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

) In re: )

)

LANDER STREET WASTEWATER ) Appeal No. NPDES 12-01

TREATMENT FACILITY, ) Docket No. ID0020443

Permit No. Id 0020443; )

)

) IDAHO RIVERS UNITED, ) Petitioner. )

)

)

)

MOTION TO WITHDRAW APPEAL

Petitioner, Idaho Rivers United, files this motion to voluntarily withdraw the above titled appeal. As a result of the filing of this appeal, the Region, the City of Boise, and the Idaho Department of Environmental Quality made commitments to Petitioner that would: (1) result in the completion of a TMDL for the Boise River in a timely manner; (2) result in year-round operation of phosphorus removing treatment technologies at the permitted facility; (3) ensure

that the TMDL must address the need for year-round phosphorus limits; and (4) ensure that year- round phosphorus limits are addressed for all subsequent permits even in the absence of the completion of a TMDL. A copy of the letters outlining these commitments are attached hereto.

Moreover, the Region indicated that in the absence of agreement to voluntarily withdraw that it would remand the challenged permit in its entirety resulting in a delay of environmentally beneficial elements of the challenged permit.

For these reasons, Petitioner moves to withdraw its appeal in the above titled matter.

DATED: May 31, 2012 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION TO WITHDRAW APPEAL

in the matter of LANDER STREET WASTEWATER TREATMENT FACILITY, Permit No. Id

0020443, NPDES 12-01, were served by electronic mail on the following person, this 31st day of

May, 2012:

Mark A. Ryan

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DATED: May 31, 2012

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