



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

JUL 12 2007

VIA FIRST CLASS MAIL AND ELECTRONIC SUBMISSION

U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

**Re: Notice of Withdrawal of Petition for Review and Joint Motion to Dismiss
Town of Marion, Massachusetts
NPDES Appeal No. 06-15
NPDES Permit No. MA0100030**

Dear Ms. Durr:

In connection with the above-referenced permit appeal, please find enclosed for docketing and review by the EPA Environmental Appeals Board ("Board") an originally executed copy of a Notice of Withdrawal of Petition for Review and Joint Motion to Dismiss, as well as a Certificate of Service. In lieu of five additional paper copies for the Board, electronic copies of each document have been posted to the CDX system.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samir Bukhari", with a long horizontal flourish extending to the right.

Samir Bukhari
Attorney Advisor
Office of Regional Counsel
US EPA-Region 1

Enclosures

cc:

Robert C. Zora, Town of Marion
Bill McConnell, Camp Dresser McKee

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

_____)	
In the Matter of:)	
)	
Town of Marion, Massachusetts)	NPDES Appeal No. 06-15
)	NPDES Permit No. MA0100030
)	
_____)	

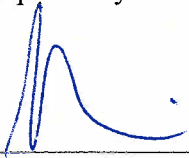
**NOTICE OF WITHDRAWAL OF PETITION FOR REVIEW AND JOINT
MOTION TO DISMISS**

Upon motion by the Environmental Protection Agency-Region 1 (“Region”) and the Town of Marion, Massachusetts (“Permittee” or “Petitioner”), the Environmental Appeals Board (“Board”) stayed proceedings in the above-captioned matter until July 25, 2007 to allow the parties to settle their differences through a permit modification. *See* Order Granting Motion for Third Stay of Proceedings (May 25, 2007).

The final permit modification implementing the terms of the settlement was issued on May 22, 2007. In its earlier motion, the parties indicated that, “Prior to Petitioner withdrawing its petition for review and joining the Region in a motion to dismiss the pending appeal as moot, the parties would like to first confirm that the final modification is not appealed.” *See* Joint Status Report and Third Motion for Stay of the Proceedings (May 21, 2007) at 2.

No appeal of the modification was filed. Accordingly, the Petitioner hereby withdraws its pending petition for review of NPDES Permit No. MA0100030, and the Region and Petitioner jointly request that the Board dismiss the above-referenced appeal in its entirety on the grounds that it is moot.

Respectfully submitted,



U.S. Environmental Protection Agency,
Region 1
By its Attorney,
Samir Bukhari
Assistant Regional Counsel
U.S. Environmental Protection Agency
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Boston, MA 02114-2023
617-918-1095
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SAMIR BUKHARI FOR

Robert C. Zora
Superintendent of Public Works
Town of Marion DPW
50 Benson Brook Road
Marion, MA 02738

Dated: July 12, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Third Motion for Stay of the Proceedings in the matter of Town of Marion, NPDES Appeal No. 06-15, were sent on July 12, 2007 to the following persons in the manner indicated:

By First Class U.S. Mail and Electronic Submission (CDX):

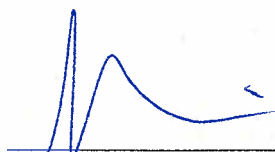
U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

By First Class U.S. Mail:

Robert C. Zora
Superintendent of Public Works
Town of Marion DPW
50 Benson Brook Road
Marion, MA 02738

Bill McConnell
Camp Dresser McKee
56 Exchange Terrace
Fourth Floor
Providence, RI 02903

Dated: July 12, 2007



Samir Bukhari, Attorney
EPA - Region 1
Office of Regional Counsel