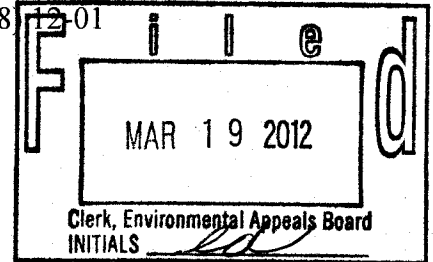


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re: NewChem, Inc. Facility)

EPA ID No. WVD07968413)
_____)

) Appeal No. RCRA (3008) 12-01



ORDER DISMISSING APPEAL

Appellant NewChem, Inc. (NewChem”) filed a Notice of Appeal and Appeal Brief on February 14th, 2012. On March 5th, 2012, New Chem and EPA Region 3 filed a Joint Notice of Voluntary Dismissal with the Board. In that notice, EPA Region 3 and NewChem inform the Board that they have worked cooperatively to resolve the issues raised in the appeal. As a result EPA has withdrawn the November 29, 2011 Final Decision and Response to Comments that was the subject of NewChem’s appeal. Region III has reopened the Statement of Basis associated with that Final Decision and NewChem will have the opportunity to submit comments and additional information regarding EPA’s proposed remedy. The Parties therefore request the Board to dismiss NewChem’s Appeal.

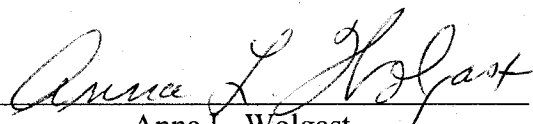
Having duly considered the matter and for good cause shown, the Board DISMISSES Appeal No. RCRA (3008) 12-01.

So Ordered.

ENVIRONMENTAL APPEALS BOARD

Date: _____

March 19, 2012



Anna L. Wolgast

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Appeal, in the matter of NewChem, Inc. Facility, RCRA (3008) 12-01, were sent to the following persons in the manner indicated:

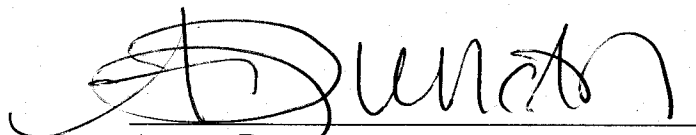
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Annette Duncan
Secretary

MAR 19 2012

Date