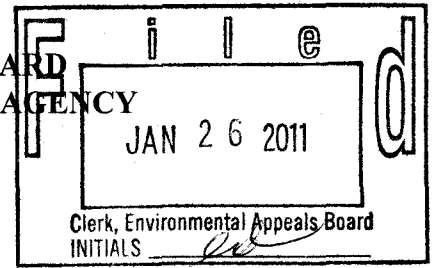


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
Mirant Kendall, LLC) NPDES Appeal Nos. 06-12,
Kendall Cogeneration Station) 06-13, and 09-04
)
)
NPDES Permit No. MA0004898)
)
)

ORDER DISMISSING PETITIONS FOR REVIEW

On January 25, 2011, all parties to the above-captioned appeals – GenOn Kendall, LLC (formerly Mirant Kendall, LLC), Conservation Law Foundation, Charles River Watershed Association, and Region 1 of the United States Environmental Protection Agency – filed motions for leave to withdraw their petitions for review of NPDES Permit No. MA0004898, and/or motions for expedited dismissal of those same petitions. The parties report that they assent to each others’ motions. They seek expedited dismissal of the petitions so that all provisions of Permit No. MA0004898 can go into effect on Tuesday, February 1, 2011.

These proceedings began in late 2006, after EPA Region 1 issued a new permit regulating discharges into the Charles River from the Kendall Cogeneration Station in Cambridge, Massachusetts. The permit contained thermal discharge limits imposed under section 316(a) of the Clean Water Act, 33 U.S.C. § 1326(a), and cooling water intake structure requirements imposed under section 316(b) of the Clean Water Act, 33 U.S.C. § 1326(b). The petitioners filed appeals with the Environmental Appeals Board objecting to various elements of these permit conditions, and now, after years of settlement negotiations and several rounds of permit modifications, the parties have finally agreed to permit terms that are acceptable to all.

For good cause shown, the three pending petitions for review of NPDES Permit
No. MA0004898 are hereby **DISMISSED WITH PREJUDICE**.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 26, 2011

By: *Kathie A. Stein*
Kathie A. Stein
for Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Dismissing Petitions for Review** in the matter of *Mirant Kendall, LLC, Kendall Cogeneration Station*, NPDES Appeal Nos. 06-12, 06-13, and 09-04, were sent to the following persons in the manner indicated:

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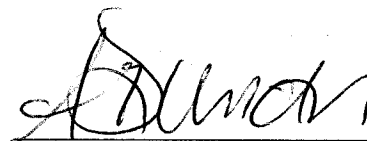
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Dated: _____

JAN 26 2011



Annette Duncan
Secretary