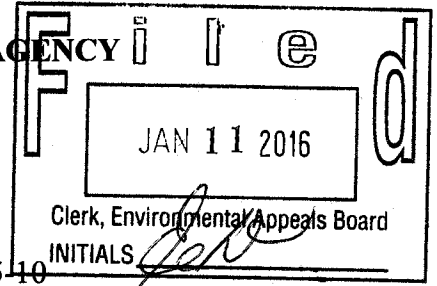


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
Invensys Systems, Inc.)

) NPDES Appeal No. 15-40
)
)

NPDES Permit No. MA 0004120)
_____)

**THIRD ORDER GRANTING MOTION FOR STAY OF PROCEEDINGS AND
EXTENSION OF TIME TO FILE RESPONSE**

On September 16, 2015, the Environmental Appeals Board (“Board”) granted the parties’ joint motion to stay proceedings through December 4, 2015, to allow the parties to explore the possibility of settling the issues raised in this appeal. On November 5, 2015, the Board granted the parties’ second joint motion to stay proceedings through February 2, 2016, based on the productive nature of the negotiations and the parties’ statement that their efforts to resolve this matter through negotiations may lead to settlement. On January 4, 2016, Region 1 (“Region”) of the U.S. Environmental Protection Agency filed on behalf of the parties a Status Report and Third Joint Motion (“Joint Motion”) to continue the stay for an additional sixty (60) days, and to extend the Region’s deadline for responding to Invensys Systems Inc.’s (“Invensys”) petition for review and filing a certified index to the administrative record through April 4, 2016. The Board issued an order on January 7, 2016, requiring a supplemental status report that addressed the parties’ “plan and timeline for resolving any outstanding issues,” which the Board had specifically requested when it granted the parties’ second joint motion to stay proceedings. Second Order Granting Motion for Stay of Proceedings and Extension of Time to File Response at 2 (Nov. 5, 2015).

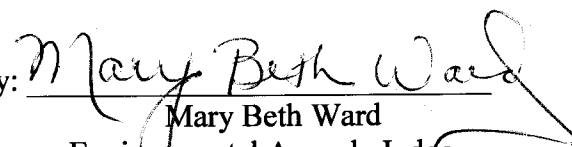
The parties filed a Joint Supplemental Status Report on January 8, 2016, that states Invensys is reviewing a draft Administrative Order on Consent that the Region prepared and, if further negotiations are successful, will become a basis for settlement in this matter. Joint Supplemental Status Report at 1 (Jan. 8, 2016). The parties aver that Invensys expects to provide detailed comments to the Region no later than January 15, 2016, and that based on the substantial agreement between the parties about the actions Invensys will undertake at its facility, they are hopeful that a completed Administrative Order on Consent can be achieved during the additional 60-day stay they are requesting, or shortly thereafter. *Id.* at 1-2. The parties state that settlement negotiations continue to be productive, Joint Motion at 2, and that any additional negotiations required can be accomplished through telephone calls and exchanges of written comments on settlement document drafts, Joint Supplemental Status Report at 2.

For good cause shown, the Board grants the parties' motion to stay proceedings and extends the Region's deadline for filing its response and the certified index to the administrative record to **April 4, 2016**. The Region, in consultation with Invensys, shall file a status report no later than **March 4, 2016**, to update the Board on the progress of the parties' efforts to resolve this appeal. If 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 January 2016 status reports, and their plan and timeline for resolving any outstanding issues.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: 1 / 11 / 2016

By: 
Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Third Order Granting Motion for Stay of Proceedings and Extension of Time to File Response 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

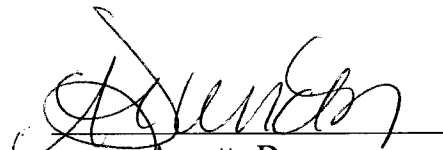
By Facsimile and EPA Pouch Mail:

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: JAN 11 2016


Annette Duncan
Secretary