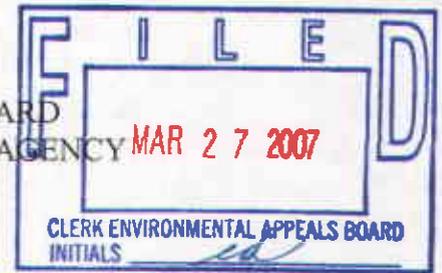


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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In re: Dominion Energy Brayton Point, L.L.C.  
(Formerly USGen New England, Inc.)  
Brayton Point Station

NPDES Appeal No. 07-01

NPDES Permit No. MA 0003654

---

**ORDER GRANTING PETITIONER'S MOTION TO STRIKE**

On January 3, 2007, Dominion Energy Brayton Point, L.L.C. (the "Petitioner") filed a Motion to Exclude or to Strike Documents from the Administrative Record ("Motion to Strike"). Thereafter, EPA Region 1 filed an Assent to Petitioner's Motion to Strike, acknowledging its error in adding the materials identified in the Motion to Strike because they were beyond the scope of the remand and were not properly part of the administrative record for the Permit. See Region 1's Assent to Petitioner's Motion to Strike (filed March 6, 2007), at 3.

Given the Region's assent, the Board grants Petitioner's Motion to Strike in its entirety. To the extent that the Region has not already done so, these documents shall be removed from the administrative record in this matter.

So ordered.

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

3/27/07

ENVIRONMENTAL APPEALS BOARD

A handwritten signature in blue ink, appearing to read "Edward E. Reich", written over a horizontal line.

Edward E. Reich  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Petitioner's Motion to Strike, NPDES Appeal No. 07-01, were sent to the following persons in the manner indicated.

**By Certified Mail Return Receipt Requested:**

John M. Stevens  
Wendy B. Jabobs  
Elisabeth M. DeLisle  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

Ann Morrill  
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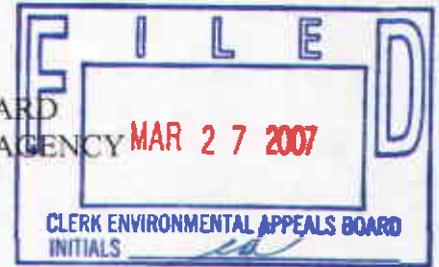
**By Pouch Mail:**

Mark A. Stein  
Samir Bukhari  
US EPA - Region 1  
1 Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

Dated: MAR 27 2007

  
Annette Duncan  
Secretary

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So ordered.

Dated: 3/27/07

ENVIRONMENTAL APPEALS BOARD

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