

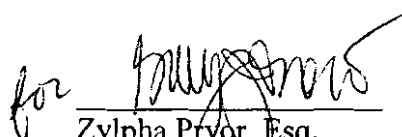
BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In re: )  
          ) SDWA Appeal No. 08-09  
Gene A. Wilson )  
          )  
Docket No. SDWA -04-2005-1016 )  
\_\_\_\_\_ )

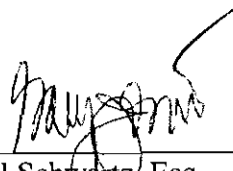
**COMPLAINANT'S MOTION TO DISMISS**

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  8/6/09  
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*PS*  8/6/09  
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