

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL APPEALS BOARD

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In re:))
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Invensys Systems, Inc.))
)) NPDES Appeal No. 15-10
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NPDES Permit No. MA0004120))
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Status Report and Third Joint Motion for Stay of Proceedings and Extension of Time

Pursuant to 40 C.F.R. 124.19(g), the Environmental Protection Agency, Region 1 (EPA, or the Region), files this Status Report and Third Joint Motion for Stay of Proceedings and Extension of Time, seeking a stay of proceedings and additional 60-day extension of the deadline for EPA to respond to the Petition For Review (“Petition”) filed by Invensys Systems, Inc., (“Petitioner”) on September 4, 2015. On September 15, 2015, EPA filed a Joint Motion for Stay of Proceedings and Extension Time pursuant to which the parties requested that EPA’s obligation to file a response to the Petition for Review and a certified Administrative Record Index be extended by 60 days to allow the parties time to pursue a potential settlement of issues raised in the Petition. On September 16, 2015, the Board granted the parties’ joint motion and extended EPA’s obligation to file its response to the petition and certified index until December 4, 2014. The Board’s Order further directed the parties to 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.

On November 2, EPA filed on behalf of the parties a Status Report and Second Joint Motion describing productive settlement negotiations that had occurred between the parties and requesting that the Board continue the stay for an additional sixty (60) days and extend EPA's deadline for responding to the Petition until February 2, 2016. By Order dated November 5, 2015, the Board granted the Second Joint Motion, extending EPA's deadline for responding to the Petition to February 2, 2016, and directing the parties to file a status report no later than January 5, 2016.

Since the Board issued its Order of November 5, 2015, EPA has provided comments to Invensys on a Work Plan developed by Invensys for assessment of its facility and for determination of appropriate remedial measures at the facility, and EPA has developed a draft Administrative Order on Consent that could incorporate a revised Work Plan and become a basis for settlement of this matter. EPA's draft Administrative Order on Consent is currently being reviewed by Invensys and EPA is awaiting Invensys' comments on the draft. Settlement negotiations continue to be productive and the parties continue to believe that prospects for settlement of this matter are good. Accordingly, the parties request that the Board extend the time for EPA to submit a response and certified index by another sixty (60) days, changing the due date to April 2, 2016. Because April 2, 2016, falls on a Saturday, EPA's response and certified index would become due on Monday, April 4, 2016.

For the foregoing reasons, the Parties respectfully request that this Second Joint Motion for Stay of Proceedings and Extension of Time be granted, and that EPA's deadline for filing a Response to the Petition and a Certified Administrative Record Index be extended by 60 days, until April 4, 2016. I am authorized by counsel for Petitioner to represent that Petitioner joins EPA in this Motion.

Respectfully submitted,



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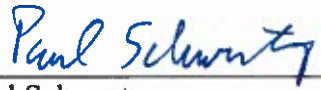
Dated: January 7, 2016

CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on January 4, 2016, I caused to be served a true and correct copy of the foregoing Opposition to Motion for Extension of Time to File Petition for Review, via the EAB's electronic filing system, and by sending a true and correct copy, via UPS Next Day Air, and e-mail, to the following:

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Dated: January 4, 2016



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