

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

In re:)	
)	
Government of the District of Columbia, Municipal Separate Storm Sewer System)	NPDES Appeal No. 11-06
)	
NPDES Permit No. DC 0000221)	
)	

PETITIONERS' MOTION TO DISMISS WITH PREJUDICE

Friends of the Earth, Anacostia Riverkeeper, Inc., Potomac Riverkeeper Inc., and Natural Resources Defense Council, Inc. (collectively, "Citizen Petitioners") respectfully move to dismiss the above-captioned appeal.

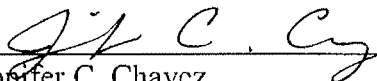
On November 4, 2011, Petitioners filed a Petition requesting review of provisions in the National Pollutant Discharge Elimination System permit for the District of Columbia Municipal Separate Storm Sewer System, Permit No. DC0000221, issued by EPA on September 30, 2011. On December 22, 2011, the Board entered an Order staying proceedings, in part, to allow the parties in this action to participate in the Board's alternative dispute resolution program. The parties participated in dispute resolution proceedings with Judge Charles Sheehan, the Settlement Judge in this process, and in additional meetings among the parties.

Petitioners and EPA subsequently agreed to settle this action without any admission of fact or law, which the Petitioners and EPA considered to be a just, fair, and equitable resolution of the claims raised in the Petition. The Settlement Agreement, dated May 18, 2012, required EPA to take certain actions within one hundred eighty (180) days of the date of the Agreement. The Settlement Agreement also required that within ten (10) days of EPA's action pursuant to

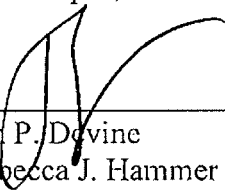
the Agreement, Petitioners would either file a motion to dismiss their Petition with prejudice or file a motion requesting that the Board lift its stay.

EPA took the agreed-upon actions within the deadline set forth in the Agreement. Accordingly, Petitioners hereby move the Board to dismiss this action with prejudice.

DATED this 15th day of November, 2012.



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Motion to Dismiss with Prejudice" were sent to the following persons via First Class U.S. Mail:

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Dated: November 15, 2012


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