



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

**VIA ELECTRONIC FILING**

December 8, 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 Third Joint Motion to Stay the Proceedings, and accompanying Certificate of Service, in connection with NPDES Appeal No. 15-11.

Sincerely,

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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	)	
	)	

**THIRD 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 (“Town”). On August 13, 2015, the Town timely filed a Petition for Review with the Environmental Appeals Board requesting review of certain conditions of the Final 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 in order to allow the parties to engage in settlement discussions. *Order Granting Stay of Proceedings* (September 11, 2015). It subsequently extended the stay until December 10, 2015 to allow those discussions to conclude. *Order Extending Stay of Proceedings* (November 6, 2015).

**II. GROUNDS FOR EXTENDING THE STAY**

The parties are nearing final agreement over the terms of an administrative order, which will result in the voluntary withdrawal of the pending Petition by the Town. The parties have made their best efforts to conclude their negotiations prior to the expiration of the existing stay on December 10, 2015. Although it is still possible that agreement will be achieved prior to the end of the stay, the parties have consulted and determined that it would be prudent to request a short additional stay to allow negotiations to fully conclude in an orderly, but still expeditious, manner. The parties continue to make substantial progress toward settlement and continue to believe that the matter will be settled in its entirety. Accordingly, the parties request the Board to extend the stay for an additional fourteen (14) 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 fourteen (14) days.

Dated: December 8, 2015

Respectfully submitted,

U.S. EPA – Region 1

Town of Salisbury Sewer Commission

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Samir Bukhari  
Assistant Regional Counsel  
US Environmental Protection Agency  
Office of Regional Counsel, Region 1

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Third 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: December 8, 2015

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