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ENVIR. APPEALS BOARD

350 California Street
22nd Floor
San Francisco, CA
94104-1435
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October 12, 2011

VIA FEDERAL EXPRESS

Clerk of the Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: *In the Matter of Brown & Bryant, Inc. Site*
CERCLA Section 106(b)
Petition No. 94-12

Dear Sir or Madam:

Enclosed please find an original and five copies of the *Withdrawal of Petition* submitted by Union Pacific Railroad Company and BNSF Railway Company in the referenced action. If you would please "file-stamp" these pleadings, I have enclosed one extra copy to be returned to me in the self-addressed, stamped envelope.

If you have any questions, please call me at 415.228.5400. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Marc Zeppetello".

Marc A. Zeppetello

MAZ/fmc
Enclosures

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BEFORE THE ENVIRONMENTAL APPEALS BOARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

ENVIR. APPEALS BOARD

In the Matter of,

BROWN & BRYANT, INC. SITE
600 South Derby Road
Arvin, California

CERCLA Section 106(b)
Petition No. 94-12

SOUTHERN PACIFIC
TRANSPORTATION COMPANY

and

THE ATCHISON, TOPEKA & SANTA FE
RAILWAY,

Petitioners.

WITHDRAWAL OF PETITION

John F. Barg, Esq.
Marc A. Zeppetello, Esq.
Barg Coffin Lewis & Trapp, LLP
350 California Street, 22nd Floor
San Francisco, CA 94104-1435
Telephone: (415) 228-5400
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Counsel for UNION PACIFIC RAILROAD
COMPANY, as successor to SOUTHERN
PACIFIC TRANSPORTATION COMPANY

and

Counsel for BNSF RAILWAY COMPANY, as
successor to THE ATCHISON, TOPEKA &
SANTA FE RAILWAY COMPANY

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Petitioners Union Pacific Railroad Company, as successor to Southern Pacific
Transportation Company, and BNSF Railway Company, as successor to The Atchison, Topeka &
Santa Fe Railway Company, hereby withdraw with prejudice their CERCLA Section 106(b) Petition
for Reimbursement, Petition No. 94-12.

Respectfully submitted,

DATED: October 12, 2011

BARG COFFIN LEWIS & TRAPP, LLP

By: 
MARC A. ZEPPELLO

Counsel for BNSF Railway Company and
Union Pacific Railroad Company

1 CERTIFICATE OF SERVICE

2 I certify that I served the foregoing **Withdrawal of Petition** by Federal Express
3 to the following on October 12, 2011:

4
5 U.S. Environmental Protection Agency
6 Clerk of the Environmental Appeals Board
7 1341 G Street, N.W., Suite 600
8 Washington, DC 20005
9 Fax No. (202) 233-0121
(Original and five copies)

9 and by first class U.S. mail to the following on October 12, 2011:

10 Joshua Wirtschafter
11 Assistant Regional Counsel
12 Office of Regional Counsel
13 U.S. EPA Region IX
14 75 Hawthorne Street
San Francisco, CA 94105
Fax No. (415) 947-3570

15
16
17 Dated: October 12, 2011

18 
19 Fran Chiappetta