

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

IN THE MATTER OF:  
TECK ALASKA, INCORPORATED

NPDES Permit AK-003865-3

NPDES Appeal No. 10-04

**NOTICE OF PARTIAL WITHDRAWAL BY ENOCH ADAMS, JR., LEROY ADAMS, ANDREW  
KOENIG, JERRY NORTON, AND JOSEPH SWAN, SR.**

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Please take notice that due to a negotiated settlement in the litigation *Enoch Adams, et al. v. Teck Cominco Alaska Incorporated*, Petitioners Enoch Adams, Jr., Leroy Adams, Andrew Koenig, Jerry Norton, and Joseph Swan, Sr. (collectively “Kivalina Residents”) partially withdraw from this Petition for Review. Kivalina Residents maintain their Petition only on the issues related to limits set for Total Dissolved Solids discharge into Red Dog Creek from when grayling begin spawning in Main Stem Red Dog Creek until the conclusion of that spawning as determined by the Alaska Department of Fish and Game.

Respectfully submitted this 23<sup>rd</sup> day of March, 2010.

CENTER ON RACE, POVERTY & THE  
ENVIRONMENT  
Attorneys for Petitioners  
Enoch Adams, Jr., Leroy Adams, Andrew  
Koenig, Jerry Norton, Joseph Swan, Sr.

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Brent J. Newell, CA Bar No. 210312

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF PARTIAL WITHDRAWAL BY ENOCH ADAMS, JR., LEROY ADAMS, ANDREW KOENIG, JERRY NORTON, AND JOSEPH SWAN, SR. in the matter of TECK ALASKA INCORPORATED, RED DOG MINE, NPDES Appeal No. 10-04, has been filed electronically with the Environmental Appeals Board and was served by United States First Class Mail this day upon the following:

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DATED this 23<sup>rd</sup> day of March 2010.

/s/ Brent Newell  
Brent Newell