

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

In re:

Buckley Air Force Base Municipal  
Separate Storm Sewer System

NPDES Permit No. CO-R042003

NPDES Appeal No. 13-07

Date: December 17, 2013

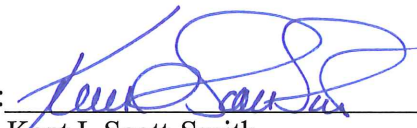
**MOTION TO DISMISS PETITION FOR REVIEW WITH PREJUDICE**

Pursuant to 40 C.F.R. § 124.19(k), the petitioner, the United States Department of the Air Force (“Air Force”), respectfully moves to dismiss, with prejudice, its Petition for Review of NPDES Permit for Buckley Air Force Base Municipal Separate Storm Sewer System (the “Petition”), filed with the Environmental Appeals Board (“EAB”) on September 30, 2013. In support of this motion, the Air Force states that it has resolved all outstanding issues raised in the Petition through the EAB’s Alternate Dispute Resolution process and, on December 5, 2014, the Environmental Protection Agency (“EPA”), Region 8, issued a modification to NPDES Permit No. CO-R042003, which is to become effective on January 12, 2015.

On December 17, 2014, the undersigned conferred via telephone with Everett Volk, Associate Regional Counsel for EPA Region 8, who stated that the Region has no objection to the granting of this motion.

Date: December 17, 2014

U.S. DEPARTMENT OF THE AIR FORCE,  
ENVIRONMENTAL LITIGATION CENTER

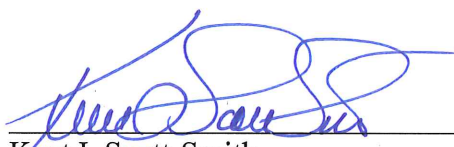
By:   
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### CERTIFICATE OF SERVICE

I, Kent I. Scott-Smith, hereby certify that, on December 17, 2014, I caused to be served a true and correct copy of the foregoing Motion to Dismiss, via e-mail, as agreed to by all parties, on the following:

Everett Volk  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202  
E-mail: *volk.everett@epa.gov*

Dated on the 17th day of December, 2014.

  
Kent I. Scott-Smith