

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

In re:)	
)	
Teck Alaska, Inc.)	
Red Dog Mine)	NPDES Appeal No. 10-04
)	
NPDES Permit AK-003865-2)	
)	
_____)	

**NANA REGIONAL CORPORATION’S RESPONSE TO
REGION 10’s MOTION TO DISMISS PETITION FOR REVIEW IN PART**

On March 18, Region 10 of the U.S. Environmental Protection Agency (“Region 10”) filed a Motion to Dismiss Sections II.C.1 and II.C.2 of the Petition (and associated claims for relief) as moot. NANA Regional Corporation (“NANA”)¹ does not oppose Region 10’s motion to dismiss Sections II.C.1 and II.C.2 of the Petition as moot.² Pursuant to the schedule established by the Board, NANA will file a response to the remaining portions of the Petition on April 5, 2010.

¹ The Board’s order of March 2, 2010 granted NANA leave “to respond to the petition and to participate in these proceedings.” *See* Order Granting Leave to Respond to Petition.

² NANA does not agree that Region 10’s withdrawal of certain permit conditions from the Red Dog Mine NPDES permit was a necessary or an appropriate remedy for Petitioners’ meritless allegations in this proceeding. Rather, had Region 10 proceeded to defend against Petitioners’ allegations, NANA believes that there were full, compelling and lawful reasons to dismiss Petitioners’ allegations and, more specifically, for the Board to sustain the permit conditions that EPA has now inprovidently withdrawn.

DATED this 2nd day of April, 2010.

/s/Jeffrey W. Leppo

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *NANA Regional Corporation's Response to Region 10's Motion to Dismiss Petition for Review in Part* in the matter of Teck Alaska Incorporated, Red Dog Mine, NPDES Appeal No. 10-04, were served by United States First Class Mail on April 2, 2010 upon the following:

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