

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

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In re: Massachusetts Port Authority )  
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NPDES Permit No. MA0000787 )  
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NPDES Appeal No. 23-03

**JOINT MOTION TO DISMISS**

Massachusetts Port Authority (“Massport”) and U.S. Environmental Protection Agency Region 1 (“Region 1”) jointly submit this motion for a dismissal of Massport’s September 23, 2023 Petition for Review (NPDES Appeal No. 23-03) of NPDES Permit No. MA0000787 that was issued to Massport on August 24, 2023.

Massport and Region 1, the parties (“the Parties”) to NPDES Appeal No. 23-03 (“Appeal”), filed a joint notification of agreement to participate in the alternative dispute resolution (“ADR”) program to the Environmental Appeals Board (“EAB”) on September 29, 2023. On October 4, 2023, the EAB issued an order staying all proceedings to allow for the ADR process to proceed. Order Staying Proceedings (Oct. 4, 2023). After initial conferences of the Parties with EAB Judge Aaron Avila acting as ADR judge, the EAB issued additional orders extending the stay until March 25, 2025 to allow the Parties further time to finalize and execute an agreement.

On January 17, 2025, the Parties signed a Settlement Agreement. Pursuant to Paragraph 15 of this Agreement, the Agreement became executed and effective on March 13, 2025, the date that Massport and Massachusetts Department of Environmental Protection (“MassDEP”) signed a separate settlement agreement in the analogous state permit matter.

On March 17, 2025, the parties filed a Joint Motion to Extend Stay of Appeal to allow

sufficient time to complete the permit modification public process described in Paragraphs 2-14 of the Settlement Agreement. Joint Motion to Extend Stay of Appeal (Mar. 17, 2025). The EAB stayed the permit appeal proceedings until September 30, 2025. Order Granting Joint Motion to Extend Stay of Appeal (Mar. 19, 2025).

The permit modification process is now complete. On March 21, 2025, EPA proposed the draft permit modification for public comment. Following the end of the public comment period on April 21, 2025, EPA reviewed and responded to the two public comments received. EPA took Final Agency Action on the draft permit modification by issuing the final permit modification on June 27, 2025. Pursuant to 40 C.F.R. § 124.19(a)(3), a person may file a petition to review a Final Agency Action within thirty days after the issuance of said action; EPA did not receive any petitions for review during the thirty-day window following the issuance of the final permit modification. In the Parties' Settlement Agreement, the Parties agreed to promptly file a joint motion to dismiss the Appeal once EPA took Final Agency Action on the draft permit modification. Consistent with the terms of the March 13, 2025 Settlement Agreement of the Parties and pursuant to 40 C.F.R. §124.19(k), the Parties now jointly move to dismiss NPDES Appeal No. 23-03 in its entirety.

Respectfully submitted,

**For U.S. Environmental Protection Agency  
Region 1**

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## CERTIFICATE OF SERVICE

I, Erin Flannery-Keith, hereby certify that on this 30<sup>th</sup> day of July 2025, I served a copy of the foregoing Joint Motion to Dismiss on the parties identified below:

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Dated on the 30th day of July, 2025.

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