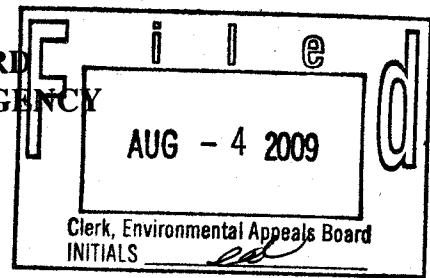


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Lee Wastewater Treatment Facility)

NPDES Appeal No. 08-22

NPDES Permit No. MA0100153)
)

ORDER DISMISSING PETITION FOR REVIEW

On September 23, 2008, U.S. EPA Region 1 (the "Region") issued to the Town of Lee, Massachusetts ("Lee"), a National Pollution Discharge Elimination System ("NPDES") permit No. MA0100153 (the "Permit"). On October 27, 2008, Lee filed a petition requesting that the Board grant review of the Permit's conditions. Consistent with the Board's practice, Board requested that the Region file a response to Lee's petition. Lee and the Region subsequently filed a joint motion requesting a stay of this case for the parties to discuss settlement, which the Board granted and subsequently extended through September 23, 2009. Before the Board at this time is Lee's notice of withdrawal of its petition for review, which states that the parties have agreed to a compliance order that is not before the Board. Upon consideration, the Board grants Lee's withdrawal and hereby dismisses this matter with prejudice.

So ordered.

Dated: *August 4, 2009*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*

Kathie A. Stein

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Dismissing Petition for Review, in the matter of Lee Wastewater Treatment Facility, NPDES Appeal No. 08-22, were sent to the following persons in the manner indicated:

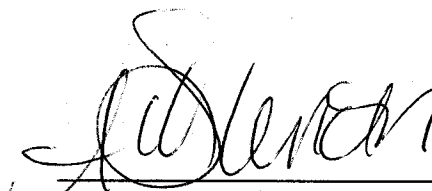
By Pouch Mail and FAX:

Ronald A. Fein,
Assistant Regional Counsel
U.S. EPA, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
Fax: 617-918-0040

By First Class Mail and FAX:

Jeremia A. Pollard
Hannon Lerner
184 Main St. P.O. Box 697
Lee, MA 01238
Fax: 413-243-4919

Dated: AUG - 4 2009


Annette Duncan
Secretary