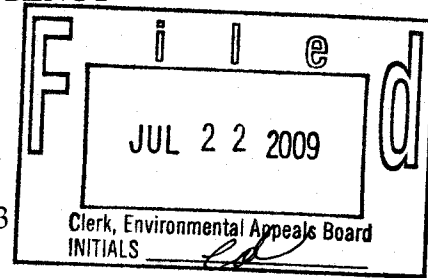


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
VICO Construction Corporation &)
Amelia Venture Properties, LLC)
)
Docket No. CWA-03-2001-0021)
_____)

CWA Appeal No. 08-03



ORDER DISMISSING APPEAL WITH PREJUDICE

VICO Construction Corporation and Amelia Venture Properties, LLC, (collectively "VICO/Amelia Venture") filed a Notice of Appeal in the above-captioned matter on October 1, 2008. On June 29, 2009, the Environmental Appeals Board ("Board") granted U.S. Environmental Protection Agency, Region 3's ("Region") request for an extension of time to file its response brief and extended the deadline through July 21, 2009. By motion dated July 20, 2009, VICO/Amelia Venture and the Region now jointly move to dismiss this appeal and state that "[t]he Acting Regional Administrator for the U.S. Environmental Protection Agency, [Region 3] has issued a Consent Agreement and Final Order in Docket No. CWA-03-2001-0021 resolving all outstanding issues in this matter." Joint Motion to Dismiss (July 20, 2009).

Upon consideration, the parties' joint motion to dismiss the appeal in the above-captioned matter is granted, and CWA Appeal No. 08-03 is dismissed with prejudice.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: July 22, 2009

By: Charles J. Sheehan
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Appeal with Prejudice in the matter of *VICO Construction Corporation and Amelia Venture Properties, LLC*, CWA Appeal No. 08-03 were sent to the following persons in the manner indicated:

**By Certified U.S. Mail, Return Receipt
Requested and Facsimile:**

Hunter W. Sims, Jr.
Marina Liacouras Phillips
Christy L. Murphy
Kaufman & Canoles, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Facsimile: (757) 624-3169

By EPA Pouch Mail and Facsimile:

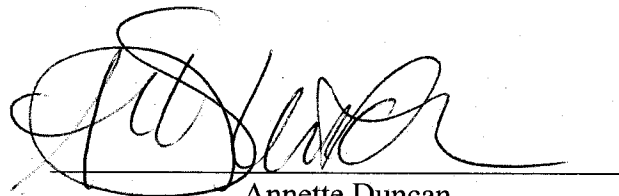
Stefania D. Shamet
Office of the Regional Counsel
U.S. EPA, Region 3
1650 Arch Street
Mail Code 3RC20
Philadelphia, PA 19103
Facsimile: (215) 814-2603

Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103
Facsimile: (215) 814-2603

By EPA Interoffice Mail:

Honorable William B. Moran
Administrative Law Judge
Office of Administrative Law Judges
U.S. EPA
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, DC 20460

Date: JUL 22 2009



Annette Duncan
Secretary