

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

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In re:	)	
	)	
Pacific Hide & Fur Depot, Inc.	)	CERCLA 106(b) Petition Nos.
and	)	97-1 & 97-2
Union Pacific Railroad Co.	)	
	)	
McCarty's/Pacific Hide and	)	
Fur Superfund Site	)	

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**ORDER DISMISSING PETITIONS FOR REIMBURSEMENT WITH PREJUDICE**

By motion filed February 8, 1999, petitioners Pacific Hide & Fur Depot, Inc. and Union Pacific Railroad Co. request that their CERCLA § 106(b) petitions for reimbursement be dismissed with prejudice. Petitioners and the United States have reached a settlement in a related matter involving the United States' claims against petitioners for response costs. A consent decree memorializing the settlement was recently approved and entered by the United States District Court for the District of Idaho. A condition of the consent decree requires petitioners to withdraw their petitions for reimbursement in this proceeding.

Petitioners' motion is granted. The petitions for reimbursement filed by Pacific Hide & Fur Depot, Inc. and Union

Pacific Railroad Co. on February 7, 1997, are hereby dismissed with prejudice.

So ordered.

ENVIRONMENTAL APPEALS BOARD

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

Dated: 2/9/99

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Dismissing Petitions for Reimbursement With Prejudice in the Matters of Pacific Hide and Fur Depot, Inc. & Union Pacific Railroad Co., CERCLA 106(b) Petition Nos. 97-1 & 97-2, were sent to the following persons in the manner indicated:

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Dated: 2/9/99

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