



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**VIA ELECTRONIC FILING**

January 11, 2016

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

**RE: Town of Salisbury Sewer Commission  
NPDES Permit Appeal No. 15-11; NPDES Permit No. MA0102873**

Dear Ms. Durr:

Please find the Town of Salisbury's Motion for Leave to Withdraw the Petition and Joint Motion to Dismiss the Proceedings, and accompanying Certificate of Service, in connection with NPDES Appeal No. 15-11.

Sincerely,

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Enclosures

Cc: William E. Taylor, Esq.

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

In the Matter of:	)	
	)	
Town of Salisbury	)	
Sewer Commission	)	NPDES Appeal No. 15-11
	)	
NPDES Permit No. MA0102873	)	
	)	

**TOWN OF SALISBURY’S MOTION FOR LEAVE TO WITHDRAW  
THE PETITION AND JOINT MOTION TO DISMISS THE PROCEEDINGS**

**I. BACKGROUND**

On July 9, 2015, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0102873 to the Town of Salisbury, Massachusetts (“Town”). On August 13, 2015, the Town timely filed a Petition for Review with the Environmental Appeals Board requesting review of certain conditions of the Final Permit. On September 2, 2015, the parties jointly moved the Board to stay proceedings in order to facilitate settlement discussions. The Board granted the motion in order to allow the parties to engage in settlement discussions. *Order Granting Stay of Proceedings* (September 11, 2015). The Board most recently extended the stay until January 12, 2016 to allow those discussions to conclude. *Order Granting Third Joint Motion to Stay Proceedings* (December 10, 2015).

## **II. CAUSE FOR GRANTING MOTION**

The parties have settled their differences over the appeal by agreeing on the terms of an administrative order to comply with the Final Permit. Accordingly, the Town requests leave to withdraw its Petition. 40 C.F.R. § 124.19(k). The Region assents to this motion. In light of the foregoing, the parties jointly request that the Board dismiss the Petition in its entirety, with prejudice. *See In re Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal 13-06 (April 15, 2014) (Order Dismissing Petition for Review). Following dismissal by the Board, the Regional Administrator shall issue a final permit decision at which point the Final Permit shall be placed into effect, whereupon the Region shall also issue the agreed-upon administrative order. 40 C.F.R. § 124.19(1)(2).

## **III. REQUEST FOR RELIEF**

For the reasons above, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order dismissing the Petition in its entirety.

Dated: January 11, 2016

Respectfully submitted,

U.S. EPA – Region 1

Town of Salisbury Sewer Commission

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Samir Bukhari  
Assistant Regional Counsel

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the Town of Salisbury's Motion for Leave to Withdraw the Petition and Joint Motion to Dismiss the Petition, in connection with *In re Town of Salisbury Wastewater Treatment Facility*, NPDES Appeal No. 15-11, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By electronic mail, by agreement between the parties:

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Dated: January 11, 2016

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