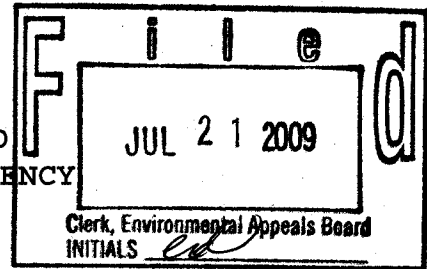


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Town of Wayland)
Wastewater Management) NPDES Appeal Nos. 08-26 & 08-27
)
Permit No. MA0039853)
)

ORDER EXTENDING STAY OF PROCEEDINGS

On July 9, 2009, U.S. EPA Region 1 (the "Region"), with the assent of the petitioners in this case, Thomas Arnold (NPDES Appeal No. 08-26) and the U.S. Department of Interior ("DOI") (NPDES Appeal No. 08-27), and intervenor the Town of Wayland Wastewater Management District Commission (the "Town"), filed a third status report and a motion requesting a fourth stay of the proceedings in the above-captioned matters. The parties request an extension of 135 days - until January 13, 2010 - to formalize agreements and undergo permit modification. In their previous request for additional time, the parties represented that, at a minimum, a three-party agreement would be formalized by July 10, 2009. Such agreement, however, was not produced.

While the parties are making progress in trying to resolve this matter via settlement, as evidenced by the Region's withdrawal

of some of the contested permit limits, the parties' submissions still suggest much to be resolved. For example, the July 9 status report explains that DOI, the Town and the Region are still exchanging "suggestions and text regarding some sections of the draft Agreement." The report also speaks vaguely of an "as-yet unresolved matter regarding amending the terms of a monitoring protocol." Because predictions by the parties of further progress with respect to the formalization of a three-party agreement have not been fulfilled, and success in reaching a four-party agreement is still in doubt, we are hesitant to allow a six months extension of time -- which nearly equates to the sum of all the extension previously granted.

Before granting considerably more negotiating time to the seven months already allowed, the Board is fair in asking the parties, or most parties, to demonstrate achievement of at least the first step: a final settlement agreement substantially resolving their differences. Accordingly, the parties are ordered to provide a status report of their settlement progress by August 20, 2009. If some or all parties by then reach a final agreement, then the Board will be open to discuss a further time extension to allow the necessary time for the permit modification process to take place. If by such date the parties report that have not

reached an agreement, further requests for extension will be subject to very close scrutiny by the Board.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

July 21, 2009

By:

Charles J. Sheehan

Charles J. Sheehan

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Extending Stay of Proceedings in the matter of Wayland Wastewater Management, NPDES Appeal Nos. 08-26 & 08-27, were sent to the following persons in the manner indicated:

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Dated: _____

JUL 21 2009



Annette Duncan
Secretary