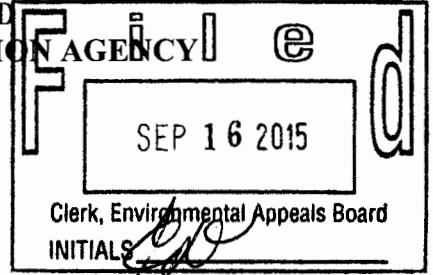


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
Invensys Systems, Inc.)
)
NPDES Permit No. MA0004120)
_____)

NPDES Appeal No. 15-10

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

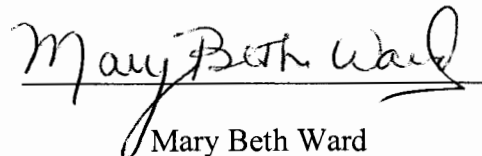
On September 4, 2015, Invensys Systems, Inc. (“Invensys”) filed a petition seeking review of National Pollutant Discharge Elimination System Permit No. MA0004120. Region 1 (“Region”) of the U.S. Environmental Protection Agency issued the permit on July 19, 2015, authorizing Invensys's Foxboro, Massachusetts, facility to discharge treated wastewater into Gudgeon Brook/Neponset Reservoir and Robinson Brook. Invensys challenges several aspects of the permit, including: the Region’s alleged failure to establish that the receiving waters, Gudgeon Brook and Robinson Brook, are waters of the United States at the point of discharge; the Region’s lack of analysis in the administrative record for its decision to change the receiving water for Outfall 001 from Neponset Reservoir to Gudgeon Brook; and several other conditions of the permit. The Board previously granted Invensys a 15-day extension of time to file its petition for review to allow Invensys to fully evaluate the Region’s reliance on jurisdictional determinations for the receiving waters pursuant to the *Clean Water Rule: Definition of “Waters of the United States,”* 80 Fed. Reg. 37,053 (June 29, 2015). The Region’s response to the petition for review and the certified index to the administrative record are currently due on October 4, 2015.

On September 15, 2015, the parties filed a joint motion requesting that the Environmental Appeals Board ("Board") stay the proceedings in this case because they have agreed to meet and explore the possibility of settling the issues raised in the petition for review. The parties state that a stay of sixty days beyond the current October 4 due date for the Region's response will allow them to determine whether they can achieve a negotiated resolution of the disputed issues. The parties simultaneously request that the Board extend the Region's time to file its response to the petition for review and the certified index to the administrative record by sixty days, until December 4, 2015.

For good cause shown, the Board grants the parties' request to stay this matter and extend the Region's deadline to file its response to the petition and the certified index to the administrative record for sixty days. *See* 40 C.F.R. § 124.19(n). This matter is now stayed through **Friday, December 4, 2015**. The Region, in consultation with Invensys, shall file a status report no later than **Friday, November 20, 2015**, to update the Board on the progress of the parties' efforts to resolve the challenges to the permit contained in the petition for review. The parties shall inform the Board as soon as practicable of any settlement agreement they reach. The Board will decide whether to establish a briefing schedule or take other action based on the contents of the status report.

So ordered.

Date: 9/16/2015


Mary Beth Ward
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing 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

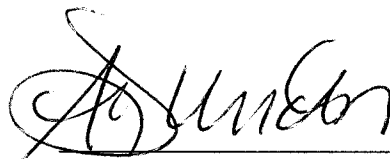
By Facsimile and EPA Pouch Mail:

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: SEP 16 2015



Annette Duncan
Secretary