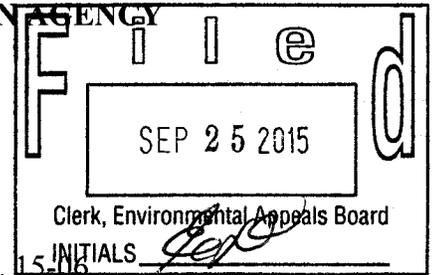


**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)

City of Nashua)

NPDES Permit No. NH0100170)
_____)

NPDES Appeal No. 15-116

THIRD ORDER EXTENDING STAY OF PROCEEDINGS

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”). Shortly thereafter the Region withdrew portions of the permit, rendering moot some of the challenges raised in the Petition. The parties also began discussions to explore the possibility of a negotiated resolution of the remaining issues, and requested that the Environmental Appeals Board (“Board”) stay this matter to allow the parties the opportunity to engage in settlement discussions. The Board granted the parties’ request and stayed this matter until August 14, 2015. On July 31, 2015, the parties requested a second stay of proceedings explaining that while they had been actively engaged in settlement discussions and had materially progressed toward resolution, they still needed additional time to work on several outstanding issues prior to finalizing their positions. The Board granted the parties’ request and extended the stay until September 28, 2015.

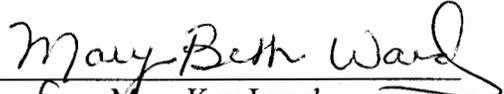
The parties now seek an additional extension of the stay. *See* Third Joint Motion to Stay the Proceedings (Sept. 22, 2015). The parties explain that on September 9, 2015, the City transmitted a written counter offer to the Region, that the Region is currently reviewing and preparing a response to the counter offer, and that the parties have agreed to meet on September 28, 2015, to attempt to

resolve any remaining issues in dispute. *Id.*; *see also* Joint Status Report (Sept. 14, 2015). The parties also explain that while they are committed to work diligently to resolve their outstanding differences at this meeting they will likely need additional time to exchange information with each of their technical teams. The parties request that the Board extend the stay another fourteen (14) days.

For good cause shown, the Board grants the parties' request to stay this matter. *See* 40 C.F.R. § 124.19(n). The Board reiterates its appreciation of the parties' efforts to resolve this matter. This case is now stayed until **October 13, 2015**, by which point the parties will inform the Board of the status of this matter.¹

So ordered.

Date: 9/25/15


for Mary Kay Lynch
Judge, Environmental Appeals Board

¹ Any request to extend the current stay of proceedings should be in the form of a written motion for extension time in accordance with 40 C.F.R. § 124.19(f)(1). Motions for extensions of time must be filed sufficiently in advance of the due date to, *inter alia*, provide the Board with a reasonable opportunity to issue an order. *Id.* § 124.19(g). In addition, parties must demonstrate good cause to be awarded additional time. *Id.* § 124.19(n).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Third Order Extending Stay of Proceedings 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:

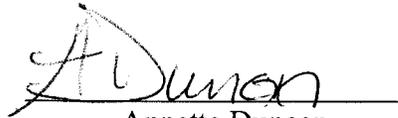
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Dated: SEP 25 2015


Annette Duncan
Secretary