December 28, 2017

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

RE: Barnhardt Manufacturing Co.
NPDES Permit No. MA0003697; NPDES Appeal No. 17-07

Dear Ms. Durr:

Please find “Petitioner’s Motion for Leave to Withdraw the Petition and Joint Motion to Dismiss the Petition,” and accompanying Certificate of Service, in connection with NPDES Appeal No. 17-07.

Sincerely,

Joshua Secunda, Esq.
US Environmental Protection Agency
Office of Regional Counsel, Region 1
5 Post Office Square
Boston, MA 02109-3912
Tel: (617) 918-1736
Email: secunda.joshua@epa.gov
I. BACKGROUND

On September 19, 2017, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0003697 (“NPDES Permit”) to Barnhardt Manufacturing Co. (“Permittee” or “BMC”). On October 16, 2017, BMC timely filed a Petition for Review (“Petition”) with the Board requesting review of certain conditions of the NPDES Permit. On November 1, 2017, the parties jointly moved the Board to stay proceedings in order to facilitate settlement discussions. The Board granted the motion in order to allow the parties to discuss settlement. Order Granting Joint Motion for Stay of Proceedings (November 3, 2017).

II. CAUSE FOR GRANTING MOTION

The parties have settled their differences over the appeal by agreeing on Draft Permit Modification terms that address the issues raised in the Petition to Petitioner’s
satisfaction. The Region has agreed to publish the Draft Permit Modification for public
notice and comment following withdrawal and dismissal of the Petition. Based on this
agreement, the Permittee has agreed to immediately withdraw its Petition. Accordingly,
the Permittee requests leave to withdraw its Petition, and the parties jointly request that
the Board dismiss the Petition in its entirety, with prejudice, pursuant to 40 C.F.R. §
124.19(k). See In the Matter of Town of Uxbridge Wastewater Treatment Facility,

III. REQUEST FOR RELIEF

For the reasons set out above, and to conserve administrative and judicial
resources, the parties respectfully request that the Board issue an order dismissing the
Petition in its entirety, with prejudice.

Dated: December 28, 2017

Respectfully submitted,

U.S. EPA – Region 1 Barnhardt Manufacturing Company

/s/Joshua Secunda /s/Joshua Secunda for
Joshua Secunda Gregory R. Morand
Assistant Regional Counsel Omni Environmental Group
US Environmental Protection Agency 6 Lancaster County Road
Office of Regional Counsel, Region 1 Harvard, MA 01451
5 Post Office Square - Suite 100 Tel: (978) 256-6766
Mail Code: ORA 18-1 E-mail: info@OmniEG.com
Boston, MA 02109-3912
Tel: (617) 918-1736
Fax: (617) 918-0736
Email: secunda.josh@epa.gov
CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner’s Motion for Leave to Withdraw the Petition and Joint Motion to Dismiss the Petition, in connection with Barnhardt Manufacturing Company, NPDES Appeal No. 17-07, was sent to the following persons in the manner indicated:

By Electronic Filing:

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
Mail Code 1103-M
U.S. EPA East Building, Room 3334
Washington, DC 20004
202-233-0122
Email: Clerk_EAB@eab.gov

Via electronic mail, by agreement between the parties

For Barnhardt Manufacturing Co., Inc.:
Gregory R. Morand, Omni Environmental Group
6 Lancaster County Road
Harvard, MA 01451
Tel: (978) 256-6766
Email: Info@OmniEG.com

Michael Gorski, Regional Director
Massachusetts Department of Environmental Protection, Western Regional Office
436 Dwight Street
Springfield, Massachusetts, 01103
413-755-2213
Email: Michael.Gorski@state.ma.us
Dated: December 28, 2017

/s/Joshua Secunda, Esq.
Joshua Secunda, Esq.
US Environmental Protection Agency
Office of Regional Counsel, Region I
5 Post Office Square - Suite 100
Mail Code: OES-04-01
Boston, MA 02109-3912
Tel: (617) 918-1736
Fax: (617) 918-0736
E-mail: secunda.josh@epa.gov