

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL APPEALS BOARD

In re:)
)

Invensys Systems, Inc.)
)

NPDES Appeal No. 15-10

NPDES Permit No. MA0004120)
)
)
_____)

Joint Status Report

This matter was initiated on September 4, 2015, when Petitioner Invensys Systems, Inc. (Invensys), filed a Petition for Review (Petition) of NPDES Permit No. MA0004120, which was issued by the Environmental Protection Agency, Region 1 (EPA, or the Region) on July 17, 2015 (the Permit). Since the Petition was filed, the parties have filed a series of Joint Motions for Stay of Proceedings and Extension of Time to allow Invensys and EPA (the Parties) to pursue settlement negotiations in an attempt to resolve the issues raised in the Petition. Each of those Motions has been granted by the Environmental Appeals Board (the Board). The most recent Order issued by the Board in this matter was issued on March 3, 2016, 2016, and extended the deadline for EPA to file its response to the Petition and a certified index to the Administrative Record until May 4, 2016. The Board's Order of March 3, 2016, further directed the Parties to file a Status Report no later than April 4, 2016, to update the Board on the progress of the Parties' efforts to resolve this appeal, and further directed the Parties, in the event that the Parties request a further stay, to provide in the Status Report information as to the progress they have made since the last status report filed in March 2016, and information regarding the Parties' plan and timeline for resolving any outstanding issues.

Pursuant to 40 C.F.R. 124.19(g), the Parties now file this Joint Status Report. Since the filing of the last Joint Status Report, the Parties have reached agreement in principle on the terms of a settlement that would resolve this matter. Under the agreement in principle, the parties would take the following actions in the following sequence:

- a. Invensys would submit a motion to the EAB requesting dismissal of its Petition for Review pursuant to 40 C.F.R. §124.19(k).
- b. Following the granting of Invensys' Motion to Dismiss by the EAB, EPA Region 1 will issue a "final permit decision" pursuant to 40 C.F.R. § 124.19(l)(2)(i).
- c. Following issuance by EPA Region 1 of a final permit decision, EPA Region 1 will issue an Administrative Order for Compliance on Consent signed by both Parties, the form of which has been agreed to by the Parties.

The parties are presently making final changes to the settlement documents, including a work plan that will be attached to the Administrative Order for Compliance on Consent and implemented by Invensys under its terms. During the next several weeks the Parties will be briefing relevant agency and company officials regarding the terms of settlement, and obtaining concurrence and signature on the settlement documents from authorized officials.

There do not appear to be any outstanding issues and the Parties are hopeful that an additional extension will not be necessary. However, it is possible that the parties will seek a short additional extension to complete the briefing of agency and company officials and the obtaining of signatures on settlement documents from authorized officials. I am authorized by counsel for Petitioners to represent that the Petitioner joins in the filing of this Joint Status Report.

Respectfully submitted,

A handwritten signature in blue ink that reads "Paul Schwartz". The signature is written in a cursive style and is positioned above a horizontal line.

Paul Schwartz
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Dated: March 31, 2016

CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on March 31, 2016, 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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Dated: March 31, 2016


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