



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

VIA ELECTRONIC FILING

November 4, 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 Second 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)	
)	

SECOND JOINT MOTION TO STAY THE PROCEEDINGS

I. BACKGROUND

On July 9, 2015, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0102873 to the Town of Salisbury, Massachusetts (“Salisbury”). On August 13, 2015, Salisbury timely filed a Petition for Review with the Environmental Appeals Board requesting review of certain conditions of the NPDES Permit. On September 2, 2015, the parties jointly moved the Board to stay proceedings for 60 days in order to facilitate settlement discussions. The Board granted the motion on September 11, 2015, staying the proceedings until November 10, 2015, and directing the parties to file a status report no later than October 13, 2015 and to include in that report recommended steps to resolve the pending Petition. *Order Granting Stay of Proceedings* at 2.

In a timely filed joint status report, the parties described the progress made toward settlement, indicating that the Region had transmitted a draft administrative order to the Town and that the Town had commenced its review. *Joint Status Report* (October 13,

2015) at 2. The parties represented that they “continue to believe that the most likely outcome of negotiations will be an agreement by the parties over the terms of an administrative order and dismissal by the Town of the pending Petition,” and further indicated that they were optimistic that the matter could be resolved within the term of the existing stay. *Id.*

II. GROUNDS FOR EXTENDING THE STAY

Since the filing of the Joint Status Report, the parties have made substantial progress toward full resolution of the Petition, but have determined that a modest extension of time will be needed to finalize an agreement, complete internal reviews and prepare documentation associated with dismissing the appeal and putting the permit into effect. The Town completed its review of the draft administrative order and transmitted comments to the Region on October 30, 2015. The Region has reviewed the proposed changes and is preparing to send the Town a new version of the order. The parties expect that this new version will be reviewed expeditiously and, in the likely event agreement is reached, that the parties will be able to make any necessary filings with the Board to dispose of the Petition within thirty (30) days.

III. REQUEST FOR RELIEF

For the reasons above, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order that stays the proceedings for an additional thirty (30) days.

Dated: November 4, 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 Second 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: November 4, 2015

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