



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

Filed Via the EAB's Electronic Filing System

November 18, 2014

Ms. Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
Washington, D.C. 20460

Re: Parties' Joint Response to the Board's Notice Regarding the Board's ADR Program;
Appeal No. NPDES 14-03 (In Re: General Electric Aviation, NPDES Permit No.
MA0003905)

Dear Ms. Durr:

On November 7, 2014, the parties in the above-referenced NPDES permit appeal filed a joint motion seeking a stay of the proceeding to allow them time to pursue settlement negotiations. The Board granted the motion in an Order dated November 13, 2014, and the proceeding is currently stayed.

Just after filing the joint motion seeking the stay, counsel for both parties received a November 5, 2014, letter from you notifying the parties of the possibility of requesting participation in the Board's Alternative Dispute Resolution ("ADR") program as a means of potentially helping to resolve the disputes that had been placed before the Board.

The parties respectfully thank the Board for offering the ADR program for our consideration. The parties discussed it but concluded that settlement negotiations were a more appropriate step at this stage of the proceeding in order to try to resolve without litigation as many of the issues raised in the permit appeal as possible. At the same time, the parties also agree that they might decide that ADR could be useful at a later time to address any issues left unresolved by settlement negotiations. If that eventuality occurs, the parties will immediately request the Board's leave to participate in its ADR program. While the parties recognize that the Board's November 5, 2014, letter stated that a request to participate in the ADR program must be submitted by November 17, 2014, the parties respectfully note that this deadline was set prior to the proceeding being stayed on November 13, 2014. Therefore, the parties are hopeful that the Board might entertain an ADR request at a later date, should the parties share an interest in pursuing ADR.

Thank you for your assistance with the filing of this letter.


Sincerely,

Counsel for U.S. EPA Region 1:

Counsel for General Electric Aviation:



Mark A. Stein
Senior Assistant Regional Counsel



Brooks M. Smith, Esq.
Troutman Sanders LLP

cc: Brooks M. Smith, Esq., Troutman Sanders

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2014, a copy of EPA Region 1 and General Electric Aviation's Letter re "Parties' Joint Response to the Board's Notice Regarding the Board's ADR Program," in the matter of General Electric Aviation (NPDES Permit No. 0003905), NPDES Appeal No. 14-03, was served on 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 Transmission (as agreed upon):

Brooks M. Smith
Troutman Sanders LLP
1001 Haxall Point
Richmond, VA 23219
Tel: (804) 697-1414
401 9th Street, NW
Washington, DC 20004
(202) 274-2991
brooks.smith@troutmansanders.com

Dated: November 18, 2014



Mark A. Stein
Senior Assistant Regional Counsel