



states that all prior NPDES permits for this facility denominated the receiving water as Neponset Reservoir. However, EPA's identification of Gudgeon Brook and Robinson Brook as receiving waters was made in the draft permit in 2011, and the issues regarding their status as receiving waters are fully framed by Invensys' comments and EPA's response to comments. Moreover, Robinson Brook, which does not drain to the Neponset Reservoir, was identified as the receiving water in a previous permit for the neighboring Cocasset facility (also owned by Invensys), and drainage from that area along with groundwater infiltration, and inflow from building sumps, has been consolidated as an additional outfall into this permit number. Thus, this is not the first identification of Robinson Brook as a receiving water for discharges now covered by this permit.

EPA did note the recent promulgation of the Clean Water Rule in its Response to Comments. EPA's mention of the Clean Water Rule in the Response to Comments is very brief and essentially confirms that the new Rule, once it takes effect on August 28, 2015, would not change the outcome of EPA's analysis. EPA's jurisdictional analysis mostly derives from an application of the tests established under the Rapanos opinion from the U. S. Supreme Court, currently the controlling authority on this issue of Clean Water Act jurisdiction. Thus, EPA does not agree that these recent developments warrant an extension or significantly enlarge the burden on Invensys in developing its Petition for Review of the permit.

Ultimately, EPA views the justification presented by Invensys for the extension as not different in scope or complexity from the types of issues that arise in practically every NPDES permit. EPA opposes the Motion because EPA does not see a basis for distinguishing this case from any other permit appeal, and EPA believes the 30-day deadline should be generally enforced absent more compelling extenuating circumstances.

For the foregoing reasons, EPA respectfully requests that Invensys' Motion for Extension of Time to File Petition for Review be denied.

Respectfully submitted.



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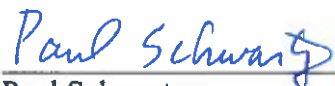
Dated: August 3, 2015

## CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on August 4, 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:

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