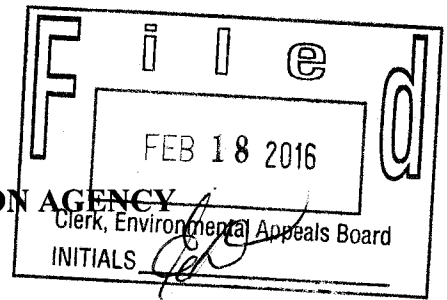


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
City of Nashua) NPDES Appeal No. 15-06
NPDES Permit No. NH0100170)
_____)

ORDER DISMISSING PETITION

On April 13, 2015, the City of Nashua, New Hampshire (the "City") filed a petition seeking review of several conditions in a National Pollutant Discharge Elimination permit issued by U.S. EPA Region 1 (the "Region") that authorizes discharges from the City's Wastewater Treatment Facility and nine Combined Sewer Overflows in the Merrimack and Nashua Rivers. Subsequent to the City's request for review, the Region withdrew portions of the permit, rendering moot some of the challenges raised in the petition and the parties began settlement discussions. The Board granted various requests by the parties to stay this matter to allow time to fully engage in settlement discussions, and required periodic status reports. On October 9, 2015, the parties informed the Board that they had arrived at a settlement that resolved the petition in its entirety, but needed additional time to implement the settlement through a permit modification process. The parties represented that they would file a motion to dismiss the petition when they agreed that the draft permit accurately reflected the settlement terms. The Board extended the stay until February 16, 2016.

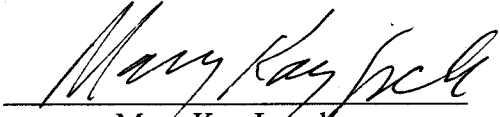
On February 17, 2016, the parties filed a joint motion requesting that the Board grant leave to withdraw the petition and dismiss the petition in its entirety.¹ The parties explain that they agree that the draft permit modification accurately reflects the settlement terms, and the City moves to withdraw its petition.

Upon consideration the Board grants the City's motion to withdraw its petition, and DISMISSES NPDES Appeal No. 15-06 with prejudice.²

So ordered.

Date:

FEB 18 2016


Mary Kay Lynch
Judge, Environmental Appeals Board

¹ The Board expects motions to be timely filed and advises the parties to do so in future appearances before the Board or seek leave for an extension of time.

² The three-member panel deciding this matter is composed of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein, and Mary Beth Ward. 40 C.F.R. § 1.25(e)(1).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition in the matter of City of Nashua Wastewater Treatment Facility, NPDES Appeal No. 15-06, were sent to the following persons in the manner indicated:

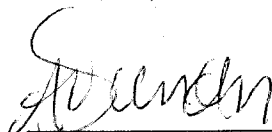
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Dated: FEB 18 2016



Annette Duncan
Secretary