

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

In re:)	
)	
Reilly Industries, Inc.)	
)	RCRA Appeal No. 02-01
)	
Permit No. IND 000 807 107)	

ORDER GRANTING MOTION TO WITHDRAW PETITION FOR REVIEW

On August 7, 2002, Petitioner, Reilly Industries, Inc., ("Reilly"), filed a motion to withdraw its petition for review in the above-captioned matter.¹ The reason given by Petitioner is that Region V has now approved a Class II modification to Reilly's Boilers and Industrial Furnaces permit No. IND 000 807

¹On February 7, 2002, Reilly Industries, Inc. filed a petition with the Environmental Appeals Board ("the Board") seeking review of the U.S. EPA Region V's denial of Reilly's Class II Permit Modification Request issued on January 10, 2002. By order dated May 6, 2002, the Board granted the parties' joint request to stay the proceedings in the above-captioned matter and extended the Region's deadline to file its response to Reilly's petition until August 8, 2002. See Order Granting Joint Request to Stay Proceedings (EAB, May 6, 2002). The parties represented at the time that they reached an agreement in which the Region would submit a proposed revised Class II modification for public comment, and, after completion of the public comment period, Reilly would withdraw its petition for review. See *id.*

107 so that the issues raised by Reilly's petition are now resolved.

Accordingly, Reilly's request to withdraw RCRA Appeal No. 02-01 is hereby granted, and the Board hereby dismisses with prejudice the appeal in its entirety.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 08/08/02

By: _____/s/_____
Kathie A. Stein
Environmental Appeals Judge

