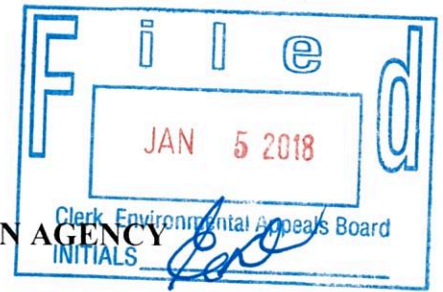


**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_ )  
In re: )  
 ) NPDES Appeal No. 17-07  
Barnhardt Manufacturing Co. )  
 )  
NPDES Permit No. MA0003697 )  
\_\_\_\_\_ )

**ORDER DISMISSING PETITION**

Barnhardt Manufacturing Company (“Barnhardt”) filed a petition before the Environmental Appeals Board (“Board”) seeking review of several conditions in a National Pollutant Discharge Elimination permit issued by U.S. EPA Region 1 (“Region”). The permit authorizes Barnhardt to discharge treated process water from its facility located in Colrain, Massachusetts into the North River and the Deerfield River Watershed. Shortly after the petition was filed, the parties filed a joint motion requesting a stay of the proceedings in this matter to allow the parties to undertake settlement negotiations. The Board granted the request so that those discussions could take place and directed the parties to submit periodic status reports regarding progress toward settlement.

The parties have now informed the Board that they have settled their differences over the petition. Specifically, the parties represent that they have agreed on Draft Permit Modification terms that address the issues raised in the petition, and that the Region has agreed to publish the Draft Permit Modification for public notice and comment following withdrawal and dismissal of the petition. In light of this agreement, the Permittee requests to withdraw its petition, and the

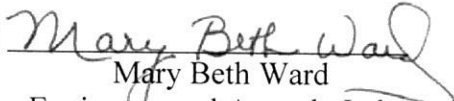
parties jointly request that the Board dismiss the petition in its entirety, with prejudice.

In light of the foregoing, the Board DISMISSES NPDES Appeal No. 17-07 with prejudice.

So ordered.<sup>1</sup>

ENVIRONMENTAL APPEALS BOARD

Dated: JAN - 5 2018

By:   
Mary Beth Ward  
Environmental Appeals Judge

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<sup>1</sup> The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Kathie A. Stein, and Mary Beth Ward. 40 C.F.R. § 1.25(e)(1).

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Dismissing Petition* in the matter of Barnhardt Manufacturing Co., NPDES Appeal No. 17-07, were sent to the following persons in the manner indicated:

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Dated:           JAN - 5 2018          



Eurika Durr  
Clerk of the Board