTAL APPEALS BOARD

In The Matter of)	
)	
AMERICAN AIRLINES, INC.)	
MCI Maintenance and Engineering Base)	Appeal No. RCRA 10-01
Kansas City, Missouri)	
)	
MISSOURI/EPA HAZARDOUS WASTE)	
PERMIT NO. MOD0439035048, PART II)	

UNOPPOSED MOTION TO DISMISS APPEAL

COMES NOW Petitioner, American Airlines, Inc. (“American”), by and through its undersigned counsel, and submits its Unopposed Motion to Dismiss Appeal (“Motion”) and, in support thereof, states as follows:

1. American filed this Appeal on September 13, 2010 seeking review of a Hazardous Waste Management Facility Part II Permit, Number MOD0439035048 (“RCRA Permit”) issued by EPA on August 11, 2010. American also previously filed a related appeal with the with the Missouri Administrative Hearing Commission with regard to Part I of the RCRA Permit issued by Missouri Department of Natural Resources (“MDNR”).

2. The RCRA Permit designated American as the RCRA facility operator (“Operator”) at the MCI Maintenance and Engineering Base (“Base”) located at the Kansas City International Airport in Kansas City, Missouri.

3. The issue raised by American on Appeal was whether American, having terminated all operations at the Base prior to issuance of the RCRA Permit, was the proper party to be named Operator under the RCRA Permit, or whether the City of Kansas City, Missouri (“City”), as owner of the Base, should have been named Operator.

4. Shortly after filing of this Appeal, counsel for EPA moved for and obtained a stay of these proceedings pending a decision by MDNR on the related appeal of the Part I RCRA Permit.

5. Through continuing negotiations of the parties, American and the City reached an agreement wherein the City would voluntarily assume the role of Operator under the RCRA Permit upon approval by MDNR and EPA.

6. Both MDNR and EPA have approved modification of the RCRA Permit to remove American as Operator and to name the City as Operator.

7. Having accomplished the objective of its Appeal through agreement of the parties, American now seeks to dismiss this Appeal as moot.

8. American has conferred with counsel for EPA and EPA does not oppose dismissal of this Appeal, with each party to bear its own costs and attorneys fees associated with this matter.

WHEREFORE, American requests that the Environmental Appeals Board dismiss this Appeal.

Electronically Submitted

April 1, 2011

Respectfully submitted,


Robert J. Joyce, Okla. Bar. No. #12728
McAFEE & TAFT, P.C.
1717 S. Boulder Ave., Suite 900
Tulsa, Oklahoma 74119
Telephone: (918) 587-0000
Facsimile: (918) 599-9317
Robert.Joyce@McAfeeTaft.com

**ATTORNEYS FOR AMERICAN AIRLINES,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2011, I sent a copy of the foregoing Unopposed Motion to Dismiss Appeal in the matter of American Airlines, Inc., RCRA Appeal No. 10-01, via U.S. mail, postage prepaid, to the following:

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


ROBERT J. JOYCE