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U.S. E.P.A.  
Tel. 617 523 2700  
Fax 617 523 6850

Holland & Knight LLP  
10 St. James Avenue  
Boston, MA 02116-3889  
www.hklaw.com

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ENVIR. APPEALS BOARD

Howard J. Castleman  
617 305 2142  
howard.castleman@hklaw.com

May 7, 2007

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

Re: Centredale Manor Superfund Site  
Docket Number: CERCLA-1-2001-0032  
Petition Number: CERCLA 106(b) 05-02

Dear Sir or Madam:

Enclosed for filing in the above-named matter is Brook Village Associates Limited Partnership's Notice And Election To Withdraw Section 106(b) Petition.

Sincerely yours,

HOLLAND & KNIGHT LLP



Howard J. Castleman

HJC/mah

Enclosure

cc: Eve S. Vaudo, Esq. (w/encl.)

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

ENVIR. APPEALS BOARD

In re:

BROOK VILLAGE ASSOCIATES LIMITED  
PARTNERSHIP,

Petitioner.

Centredale Manor Superfund Site  
(North Providence, RI)

Docket No. CERCLA-1-201-0032  
Petition No: CERCLA 106(b) 05-02

**NOTICE AND ELECTION TO  
WITHDRAW SECTION 106(b) PETITION**

On August 4, 2005, this matter was stayed by the Environmental Appeals Board based on a Joint Motion filed by counsel of record of Brook Village Associates Limited Partnership ("Brook Village") and the United States Environmental Protection Agency ("EPA").

The Board's Order required the parties to jointly notify the Board within ten days of the United States District Court's decision approving or disapproving of a Consent Decree resolving the dispute between the parties.

On November, 6, 2006, the United States District Court approved the Consent Decree. The parties hereto then moved the Board to continue the stay pending resolution of any appeal.

On December 26, 2006, Intervenor/Appellant Emhart Industries, Inc., ("Emhart") filed a Notice of Appeal of the Order entering the Consent Decree with the United States Court of Appeals for the First Circuit. Emhart subsequently filed a motion voluntarily withdrawing its appeal. On April 27, 2007, the Court entered its Judgment dismissing the appeal, attached as Exhibit 1.

EPA and Brook Village now jointly notify the Board that the Consent Decree is effective and Brook Village's present petition for reimbursement is moot.

In addition, pursuant to Section IV of Board's November 10, 2004 Revised Guidance on the Submission and Review of CERCLA 106(b) Petitions, Brook Village Associates Limited Partnership now elects to withdraw the present petition.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,  
By its attorneys,

Eve Vaudo (by HSC)

Eve S. Vaudo  
Senior Enforcement Counsel  
U.S. Env'tl. Protection Agency, RI  
One Congress Street, Suite 1100 (SES)  
Boston, MA 02114  
(617) 918-1089

BROOK VILLAGE ASSOCIATES  
LIMITED PARTNERSHIP  
By its attorneys,

Howard J. Castleman

Howard J. Castleman  
HOLLAND & KNIGHT LLP  
10 St. James Avenue  
Boston, MA 02116  
(617) 523-2700

Dated: May 7, 2007

#4528323\_v1

# United States Court of Appeals For the First Circuit

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No. 07-1025

UNITED STATES,

Plaintiff, Appellee,

STATE OF RHODE ISLAND, by and through the  
Rhode Island Department of Environmental Management;  
PATRICK LYNCH, Rhode Island Attorney General,

Plaintiffs,

v.

BROOK VILLAGE ASSOCIATES LIMITED PARTNERSHIP; CENTERDALE  
MANOR ASSOCIATES,

Defendants, Appellees,

EMHART INDUSTRIES, INC.,

Intervenor, Appellant.

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## JUDGMENT

Entered: April 27, 2007  
Pursuant to 1st Cir. R. 27.0(d)

Upon consideration of appellant's unopposed motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b).

Mandate to issue forthwith.

By the Court:  
Richard Cushing Donovan, Clerk

By: MARGARET CARTER  
Chief Deputy Clerk

MANDATE

USDC RI  
CSI

# United States Court of Appeals For the First Circuit

No. 07-1025

UNITED STATES,

Plaintiff, Appellee,

STATE OF RHODE ISLAND, by and through the  
Rhode Island Department of Environmental Management;  
PATRICK LYNCH, Rhode Island Attorney General,

Plaintiffs,

v.

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MANOR ASSOCIATES,

Defendants, Appellees,

EMHART INDUSTRIES, INC.,

Intervenor, Appellant.

## JUDGMENT

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Mandate to issue forthwith.

By the Court:  
Richard Cushing Donovan, Clerk

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

By: \_\_\_\_\_  
Chief Deputy Clerk

  
Deputy Clerk

Date: 4/27/07

[cc: Craig M. Scott, Esq., L. Misha Preheim, Esq., Warren A. Fitch, Esq., Anthony C. Digioia, Esq., Jerome W. MacLaughlin, Esq., Kelly Johnson, Esq., Brian A. Wagner, Esq., Terence J. Tierney, Esq., Howard J. Castleman, Esq., William S. Eggeling, Esq., Laurie Burt, Esq., Richard J. Welch, Esq., Seth D. Jaffe, Esq., Michael V. Milito, Esq.]