

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

In the Matter of:

Charles River Pollution Control District

NPDES Appeal No. 26-02

NPDES Permit No. MA0102598

MOTION FOR STAY OF THE PROCEEDINGS

Pursuant to 40 C.F.R. § 124.19(f), Region 1 of the United States Environmental Protection Agency (“EPA”) hereby moves the Environmental Appeals Board (“Board”) to stay the proceedings in this matter to provide the parties with an opportunity to pursue a negotiated resolution of the issue in dispute in the above-captioned matter.

The grounds for this motion are as follows:

1. On December 15, 2025, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (“Permit”), authorizing discharges from the Charles River Pollution Control District’s wastewater treatment facility to the Charles River.
2. On January 13, the Charles River Pollution Control District (“Petitioner”) timely filed its Petition for Review (“Petition”) with the Board. The Petitioner requests review of the effluent flow limit applicable from July through September.
3. Under 40 C.F.R. § 124.19(b)(2), EPA’s response to the Petition, along with a certified index and relevant portions of the administrative record, is due within 30 days after service of the Petition, or February 12, 2026.

4. EPA has conferred with Counsel for the Petitioner, and both parties have agreed to initiate a discussion to ascertain whether a negotiated resolution of the issue raised in the Petition is possible. Should the parties settle their differences, the need for EPA and the Petitioner to direct resources toward litigation-related activity would be minimized, an outcome that would conserve the resources of the parties as well as of the Board.
5. Due to the technical nature of the issue raised in the Petition, it will be appropriate to convene both legal and technical personnel in any settlement discussion. Additionally, EPA anticipates participation from the Massachusetts Department of Environmental Protection in these discussions. Preparing for and scheduling these meetings will be challenging, given the number of individuals required.
6. To allow settlement discussions to unfold in an orderly manner, while at the same time ensuring matters on the Board's docket are expeditiously resolved, the parties request the following:
 - a. A 60-day stay of the proceedings that holds the filing deadline for the EPA's response to petition in abeyance, such that the parties' full attention may be directed toward the subject matter that will be at issue in settlement discussions, rather than to litigation before the Board.
 - b. An order directing the parties to file status reports at 30-day intervals, with the first report due upon the end of the initial 60-day stay. In the status report, the parties will report on the progress of negotiations, which will include a discussion of whether it is appropriate to continue the stay, dismiss the Petition, or lift the stay and establish a schedule for EPA to file a response to the Petition.

Pursuant to 40 C.F.R. § 124.19(f)(2), EPA contacted Petitioner's counsel to ascertain its position on this motion. Petitioner's counsel has assented to this Motion.

For the reasons set forth above, and in the interest of conserving judicial resources and promoting efficiency, EPA respectfully requests that the Board grant this Motion to Stay the Proceedings.

Dated: January 22, 2026

Respectfully submitted,

U.S. EPA – Region 1

Michael Knapp, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 1
5 Post Office Square
Boston, MA 02109
Tel: (617) 918 - 1053
Email: knapp.michael@epa.gov

Of Counsel:

Pooja Parikh, Esq.
Water Law Office, Office of General Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Stay of the Proceedings, in connection with *In re Charles River Pollution Control District*, NPDES Appeal No. 26-02, was sent to the following persons in the manner indicated:

By Electronic Filing:

Tommie Madison
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
WJC East Building, Room 3332
Washington, DC 20004

By Electronic Mail:

Petitioner

Matthew J. Connolly
mconnollyg@nutter.com
Matthew Snell
msnell@nutter.com
Nutter McCennen & Fish, LLP
Seaport West, 155 Seaport Blvd.
Boston, MA 02210

Dated: January 22, 2026

Michael Knapp, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109
(617) 918-1053
Knapp.michael@epa.gov