

**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 Permit Appeal No. 11-05
NPDES Permit No. DC0000221	)	

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

For the reasons set forth below, the District of Columbia Water and Sewer Authority (“DC Water”) and the Wet Weather Partnership (the “WWP”) (collectively, the “Petitioners”) and the District of Columbia Government through the District Department of the Environment (the “District Government”) hereby jointly request that the Board enter an Order Dismissing with Prejudice Petitioners’ Petition for Review in the above-captioned appeal.

On November 4, 2011, Petitioners filed a Petition for Review of 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 February 2, 2012, the EAB granted the District of Columbia Government, through its Attorney General and the District Department of the Environment, permission to intervene in the proceeding. On January 11, 2013, DC Water and the District Government executed a Settlement Agreement allocating responsibility under the Permit, attached hereto as Exhibit A, to resolve the issues raised in Petitioners’ Petition for Review. Petitioners and the District Government consider the Settlement Agreement to be a just, fair, and equitable resolution of the claims raised in this

action. Paragraph 5 of the Settlement Agreement requires that DC Water withdraw with prejudice its Petition for Review upon execution of the Settlement Agreement and requires DC Water and the District Government to file this Joint Stipulation of Dismissal with Prejudice.

Accordingly, Petitioners and the District Government hereby request that the Board enter an Order Dismissing with Prejudice Petitioners' Petition for Review. Counsel for EPA has authorized the undersigned to represent that EPA does not oppose this Joint Stipulation of Dismissal and does not oppose dismissal of Petitioners' Petition for Review.

Dated: January 11, 2013

Respectfully submitted,

THE DISTRICT OF COLUMBIA WATER  
AND SEWER AUTHORITY AND  
THE WET WEATHER PARTNERSHIP



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By Counsel

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GOVERNMENT OF THE DISTRICT OF  
COLUMBIA THROUGH THE DISTRICT  
DEPARTMENT OF THE ENVIRONMENT

A handwritten signature in black ink, appearing to read "Amy E. McDonnell", written over a horizontal line.

By Counsel

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Stipulation of Dismissal with Prejudice was filed electronically with the Environmental Appeals Board and was served by regular first class U.S. Mail, postage prepaid, this 11th day of January, 2013, upon the following:

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F. Paul Calamita

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	)	
NPDES Permit No. DC0000221	)	
_____	)	

**ORDER DISMISSING PETITION FOR REVIEW WITH PREJUDICE**

On January 11, 2013, the District of Columbia Water and Sewer Authority (“DC Water”) and the Wet Weather Partnership (the “WWP”) (collectively, the “Petitioners”) and the District of Columbia Government through the District Department of the Environment (the “District Government”) filed a Joint Stipulation of Dismissal with Prejudice, requesting that the Board dismiss with prejudice Petitioners’ Petition for Review in the above-captioned appeal. DC Water and the District Government have entered into a Settlement Agreement, dated January 11, 2013, and both Petitioners and the District Government consider the agreement to be a just, fair, and equitable resolution of the claims raised in Petitioners’ Petition for Review.

Accordingly, and for the reasons stated in the Joint Stipulation of Dismissal with Prejudice, the Board hereby **DISMISSES** the Petition for Review in the above-captioned matter with prejudice.

**SO ORDERED.**

**ENVIRONMENTAL APPEALS BOARD**

Dated: \_\_\_\_\_

By: \_\_\_\_\_