

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

In re: Mirant Kendall, LLC Mirant Kendall Station)	
NPDES Permit No. MA 0004898)	NPDES Appeal Nos. 06-12, 06-13, 09-04

**REQUEST OF PETITIONER GenOn KENDALL, LLC, FOR LEAVE TO WITHDRAW
PETITIONS**

Petitioner GenOn Kendall, LLC (“GenOn”)¹, with the assents of respondent United States Environmental Protection Agency, Region 1 (“Region”) and of petitioners Conservation Law Foundation (“CLF”) and Charles River Watershed Association (“CRWA”), requests leave to withdraw its petitions in this consolidated matter on an expedited basis.

NPDES Appeal Nos. 06-12, 06-13, and 09-04 (the “Petitions”) comprise petitions filed by Mirant Kendall, LLC (No. 06-12) and by CLF and CRWA (No. 06-13) for review of NPDES Permit No. MA 0004898 as issued by the Region in 2006, and a petition filed by Mirant Kendall, LLC (No. 09-04) for review of a modification to NPDES Permit No. MA 0004898 as issued by the Region in 2008. The Petitions were consolidated and have been stayed since 2007 for various reasons, including settlement negotiations.

As reported to the Board by the Region’s Status Report Regarding Final Permit Modification filed on December 22, 2010, the Region issued a further modification to NPDES Permit No. MA 0004898 on December 17, 2010, with an effective date of February 1, 2011.

¹ Mirant Kendall, LLC changed its name to GenOn Kendall, LLC on December 3, 2010, and the final permit modification reflects this change. See *In re Mirant Kendall, LLC, Mirant Kendall Station*, NPDES Appeal Nos. 06-12, 06-13, & 09-04, Doc. No. 178 (Dec. 8, 2010) (Mirant Kendall, LLC's Notice Of Name Change).

As modified by the 2010 modification, NPDES Permit No. MA 0004898 is acceptable to GenOn Kendall, LLC. No person has filed a timely petition for review of the 2010 modification, which therefore will take effect on February 1, 2011 once and if the Region issues a final permit decision under 40 C.F.R. § 124.19(f)(1)(i) no later than February 1, 2011.

So that all provisions of the as-modified NPDES permit will take effect on the same date, GenOn Kendall, LLC and the Region seek to have that final permit decision cover the portions of NPDES Permit No. MA 0004898 that remain subject to the Petitions. To accomplish that, these Petitions need first to be dismissed.


Accordingly, GenOn Kendall, LLC requests leave to withdraw its petitions (Nos. 06-12 and 09-04) and requests expedited dismissal of these Petitions so as to enable the Region to issue a timely final permit decision as described.

GenOn Kendall, LLC represents that its undersigned counsel has discussed this request with counsel to the Region, CLF and CRWA, and that those parties assent to the request.

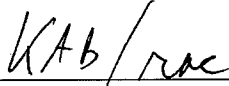
Respectfully submitted,

GenOn KENDALL, LLC

By its attorneys,



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Date: January 25, 2011

CERTIFICATE OF SERVICE

I, Ralph A. Child, hereby certify that copies of the Request of Petitioner GenOn Kendall, LLC, For Leave to Withdraw Petitions were sent on the 25th day of January, 2011 to the following persons in the manner described below:

Original by first class mail
Copy posted to CDX electronic system
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Signed: January 25, 2011

R. A. Child