

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

)	
In re:)	
)	NPDES Appeal No. 23-02
Granite Shore Power Schiller LLC)	
)	
NPDES Permit No. NH0001473)	
)	

MOTION TO DISMISS PETITION FOR REVIEW

Petitioners Sierra Club and Conservation Law Foundation (“Petitioners”) hereby move to dismiss the June 16, 2023 Petition for Review of NPDES Permit No. NH0001473 in NPDES Appeal No. 23-02.

On June 29, 2023, the Environmental Appeals Board (“EAB”) invited petitioners Sierra Club and Conservation Law Foundation (“CLF”) and the Environmental Protection Agency (“EPA”) Region 1 to participate in the Board’s Alternative Dispute Resolution (“ADR”) program in the above-captioned proceeding. On July 7, 2023 Granite Shore Power (“GSP”) Schiller LLC filed its Notice of Appearance in this proceeding. On July 13, 2023, Sierra Club, CLF, EPA Region 1, and GSP Schiller LLC, collectively the “Parties” to NPDES permit appeal No. 23-02, filed a joint notification of agreement to participate in the alternative dispute resolution program. On July 13, 2023, the EAB issued an order staying all proceedings to allow for the ADR process to proceed.

After initial conferences of the Parties with EAB Judge Wendy Blake acting as Settlement Judge in the ADR process and Patrick Chang acting as Settlement Counsel, the EAB issued additional orders extending the stay through April 22, 2024 to allow the Parties further time to reach an agreement. On March 27, 2024, the parties executed a settlement agreement. Consistent with the terms of the March 27, 2024 settlement agreement of the Parties, Petitioners hereby move to dismiss the Petition for Review of NPDES Permit No. NH0001473 in NPDES Appeal No. 23-02.

Dated: April 8, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Sarah Krame, hereby certify that on April 8, 2024, I caused to be served a true and correct copy of the foregoing Motion to Dismiss to the following by email and through the EAB's e-filing system:

For EPA

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/s/ Sarah Krame
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