

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

In re:)	
)	
Invensys Systems, Inc.)	NPDES Appeal No. 15-10
)	
NPDES Permit No. MA0004120)	
)	

**INVENSYS SYSTEMS, INC.'S MOTION FOR LEAVE TO WITHDRAW
THE PETITION AND JOINT MOTION TO DISMISS THE PROCEEDINGS**

I. BACKGROUND

On July 17, 2015, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0004120 to Invensys Systems, Inc. (“Invensys”). On September 4, 2015, Invensys timely filed a Petition for Review with the Environmental Appeals Board requesting review of certain conditions of the Final Permit. The Parties have filed a series of joint motions requesting that the Board stay proceedings in order to facilitate settlement discussions. The Board granted these motions in order to allow the parties to engage in settlement discussions, most recently on March 3, 2016, in an Order extending the stay until May 4, 2016. *Order Granting Motion for Stay of Proceedings and Extension of Time to File Response* (March 3, 2016).

II. CAUSE FOR GRANTING MOTION

The parties have settled their differences over the appeal by agreeing on the terms of an administrative order to comply with the Final Permit. Accordingly, Invensys

requests leave to withdraw its Petition. 40 C.F.R. § 124.19(k). The Region assents to this motion. In light of the foregoing, the parties jointly request that the Board dismiss the Petition in its entirety, with prejudice. *See In re Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal 13-06 (April 15, 2014) (Order Dismissing Petition for Review). Following dismissal by the Board, the Regional Administrator shall issue a final permit decision at which point the Final Permit shall be placed into effect, whereupon the Region shall also issue the agreed-upon administrative order. 40 C.F.R. § 124.19(l)(2).

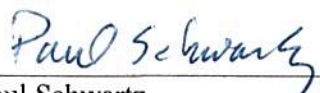
III. REQUEST FOR RELIEF

For the reasons above, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order dismissing the Petition in its entirety.

Dated: April 19, 2016


Respectfully submitted,

U.S. EPA – Region 1



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CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on April 19, 2016, I caused to be served a true and correct copy of the foregoing Motion for Leave to Withdraw the Petition and Joint Motion to Dismiss the Proceeding, 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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