

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

In re:

Gene A. Wilson

Docket No. SDWA -04-2005-1016

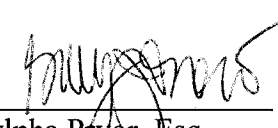
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) **SDWA Appeal No. 08-09**
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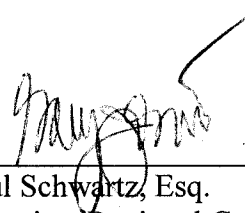
ENVIRONMENTAL APPEALS BOARD
SEP 11 2009
9/11/09
WILSON

COMPLAINANT'S MOTION TO DISMISS

COMES NOW the Complainant, the United States Environmental Protection Agency (EPA), Region 4, and hereby moves that the Environmental Appeals Board issue an order dismissing this appeal and this entire matter with prejudice. After evaluating the issues raised by the Board in its Order Directing Supplemental Briefing, dated June 29, 2009, the Region, in consultation with the Office of General Counsel, Office of Enforcement and Compliance Assurance, and program offices, has decided that it is in EPA's best interests to seek a dismissal of this matter in its entirety. Complainant has conferred with Respondent, who joins in this Motion to Dismiss and in asking that the Board issue an order of dismissal stating that each party is responsible for its own costs or attorneys fees incurred.

Respectfully submitted,

for  9/11/09
Zylpha Pryor, Esq.
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA – Region 4
61 Forsyth St., S.W.
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for  8/6/09

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Of Counsel:

Mindy Nigoff, OGC
Gary Jones, OECA
Alan Morrissey, OECA

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CERTIFICATE OF SERVICE

The undersigned HEREBY CERTIFIES that the original and five copies of the foregoing Motion to Dismiss were hand-delivered to the Environmental Appeals Board at the following address:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board (MC 1103B)
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

The undersigned further certifies that a true and correct copy was sent to the following persons via First Class Mail:

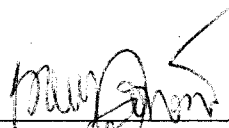
Mr. Gene A. Wilson
101 Madison Street
P. O. Box 702
Louisia, Kentucky 41230

Judge Susan Schub
Regional Presiding Officer
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Regional Hearing Clerk
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth St., S.W.
Atlanta, Georgia 30303

DATE: _____

8/6/09



Gary A. Jones
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