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**ENVIR. APPEALS BOARD** 

September 23, 2015

#### VIA FEDEX

Ms. Eurika Durr Clerk of the Board US Environmental Protection Agency Environmental Appeals Board 1201 Constitution Avenue, NW WJC East, Room 3332 Washington, DC 20004

> Re: In the Matter of General Electric Aviation (NPDES Permit No. MA0003905); NPDES Permit Appeal No. 14-03

Dear Ms. Durr:

Please find enclosed General Electric Aviation's Motion to Dismiss Petition for Review and accompanying Certificate of Service in connection with NPDES Appeal No. 14-03.

Thank you for your assistance with the filing of this pleading.

Sincerely.

Brooks M.

Troutman Sanders LLP

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# BEFORE THE ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION AGENC® SEP 24 AM 10: 53 WASHINGTON, D.C. ENVIR. APPEALS BOARD

In the Matter of:	)	
General Electric Aviation	)	NPDES Appeal No. 14-03
NPDES Permit No. MA0003905	)	
	)	

### PETITIONER GENERAL ELECTRIC AVIATION'S MOTION TO DISMISS PETITION FOR REVIEW

NOW comes the Petitioner, General Electric Aviation, and pursuant to 40 C.F.R. § 124.19(k) and Environmental Appeals Board ("Board") Practice Manual § IV D(3) moves the Board to dismiss its Petition for Review in this matter and hereby states as follows:

- 1. As noted in the Fifth Joint Settlement Negotiations Status Report, filed with the Board on August 28, 2015, Petitioner and Respondent U.S. Environmental Protection Agency Region I ("EPA Region I") have reached a settlement in this case which resulted in a modification of the permit and resolves all issues pending before the Board.
- 2. As no dispute remains between the parties, dismissal of this matter would be appropriate. See, e.g., 2015 EPA App. LEXIS 9 (Apr. 27, 2015) (dismissing petition where parties had reached settlement).
- 3. Petitioner has been authorized by EPA Region I to report that EPA Region I consents to the relief sought by this Motion.

WHEREFORE, Petitioner respectfully requests that the Board grant its Motion to

Dismiss its Petition for Review for the reasons and authority stated and grant such further relief as the Board deems appropriate.

Respectfully submitted,

GENERAL ELECTRIC AVIATION By its counsel,

Dated: September 23, 2015

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss Petition for Review was sent by first-class mail, postage pre-paid, and email on this 23rd day of September, 2015, to:

Mark A. Stein Senior Assistant Regional Counsel EPA Region 1 5 Post Office Square, Suite 100 Mail Code ORA 18-1 Boston, MA 02109-3912

Tel.: 617-918-1077 E-Fax: 617-918-0077

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