

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

In re:)	NPDES Appeal No. 17-01
)	
Town of Marion)	
Department of Public Works)	
NPDES Permit No. MA0100030)	

**BUZZARDS BAY COALITION'S
MOTION TO WITHDRAW ITS PETITION AND DISMISS ITS APPEAL**

Pursuant to 40 C.F.R. § 124.19(k), Buzzards Bay Coalition (the “Coalition”) requests leave to withdraw its Petition in this matter and moves to dismiss its appeal before the Environmental Appeals Board (“Board”).

I. **Background**

On May 15, 2017, pursuant to 40 C.F.R. § 124.19, the Coalition and the Town of Marion, Massachusetts (the “Town” or “Marion”) filed separate Petitions for Review with the Board requesting review of certain conditions of NPDES Permit No. MA0100030 (“Permit”), issued by the Environmental Protection Agency Region 1 (“EPA”). The Permit authorizes the Marion Department of Public Works (“DPW”) to discharge from the Marion Water Pollution Control Facility (the “Facility”) at 50 Benson Brook Road in Marion, Massachusetts.

The Coalition, Marion, and EPA (collectively, the “Parties”) agreed to participate in consolidated settlement discussions through the Board’s alternative dispute resolution process. Through such discussions, the Parties reached an Agreement in Principle on October 12, 2017 in which Marion and EPA agreed to enter into an Administrative Consent Order (“Order”) to resolve

their disputes over the Permit and in which the Coalition agreed to withdraw its appeal to the Board (NPDES 17-01) within five business days of the latest execution date of the final Order. Marion and EPA entered into the final Order on October 20, 2017.

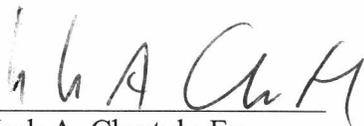
II. Request for Relief

In compliance with the Agreement in Principle and to conserve administrative and judicial resources, the Coalition respectfully requests that the Board issue an order allowing the Coalition to withdraw its Petition and dismissing the Coalition's appeal.

Dated: October 25, 2017

Respectfully submitted,

SIVE, PAGET & RIESEL P.C.
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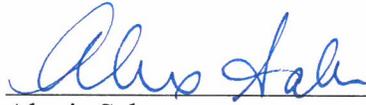
Certificate of Service

I, Alexis Saba, hereby certify that I have served a copy of the foregoing Motion to Withdraw and Dismiss on the following by Federal Express, this 24th day of October 2017:

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