



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

September 2, 2015

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

RE: Town of Salisbury Sewer Commission
NPDES Permit Appeal No. 15-11; NPDES Permit No. MA0102873

Dear Ms. Durr:

Please find a Joint Motion to Stay the Proceedings, and accompanying Certificate of Service, in connection with NPDES Appeal No. 15-11.

Sincerely,

Samir Bukhari
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Enclosures

Cc: William E. Taylor, Esq.

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

)	
In the Matter of:)	
)	
Town of Salisbury)	
Sewer Commission)	NPDES Appeal No. 15-11
)	
NPDES Permit No. MA0102873)	
)	

JOINT MOTION TO STAY THE PROCEEDINGS

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Salisbury Sewer Commission (“Salisbury”) respectfully request that the Environmental Appeals Board (“Board”) stay proceedings in this matter in order to allow the parties to undertake settlement negotiations. The grounds for this motion are discussed below.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

On July 9, 2015, the Region issued National Pollutant Discharge Elimination System Permit No. MA0102873 (“NPDES Permit”) to Salisbury. On August 13, 2015, Salisbury timely filed a Petition for Review (“Petition”) with the Board requesting review of certain conditions of the NPDES Permit. Counsel for the parties have conferred and have concluded that a negotiated resolution of the issues raised in the Petition is likely and have agreed to enter into settlement discussions. In order to resolve the issues on

appeal, the parties will need to coordinate discussions between their respective technical representatives. Assuming satisfactory resolution of the issues, counsel for the parties will then need to agree on the terms of an administrative order, which the parties at this juncture believe will be the appropriate mechanism to implement any settlement. This will necessitate the involvement of Region 1 enforcement staff and counsel. The Region will also need to consult with EPA's Office of General Counsel, and finally with the Massachusetts Department of Environmental Protection, prior to finalizing a settlement. To provide the parties sufficient time to conclude negotiations in light of the above, the Region and Salisbury respectfully request the Board to stay the proceedings for 60-days, and to hold in abeyance the deadline for the Region to file its Response to Petition and the certified index to the administrative record. Under the proposed stay, the parties will file a report with the Board after 30 days explaining the status of the matter, include a discussion of recommended next steps for the efficient resolution of the pending Petition. At that time, the parties will either inform the Board of the expected timeframe for concluding settlement discussions and dismissing the appeal or will request the Board to lift the stay and establish a new deadline for the Region to file its Response and certified index.

CONCLUSION

For these reasons, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order that: (1) stays the proceedings for 60 days; (2) requires a joint status report within 30 days; and (3) holds the deadlines

for the Region to file its Response to Petition and the certified index to the administrative record in abeyance pending settlement discussions.

Dated: September 2, 2015

Respectfully submitted,

U.S. EPA – Region 1

Town of Salisbury Sewer Commission

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Stay the Proceedings, in connection with In re Town of Salisbury Wastewater Treatment Facility, NPDES Appeal No. 15-11, 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:

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Dated: September 2, 2015

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