

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

)	
In re:)	
City of Haverhill)	NPDES Appeal No. 19-04
NPDES Permit No. MA0101621)	
)	

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

The City of Haverhill, Massachusetts, petitioned the Environmental Appeals Board (“Board”) to review a National Pollution Discharge Elimination System (“NPDES”) permit U.S. EPA Region 1 (“Region”) issued to Haverhill authorizing discharges from Haverhill’s wastewater treatment facility to the Merrimack River. Pursuant to 40 C.F.R. § 124.19(b)(2), the Region’s response to the petition, along with the certified index and relevant portions of the administrative record, presently are due Wednesday, November 27, 2019.

On November 14, 2019, Haverhill and the Region filed a Joint Motion to Stay the Proceedings to provide the parties with an opportunity to pursue a negotiated resolution of some or all issues in dispute. Joint Motion to Stay the Proceedings at 1.

In the Joint Motion, the parties state that if they succeed in settling their differences in whole or in part, the need for them to direct resources toward litigation-related activity would be minimized, which would conserve their resources as well as the Board’s. *Id.* at 2. The parties additionally state that the issues in this appeal overlap with legal and factual claims presented in a separately filed petition currently before the Board (*In re Greater Lawrence Sanitary District*, NPDES Appeal No. 19-05), which they also seek to stay, presenting the opportunity for the parties to efficiently, and consistently, address issues common to both petitions. *Id.* The parties

request a sixty-day stay of proceedings to allow the parties to direct their full attention to the “technically complex subject matter” at issue in settlement, rather than to litigation before the Board. *Id.* at 3.

For the reasons stated in the parties’ Joint Motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Joint Motion to Stay the Proceedings. The matter will be stayed until **Friday, January 17, 2020**. The parties must file a status report no later than **Tuesday, January 7, 2020**. The status report must apprise the Board of the progress of settlement negotiations, including the parties’ plan and expected timeframe for concluding settlement discussions and whether it is appropriate to continue the stay, or lift the stay and establish a schedule for the Region to file a response to the petition. To the extent the parties seek a further stay beyond January 17, 2020, they must specify the length of, and the basis for, such a further stay. Alternatively, the parties will file a motion seeking dismissal of the petition.

Finally, pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Parties shall promptly file a notice in this matter informing the Board and the other parties if their e-mail addresses change.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: Nov 19 2019

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the **Order Granting Joint Motion to Stay the Proceedings** in the matter of *City of Haverhill*, NPDES Appeal No. 19-04, were sent to the following persons in the manner indicated:

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Dated: ***Nov 19 2019***



Erika Durr
Clerk of the Board