

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

In the Matter of:	)	
	)	
	)	
Town of Uxbridge	)	
Wastewater Treatment Facility	)	NPDES Appeal No. 13-06
	)	
NPDES Permit No. MA0102440	)	
	)	

**REQUEST OF PETITIONER TOWN OF UXBRIDGE SEWER COMMISSION  
FOR LEAVE TO WITHDRAW PETITION**

Petitioner Town of Uxbridge Sewer Commission (“Uxbridge”), with the assent of respondent United States Environmental Protection Agency, Region 1 (“Region”), requests leave to withdraw its petition in this matter pursuant to 40 C.F.R. § 124.19(k).

On July 19, 2013, Uxbridge filed a petition for review of National Pollutant Discharge Elimination Permit (“NPDES”) No. MA 0102240 as issued by the Region on June 18, 2013. These proceedings have been stayed by Orders of the Environmental Appeals Board since July 30, 2013 to allow the parties sufficient time to resolve this matter through settlement.

The parties agreed to the terms of a settlement which has been executed by both parties. Pursuant to the agreement, the Region issued Findings and Order for Compliance On Consent (“Order”) on April 9, 2014 pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the “Act”), 33 U.S.C. § 1319(a)(3). The Order, *inter alia*, establishes a compliance schedule, interim effluent limits, and monitoring and reporting obligations.

A condition of the Order, as agreed to by the parties, requires Uxbridge to request dismissal of this appeal pursuant to 40 C.F.R. § 124.19(k).

Accordingly, Uxbridge requests leave to withdraw its petition and requests dismissal of its petition. Uxbridge represents that its undersigned counsel has discussed this request with counsel to the Region and that the Region assents to this request.

Respectfully submitted,

Town of Uxbridge Sewer Commission

/s/ John F. Shea  
John F. Shea, Esq.  
Mackie Shea O'Brien, P.C.  
420 Boylston Street, 5<sup>th</sup> Floor  
Boston, MA 02116  
Tel: (617) 266-5700  
Fax: (617) 266-5237  
E-mail: [jfs@lawmso.com](mailto:jfs@lawmso.com)

Date: April 10, 2014

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Request of Petitioner Town of Uxbridge Sewer Commission for Leave to Withdraw Petition, in connection with In re Town of Uxbridge Wastewater Treatment Facility, NPDES Appeal No. 13-06, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By electronic mail, by agreement between the parties:

Michael Curley, Esq.  
US Environmental Protection Agency  
Office of Regional Counsel, Region  
5 Post Office Square - Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912  
Tel: (617) 918-1623  
Fax: (617) 918-0623  
E-mail: [curley.michael@epa.gov](mailto:curley.michael@epa.gov)

Dated: April 10, 2014

\_\_\_\_\_/s/ John F. Shea  
Mr. John F. Shea, Esq.  
Mackie Shea O'Brien, P.C.  
420 Boylston Street, 5th Floor  
Boston, MA 02116  
Tel: (617) 266-5700  
Fax: (617) 266-5237  
E-mail: [jfs@lawmso.com](mailto:jfs@lawmso.com)