

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

In re:)	
)	
Puerto Rico Electric Power)	
Authority (NPDES Permit Number PR)	
0001660))	NPDES Appeal No. 10-18
)	
)	

**JOINT MOTION SUBMITTING NOTICE OF WITHDRAWL OF PERMIT
CONDITIONS UNDER APPEAL AND REQUESTING WITHDRAWAL OF
PETITION**

The parties, the Environmental Protection Agency-Region 2 (“EPA R2”) and the Puerto Rico Electric Power Authority (“Petitioner”) hereby submit to the Environmental Appeals Board (“EAB”) the attached Notice of Withdrawal issued by EPA R2, pursuant to 40 CFR § 124.19(d).

On November 29, 2010, the Puerto Rico Electric Power Authority (“Petitioner”) filed a Petition appealing certain conditions (the “Contested Conditions”) included in the referenced Permit. Petitioner filed the Petition as a protective filing in order to preserve its right to appeal the issues set forth in the Petition. Contemporaneous with the Petitioner filing its Petition, the parties filed a Joint Motion arguing to the Board that Petitioner and EPA were actively engaged in conversations with respect to the issues that were the subject of the Petition, and that EPA R2 estimated that it may take an additional ten (10) business days to formalize a withdrawal of the Contested Conditions.

On December 2, 2010, in response to the Joint Motion, the EAB issued a Stay Order accepting the Petition as properly filed, and staying this matter until January 14 to allow the parties to complete ongoing settlement discussions. In that Stay Order, the EAB required that the Petitioner file a status report no later than December 22, 2010.

The Stay Order also required that, if the parties are successful in resolving this matter on or before January 14, 2011, they promptly advise the EAB of such resolution and request withdrawal of the Petition.

The Parties have now successfully resolved this matter. Accordingly, this Joint Motion is submitted to provide the requested status report, advise the EAB of the resolution, and request withdrawal of the Petition.

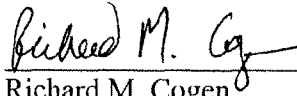
Attached to this Motion, please find a Notice of Withdrawal issued by EPA R2 on December 3, 2010, which addresses the Contested Conditions. EPA R2 issued this Notice in compliance with 40 CFR § 124.19(d) which requires EPA to notify the EAB, the applicant, and all other interested parties of the withdrawal of conditions of the final permit referenced above. Subsequent to the withdrawal of portions of the permit Conditions, EPA R2 will be preparing new draft permit conditions addressing the withdrawn portions, in compliance with the procedures provided in 40 CFR §§124.6 through 124.18. Based upon the withdrawal of the Contested Conditions, PREPA is willing to withdraw the Petition.

In view of EPA's withdrawal of the Contested Conditions, the parties hereby request that the EAB issue a Ruling authorizing withdrawal of the Petition without prejudice to PREPA's right to file a further appeal upon reissuance of the new permit conditions.

For the reasons set forth above, Petitioner and EPA R 2 jointly request that this Motion be granted.

Dated: December 10, 2010

Respectfully submitted,

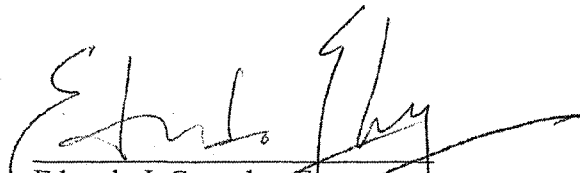


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A handwritten signature in black ink, appearing to read "Eduardo J. Gonzalez", is written over a horizontal line. The signature is stylized and cursive.

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