

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

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

ORDER GRANTING WITHDRAWAL REQUEST

On April 4, 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 had approved a Class II modification to Reilly's permit which resolves the issues raised by Reilly on appeal.

¹On October 19, 2001, Reilly filed a petition seeking Board review of several conditions in the final Boiler and Industrial Furnace permit No. IND 000 807 107 issued by U.S. EPA Region V on September 21, 2001. By order dated March 7, 2002, the Board granted the parties' joint request to stay the proceedings in the above-captioned matter and extend the Region's deadline to file its response to Reilly's petition until April 15, 2002. See Order Granting Joint Request to Further Stay Proceedings and Extension of Time (EAB, Mar. 7, 2002). The parties represented at the time that they were actively discussing informal resolution of this matter. See *id.*

Accordingly, Reilly's request to withdraw RCRA Appeal No. 01-01² is hereby granted, and the Board hereby dismisses with prejudice the appeal in its entirety.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 4, 2002

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

²By letter dated November 1, 2001, addressed to Mr. Bert C. Frey, U.S. EPA Region V's Acting Regional Counsel, the Clerk of the Board informed the Region that the correct appeal number in the above-captioned matter is RCRA 01-01 and not RCRA 01-04 as inadvertently indicated in previous communications.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Withdrawal Request in the matter of Reilly Industries, Inc., RCRA Appeal No. 01-01, were sent to the following persons in the manner indicated:

By First Class Mail Postage Prepaid:

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Dated: April 5, 2002

_____/s/
Annette Duncan
Secretary