

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

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<i>In re:</i> Hazardous Waste Management Facility	)	
Permit for	)	Appeal No. RCRA 23-01
	)	
Joint Base Elmendorf Richardson	)	
United States Department of the Air Force	)	
673d Air Base Wing	)	
	)	
EPA RCRA ID No. AK8 57002 8649	)	

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United States Environmental Protection Agency, Region X

NOTIFICATION

Regarding Effect of Petition for Review on effective date  
of Final RCRA Permit for Joint Base Elmendorf Richardson

United States Department of the Air Force

673rd Air Base Wing,

EPA ID No. AK8 57002 8649

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## REGION 10

SEATTLE, WA 98101

November 7, 2023

### NOTIFICATION

Regarding Effect of Petition for Review on Effective date  
of Final RCRA Permit for Joint Base Elmendorf Richardson  
United States Department of the Air Force  
673rd Air Base Wing  
EPA ID No.: AK8 57002 8649

The Environmental Protection Agency (EPA) is providing notice that a Petition for Review has been filed with EPA's Environmental Appeals Board (EAB) for a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Treatment and Storage Permit issued by EPA Region X on September 30, 2023, for the Joint Base Elmendorf Richardson facility located on 74,297 acres of land contiguous to the north side of the Municipality of Anchorage, Alaska, at 61 degrees, 14 minutes north latitude and 149 degrees, 48 minutes west longitude (the Facility).

Pursuant to Title 40 of the Code of Federal Regulations 40 CFR § 124.16(a)(2), EPA Region X hereby identifies the following stayed provisions of the permit for the Facility: III.A.2 (only as to the portion directing the Permittee to "exhaust all options" and the list of example actions that follows); Part III (only as to those "newly discovered SWMU's that are not expressly included in writing as within the scope of the FFAs" as discussed in numbered paragraph 1 of the introductory text to Part III); and the definition of "Hazardous constituent" (only as to the portion of the definition which applies to "newly regulated hazardous constituents").

Also, in accordance with 40 CFR § 124.16, EPA Region X is hereby providing notice that all other conditions of the Final Permit will become fully effective enforceable obligations of the Permit as of December 7, 2023.

Any challenges to the Final Permit decision must exhaust the administrative appeal procedures prior to any action seeking judicial review of the Final Permit decision. Additional information regarding petitions for review may be found in the "Environmental Appeals Board's Practice Manual" available in pdf format on the EAB Guidance Documents section of the EAB website at <http://www.epa.gov/eab>. Once there is a resolution of the Petition for Review, and any judicial

appeal of the EAB's decision that may be brought has been resolved, one or more subsequent notifications regarding the effective date, or other information about the status, of the above-referenced stayed provisions of the Final RCRA Permit will be provided.

A copy of the Permit and all its Attachments, with EPA's responses to the public comments and additional supporting information, are available by request from EPA by emailing Brett Feldhan at [feldhan.brett@epa.gov](mailto:feldhan.brett@epa.gov).

November 7, 2023

Date Issued

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Tim Hamlin, Director  
Land, Chemicals, and Redevelopment Division  
Region X  
US Environmental Protection Agency

Respectfully Submitted,

Date: November 7, 2023

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United States Environmental Protection  
Agency, Region 10  
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*Counsel for Respondent, EPA Region X*

## CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the United States Environmental Protection Agency, Region X, a true and correct copy of the foregoing “NOTIFICATION Regarding Effect of Petition for Review on effective date Of Final RCRA Permit for Joint Base Elmendorf Richardson United States Department of the Air Force 673rd Air Base Wing, EPA ID No. AK8 57002 8649,” has been served on the following parties via the following methods on this 7th day of November, 2023:

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Amy Hanson, Paralegal  
United States Environmental Protection  
Agency, Region 10  
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November 7, 2023

Date

*Clerk of the US EPA  
Environmental appeals board (EAB):*

Emilio Cortes, Clerk  
US Environmental Protection Agency  
Environmental Appeals Board

Service on the Clerk of the EAB is made via the EAB’s electronic filing system at [https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf/HomePage?ReadForm](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm) pursuant to 40 CFR § 124.19.

*Counsel for Petitioner United States Air Force:*

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Service on counsel for Petitioner United States Air Force is made via electronic mail in accordance with 40 CFR § 124.19(i).

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