

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

In re:)	
)	
Teck-Pogo, Inc.,)	NPDES Appeal No. 04-04
)	
NPDES Permit No. AK-005334-1)	
)	

**ORDER GRANTING MOTION TO DISMISS PETITION FOR REVIEW
WITH PREJUDICE**

On April 19, 2004, Northern Alaska Environmental Center ("NAEC"), represented by Western Mining Action Project and EarthJustice, filed a petition requesting that the Environmental Appeals Board review certain conditions of the final NPDES Permit No. AK-005334-1 (the "Permit") issued by U.S. Environmental Protection Agency, Region 10 (the "Region") to Teck-Pogo, Inc. Before the Board at this time is NAEC's Unopposed Motion to Dismiss with Prejudice and to Expedite Consideration. In its motion, NAEC states that it has reached an agreement with the permit holder and that the Region supports the agreement. In accordance with that agreement, NAEC requests that its Petition for Review of the Permit be withdrawn, with prejudice. NAEC represents that the Region has no objection to the withdrawal of its petition and that NAEC is not aware of any interested parties with any objections.

Accordingly, for good cause shown, NAEC's motion to withdraw its petition is hereby granted. NAEC's petition is hereby dismissed with prejudice.¹

So ordered.

Dated: May 7, 2004

ENVIRONMENTAL APPEALS BOARD

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

¹ NAEC notes in its motion that it "has not reached any agreement with any party as to the merits of the issues raised in the Petition" and that this voluntary dismissal "does not address in any way the validity of the issues raised in the Petition."

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Petitioner's Unopposed Motion to Dismiss with Prejudice and to Expedite Consideration in the matter of Teck-Pogo, Inc., NPDES Appeal No. 04-04, were sent to the following persons in the manner indicated:

By First Class, U.S. Mail
and facsimile:

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By Pouch mail:

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1200 Sixth Avenue, Mail Stop ORC-158
Seattle, WA 98101

Dated: May 7, 2004

_____/s/
Annette Duncan
Secretary