

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

_____)
In re:)
)
) NPDES Appeal No. 13-04
University of Massachusetts Boston)
NPDES Permit No. MA 0040304)
_____)

**REQUEST OF PETITIONER UNIVERSITY OF MASSACHUSETTS BOSTON FOR
LEAVE TO WITHDRAW PETITION**

Petitioner University of Massachusetts Boston (“UMass Boston”), with the assent of respondent United States Environmental Protection Agency, Region 1 (“Region”), requests leave to withdraw its petition in this matter pursuant to 40 C.F.R. § 124.19(k).

On March 11, 2013, UMass Boston filed a petition for review of National Pollutant Discharge Elimination Permit (“NPDES”) No. MA 0040304 as issued by the Region on February 7, 2013. These proceedings have been stayed by order of the Environmental Appeals Board since April 2, 2013 to allow the parties sufficient time to resolve this matter through settlement.

The parties have agreed to the terms of a settlement by which UMass Boston will withdraw its petition and NPDES No. MA 0040304 will take effect on a date to be set by the Region’s final permit decision. Subsequent to the effective date of NPDES No. MA 0040304, the Region will issue a Consented To Order For Compliance (“Order”) pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the “Act”), 33 U.S.C. § 1319(a)(3). The Order will establish alternative deadlines for UMass Boston’s compliance with certain provisions of NPDES No. MA 0040304.

Accordingly, UMass Boston requests leave to withdraw its petition and requests dismissal of its petition so as to enable the Region to issue a timely final permit decision as described.

UMass Boston represents that its undersigned counsel has discussed this request with counsel to the Region and that the Region assents to this request.

Respectfully submitted,

University of Massachusetts Boston

By its attorneys,

/s/ Colin G. Van Dyke _____
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CERTIFICATE OF SERVICE

I, Colin G. Van Dyke, hereby certify that a copy of this Request of Petitioner University of Massachusetts Boston For Leave to Withdraw Petition was served on the 16th day of July, 2013 to the following persons in the manner described below:

By CDX electronic system

Eurika Durr, Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

By electronic mail, by agreement
between the parties

Michael Curley, Attorney-Adviser
U.S. EPA – Region 1
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Signed: July 16, 2013

/s/ Colin G. Van Dyke _____
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