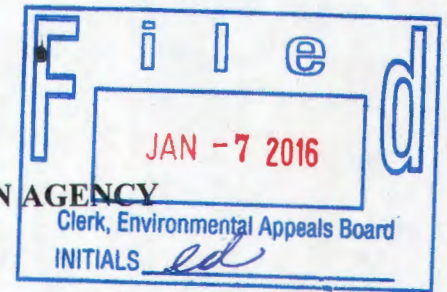


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re:  
Invensys Systems, Inc.

)  
)  
) NPDES Appeal No. 15-10  
)  
)

NPDES Permit No. MA 0004120  
)  
)

**ORDER REQUIRING SUPPLEMENTAL STATUS REPORT**

On January 4, 2016, Region 1 ("Region") of the U.S. Environmental Protection Agency, together with Invensys Systems Inc. ("Invensys"), filed a Status Report and Third Joint Motion to extend the stay of proceedings in the above-captioned matter for an additional sixty (60) days, and to extend the Region's deadline for responding to Invensys's petition for review and filing a certified index to the administrative record through April 4, 2016. Status Report and Third Joint Motion for Stay of Proceedings and Extension of Time (Jan. 4, 2016) ("Joint Motion").

Previously, the Environmental Appeals Board ("Board") issued orders granting the parties' requests for 60-day stays, first to December 4, 2015, and then to February 4, 2016, to allow them to pursue settlement discussions.

In its order extending the stay of proceedings to February 4, 2016, the Board stated that should the parties plan to request a further stay of proceedings, "they shall provide in their next status report information as to the progress they have made since the November 2015 status report, and their plan and timeline for resolving any outstanding issues." Second Order Granting Motion for Stay of Proceedings and Extension of Time to File Response at 2 (Nov. 5, 2015). In the Joint Motion currently pending before the Board, the parties aver that Invensys is currently reviewing a draft Administrative Order on Consent that the Region prepared, which could

become the basis for a settlement agreement if it incorporates a revised Work Plan. Joint Motion at 2. Absent from the parties' Joint Motion, however, is information regarding their "plan and timeline for resolving any outstanding issues."

To assist the Board in evaluating the parties' Joint Motion, the Board directs the parties to jointly file a supplemental status report no later than **Wednesday, January 13, 2016**, that provides the Board with the parties' plan and timeline for resolving any outstanding issues that remain in this matter. The Board will issue an order that addresses the parties' Joint Motion to extend the stay for an additional sixty (60) days following receipt of the supplemental status report.

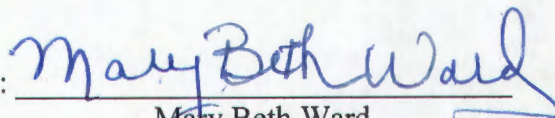
So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

1/7/16

By:

  
Mary Beth Ward  
Environmental Appeals Judge



### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Requiring Supplemental Status Report in the matter of Invensys Systems, Inc., NPDES Appeal No. 15-10, were sent to the following persons in the manner indicated:

**By Facsimile and First Class U.S. Mail:**

Seth D. Jaffe, Esq.  
Jesse Harlan Alderman, Esq.  
Foley Hoag LLP  
Seaport World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2600  
telephone: (617) 832-1000  
facsimile: (617) 832-7000

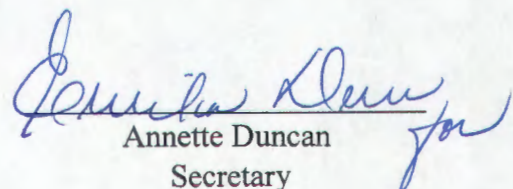
**By Facsimile and EPA Pouch Mail:**

Curt Spalding, Regional Administrator  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Mail Code ORA  
Boston, Massachusetts 02109-3 912  
telephone: (617) 918-1012  
facsimile: (617) 918-1029

Carl Dierker, Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Mail Code ORA  
Boston, Massachusetts 02109-3 912  
telephone: (617) 918-1091  
facsimile: (617) 918-1029

Paul Schwartz  
Counsel for EPA Region 1  
Office of Regional Counsel  
EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303  
telephone: (404) 562-9576  
facsimile: (404) 562-9486

Dated: *January 7, 2016*

  
Annette Duncan  
Secretary