

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

In re:)	
)	
Rough Branch Waste Water)	
Treatment Plant)	NPDES Appeal No. 04-02
)	
Permit No. NC0048089)	
)	

ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR REVIEW

By motion dated April 2, 2004, the Eastern Band of Cherokee Indians ("EBCI"), the petitioner in the above-referenced matter, moves to withdraw its Petition for Review filed with the Environmental Appeals Board under the provisions of 40 C.F.R. Part 124. In its motion, the EBCI represents that it reached a verbal agreement with the permitting authority -- U.S. EPA Region IV -- resolving the issues of concern to EBCI.

For good cause shown, EBCI's request to withdraw NPDES Appeal No. 04-02 is granted. The Board hereby dismisses the appeal in its entirety with prejudice.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: April 13, 2004

By: _____/s/_____
Edward E. Reich
Environmental Appeals Judge

