

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

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|------------------------------|---|------------------------|
| _____ |) | |
| In re: |) | |
| |) | |
| City of Winchester |) | NPDES Appeal No. 04-03 |
| |) | |
| NPDES Permit No. ID-002018-4 |) | |
| _____ |) | |

ORDER DISMISSING PETITION FOR REVIEW

The City of Winchester (“Petitioner”) filed a petition for review (“Petition”) before the Board, challenging conditions of its NPDES permit.¹ Thereafter, the Board directed the United States Environmental Protection Agency, Region 10 (“Region”) to file a response by May 18, 2004.

Through a letter dated April 27, 2004, the Region notifies the Board that the Petitioner has agreed to withdraw its Petition. In that letter, the Region’s counsel states that he has spoken with Petitioner’s representative, Mike Haight, who informed him that the Petitioner has accepted the Region’s explanation of the disputed permit limits and that Mr. Haight will take up Petitioner’s concerns with the State of Idaho. The Region’s counsel further represents that Mr. Haight authorized him to notify the Board that the Petitioner would withdraw its Petition. Finally, the Region’s counsel indicates that a copy of the Region’s April 27, 2004 letter was sent to Mr. Haight.

¹ The Petition is in the form of a letter, dated February 19, 2004 and received by the Board on March 31, 2004.

For good cause shown, the Board approves Petitioner's withdrawal of its Petition, and the Board hereby dismisses with prejudice the Petition in its entirety.

So ordered.²

ENVIRONMENTAL APPEALS BOARD

Dated: May 10, 2004

By: _____ /s/

Ronald L. McCallum

Environmental Appeals Judge

² The three-member panel presiding in this matter is comprised of Environmental Appeals Judges Scott C. Fulton, Ronald L. McCallum, and Edward E. Reich. *See* 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

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

By First Class Mail, Postage Prepaid:

Mike Haight, Maintenance Supervisor
City of Winchester
P.O. Box 245
Winchester, ID 83555-0245

Mark A. Ryan, Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
Idaho Operations Office
1435 N. Orchard St.
Boise, ID 83706

Dated: May 10, 2004

_____/s/_____
Annette Duncan
Secretary