

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL APPEALS BOARD

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

**Status Report and Second 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 Second 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.

The parties have held one in-person settlement meeting, which was very productive. At the meeting, the Parties discussed a conceptual framework for a settlement that both parties agreed would be acceptable for resolving this matter. At the meeting, the Petitioner committed to develop more detailed plans for assessment of the facility and a determination of appropriate remediation measures that could become a basis for resolving this matter. On October 30, 2015, EPA received from Petitioner a draft Work Plan for completing certain site assessment work that will support the development of recommended remedial measures. While EPA is just beginning its review of this document and it will likely be the subject of further discussion and negotiation, the parties believe, based on the productive nature of negotiations to date, that the parties' efforts to resolve this matter through negotiation may lead to settlement. 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 from December 4, 2015, to February 2, 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, to February 2, 2016. I am authorized by counsel for Petitioner to represent that Petitioner joins EPA in this Motion.

Respectfully submitted,



Paul Schwartz  
Counsel for EPA Region 1  
Office of Regional Counsel, EPA Region 4  
61 Forsyth St., SW  
Atlanta, GA 30303  
[Schwartz.paul@epa.gov](mailto:Schwartz.paul@epa.gov)  
404-562-9576 (phone)  
404-562-9486 (fax)

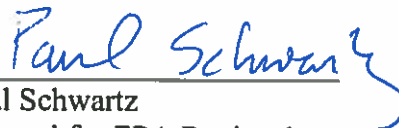
Dated: November 2, 2015

## CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on November 2, 2015, 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:

Seth D. Jaffe  
Jesse Harlan Alderman, Esq.  
FOLEY HOAG LLP  
Seaport World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2600  
[sjaffe@foleyhoag.com](mailto:sjaffe@foleyhoag.com)  
[jalderman@foleyhoag.com](mailto:jalderman@foleyhoag.com)  
telephone: (617) 832-1000  
facsimile: (617) 832-7000

Dated: November 2, 2015



Paul Schwartz  
Counsel for EPA Region 1  
Office of Regional Counsel  
EPA Region 4  
61 Forsyth St., SW  
Atlanta, GA 30303  
[Schwartz.paul@epa.gov](mailto:Schwartz.paul@epa.gov)  
404-562-9576 (phone)  
404-562-9486 (fax)