

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

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)  
)  
In re: )  
)

City of Marlborough )  
Department of Public Works )  
Office of the Commissioner )

NPDES Permit No. MA 0100480 )  
)  
\_\_\_\_\_ )

NPDES Appeal No. 01-04

**ORDER GRANTING JOINT MOTION TO WITHDRAW PETITION**

On August 2, 2001 the City of Marlborough Department of Public Works Office of the Commissioner ("the City") and Region 1 (hereinafter collectively referred to as "the parties") filed a motion, titled "Joint Motion to Withdraw Petition for Review of Permit," ("motion") with this Board requesting that the Petition for Review be dismissed with prejudice.

The parties state in the motion that they have reached settlement on all disputed issues in the Petition and the City, therefore, withdraws its Petition dated January 18, 2001 in its entirety. Motion at 2.

Accordingly, the parties' motion to dismiss the Petition with prejudice is granted.

So ordered.

ENVIRONMENTAL APPEALS BOARD

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

Dated: 08/08/01

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Joint Motion to Withdraw Petition in the Matter of the City of Marlborough, NPDES Appeal No. 01-04, were sent to the following persons in the manner indicated:

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Dated: 08/09/01

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