

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

_____ )	
In re: )	
)	
New York Power Authority )	PSD Appeal No. 02-08
Poletti Power Project )	
)	
Permit No. 2-6301-00084/00016 )	
_____ )	

**ORDER GRANTING MOTION TO WITHDRAW PETITION FOR REVIEW**

On September 13, 2002, Petitioner, the New York Public Interest Research Group (“NYPIRG”), filed a motion to withdraw its Petition for Review in the above-captioned matter. The reason given by NYPIRG is that the parties have entered into a settlement agreement resolving the matters raised in the Petition. NYPIRG further states that all parties in the case have assented to the motion.

Accordingly, NYPIRG’s request to withdraw PSD Appeal No. 02-08 is hereby granted, and the Board hereby dismisses with prejudice the Petition in its entirety.

So ordered

ENVIRONMENTAL APPEALS BOARD

Dated: September 13, 2002

By: \_\_\_\_\_ /s/  
Edward E. Reich  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Withdraw Petition for Review, PSD Appeal No. 02-08 were sent to the following persons in the manner indicated:

First Class Mail  
Postage Prepaid:

Lisa Garcia  
Andrew Goldberg  
NY PIRG  
9 Murray Street, 3<sup>rd</sup> Floor  
New York, NY 10007

Franz Litz  
New York State Department of  
Environmental Conservation  
Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway  
Albany, NY 12233-1500

Stephen L. Kass  
Christine A. Fazio  
Carter, Ledyard & Milburn  
2 Wall Street  
New York, N.Y. 10005

David E. Blabey, General Counsel  
Edgar K. Byham  
New York Power Authority  
123 Main Street  
White Plains, N.Y. 10601

Pouch Mail:

Walter E. Mugdan, Regional Counsel  
Office of Regional Counsel  
U.S. EPA Region II  
290 Broadway  
New York, NY 10007-1866

Dated: September 13, 2002

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