

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

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| |) | |
| In re: |) | |
| City of Haverhill |) | NPDES Appeal No. 19-04 |
| NPDES Permit No. MA0101621 |) | |
| |) | |

ORDER GRANTING MOTION AND
DISMISSING PETITION FOR REVIEW


On October 25, 2019, the City of Haverhill, Massachusetts (“Haverhill”), petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System permit U.S. EPA Region 1 (“Region”) issued to Haverhill on September 25, 2019. The permit authorizes discharges to the Merrimack River from Haverhill’s wastewater treatment facility and combined sewer overflow outfalls. The Board granted four successive motions to stay the proceedings, filed jointly by the parties, to provide them with an opportunity to pursue a negotiated resolution of some or all issues in dispute. The matter is currently stayed through April 30, 2020. On April 27, 2020, pursuant to 40 C.F.R. § 124.19(k), Haverhill filed a motion to dismiss its petition for review. Haverhill represents that the Region assents to the motion.

As grounds for dismissal, Haverhill states that the parties have engaged in months of productive settlement discussions and have negotiated a resolution of Haverhill’s petition. It also states that EPA will initiate permit modification proceedings as soon as possible. Having considered Haverhill’s motion and the representations therein, the Board **GRANTS** the motion and **DISMISSES** Haverhill’s petition for review.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: **Apr 28 2020**

By: 
Mary Kay Lynch
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the **Order Granting Motion and Dismissing Petition for Review** in the matter of *City of Haverhill*, NPDES Appeal No. 19-04, were sent to the following persons in the manner indicated:

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Dated: Apr 28 2020

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