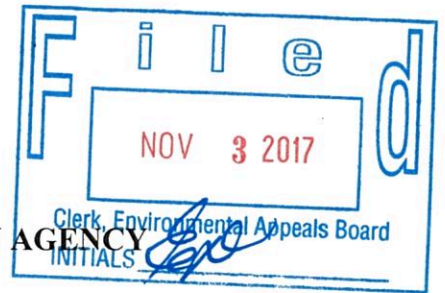


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )

Barnhardt Manufacturing Co. )

NPDES Permit No. MA0003697 )  
\_\_\_\_\_ )

NPDES Appeal No. 17-07

**ORDER GRANTING JOINT MOTION FOR STAY OF PROCEEDINGS**

The parties in the above-captioned matter, U.S. EPA Region 1 (“Region”) and Barnhardt Manufacturing Company, have filed a joint motion (“Motion”) with the Environmental Appeals Board (“Board”) requesting a 90-day stay of the proceedings and to hold in abeyance the deadline for the Region to file its response to the Petition and the certified index to the administrative record to allow the parties to undertake settlement negotiations. The parties also request that the Board defer the deadline for responding to the Board’s offer of Alternative Dispute Resolution (“ADR”) for the pendency of settlement discussions. The parties represent that they “have conferred several times since the filing of the Petition, and have concluded that a negotiated resolution of the issues raised in the Petition is likely and have agreed to enter into settlement discussions.” Joint Motion to Stay the Proceedings at 1 (Nov. 1, 2017).

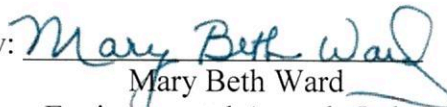
For good cause shown, the Board grants the parties’ Motion to stay this matter and to hold in abeyance the deadlines for the Region to file its response and certified index to the administrative record, and to defer the deadline for responding to the Board’s offer of ADR. This case is now stayed until **February 1, 2018**. The parties shall file status reports on **December 11, 2017**, and **January 8, 2018**. In each status report, the parties shall inform the Board as to the progress the parties have made as well as their plan and expected timeframe for

concluding settlement discussions and dismissing the appeal; or alternatively, the parties will request that the Board lift the stay and establish a new deadline for the Region to file its response and certified index. The Board will review each status report, and assess whether the stay continues to be appropriate. If it appears that continuation of the stay may no longer be appropriate, the Board will ask the parties to file a supplemental status report to address that question. To the extent that the parties seek a further stay of proceedings beyond February 1, 2018, the parties must file a motion requesting a further stay no later than **January 25, 2018**. The motion must specify the length of, and explain the basis for, such a further stay.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: NOV 03 2017

By:   
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Granting Joint Motion for Stay of Proceedings* in the matter of Barnhardt Manufacturing Co., NPDES Appeal No. 17-07, were sent to the following persons in the manner indicated:

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Dated: NOV 03 2017



Annette Duncan  
Administrative Specialist