

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

_____	)	
In re:	)	
	)	
UniSea, Inc.	)	NPDES Appeal No. 03-04
	)	
Permit No. AK-002865-7	)	
_____	)	

**ORDER DISMISSING PETITION FOR REVIEW**

On March 4, 2003, UniSea, Inc., filed a petition for review of a permit determination regarding the above-referenced permit. The permit determination was issued by the U.S. Environmental Protection Agency, Region X ("Region") on February 5, 2003.

On April 29, 2003, UniSea, Inc. filed a notice of withdrawal of its petition for review. UniSea avers that the Region has issued a revised permit determination that incorporates the changes sought by UniSea, Inc. In light of the Region's action, the petition for review is moot. *See In re Arizona Municipal Storm Water NPDES Permits*, 7 E.A.D. 646, 651-52 n.9 (EAB 1998) (issue moot where Region has withdrawn permit conditions of concern to petitioners and reissued the permits).

Upon consideration, the petition for review is dismissed with prejudice.

So ordered.<sup>1</sup>

ENVIRONMENTAL APPEALS BOARD

Dated: 05/08/2003

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
Ronald L. McCallum  
Environmental Appeals Judge

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<sup>1</sup> The three-member panel deciding this matter is comprised of Environmental Appeals Judges Scott C. Fulton, Ronald L. McCallum, and Kathie A. Stein. See 40 C.F.R. § 1.25(e)(1) (2001).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Dismissing Petition for Review, in the matter of UniSea, Inc., NPDES Appeal No. 03-04, were sent to the following persons by the method indicated:

Certified Mail,  
Return Receipt Requested:

Lisa Petro  
UniSea, Inc.  
15400 NE 90<sup>th</sup> Street  
P.O. Box 97019  
Redmond, WA 98073-9719

Pouch Mail:

Randall F. Smith  
Director  
Office of Water  
U.S. EPA, Region X  
1200 Sixth Avenue  
Seattle, WA 98101

Dated: 05/09/2003

\_\_\_\_\_/s/  
Annette Duncan  
Secretary