

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

_____	)	
In re:	)	
	)	
Washington Navy Yard	)	NPDES Appeal Nos. 00-2 & 00-3
	)	
Permit No. DC 000141	)	
_____	)	

**ORDER DISMISSING PETITIONS FOR REVIEW**

Upon consideration of Respondent's, United States Environmental Protection Agency Region III, Notice of Settlement and Uncontested Motion to Dismiss Petitions for Review ("Uncontested Motion"), filed with the U.S. Environmental Protection Agency's Environmental Appeals Board ("Board") on December 19, 2000, and for good cause shown, it is ORDERED that the Petitions for Review filed by the U.S. Department of the Navy (NPDES Appeal No. 00-2) and the Anacostia Watershed Society (NPDES Appeal No. 00-3) ("Petitioners") are DISMISSED.

This dismissal is *with prejudice* as to the Petitioners' rights to contest the final Washington Navy Yard NPDES Permit No. 000141 ("Final Permit") issued by Respondent on May 31, 2000.<sup>1</sup>

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<sup>1</sup>Respondent seeks dismissal of the Petitions for Review of  
(continued...)

This dismissal is *without prejudice* as to the rights reserved to Petitioners under the parties' settlement, as described in the Uncontested Motion, which provides in pertinent part as follows:

The petitioners have further agreed not to petition the EAB for review of the permit revisions described in Paragraph 6, \* \* \* except insofar as EPA changes the draft permit terms as a result of public comment. The petitioners also reserve their rights, along with other interested parties, to submit comments on the draft permit revisions pursuant to 40 C.F.R. 124.11, to petition for appropriate permit modifications pursuant to 40 C.F.R. 124.5 and 122.62, and to challenge any future EPA action with respect to the [Washington Navy Yard] permit or any other permit on any grounds.

Uncontested Motion at ¶ 7.

So ordered.

Dated: 01/04/01

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_/s/  
Scott C. Fulton  
Environmental Appeals Judge

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<sup>1</sup>(...continued)  
the Final Permit "as modified." See Uncontested Motion at ¶ 7. Because the Final Permit "as modified" has yet to be proposed, published for public notice and comment, and issued, the parties seek dismissal of Petitions for Review *in futuro*. The Board is unable to grant such relief. However, the Board believes that such relief is unnecessary since Petitioners' rights, as noted in this Order, are preserved. Moreover, significant portions of the Final Permit have been withdrawn by Respondent pursuant to 40 C.F.R. § 124.19(d). See Notice of Partial Withdrawal of Permit Terms and Recission [sic] of Permit Stay (Dec. 4, 2000).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Dismissing Petitions for Review in the matter of Washington Navy Yard, NPDES Appeal Nos. 00-2 & 00-3, were sent to the following persons in the manner indicated:

First Class Mail:

David Baron, Esq.  
Earthjustice Legal Defense Fund  
1625 Massachusetts Avenue, N.W.  
Suite 702  
Washington, DC 20036-2212

Susan S. Hulbert  
Assistant Counsel  
U.S. Navy Office of the General Counsel  
Atlantic Division, Naval Facilities  
Engineering Command  
1510 Gilbert Street  
Norfolk, VA 23511-2699

William C. Smith  
Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Dated: 01/04/01

\_\_\_\_\_/s/  
Annette Duncan  
Secretary