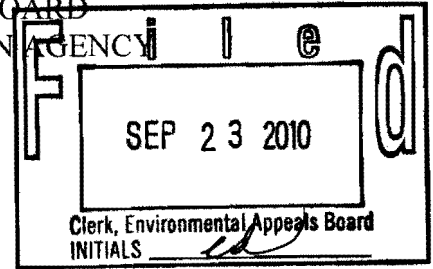


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

City of Fitchburg Wastewater Treatment)
Facilities Commission,)

Petitioner,)

NPDES Permit No. MA0100986)

) NPDES Appeal No. 10-14
)
)
)
)
)
)

AMENDED ORDER GRANTING STAY

On August 26, 2010, the City of Fitchburg Wastewater Treatment Facilities Commission (“Petitioner”) petitioned the Environmental Appeals Board (“Board”) for review of an NPDES permit issued to the Petitioner by Region 1 of the United States Environmental Protection Agency (“the Region”). Consistent with the Board’s practice, the Clerk of the Board requested that the Region submit a response to the Petition by October 18, 2010. *See* Board’s Letter to Carl Dierker, U.S. EPA Region 1, Requesting Response to Petition for Review (August 30, 2010). On September 21, 2010, the Region, with the assent of Petitioner, filed a motion to stay the proceedings to allow the parties to undertake settlement negotiations.

The Region asserts that the parties believe that it may be possible to resolve the contested permit limits in this appeal through settlement, and in the interest of conserving administrative and judicial resources, wish to stay all proceedings so as to focus time and effort on settlement

negotiations. The Region requests that the matter be stayed until January 14, 2011, and proposes to submit a status report no later than January 7, 2011. According to the Region, an extension of this length is necessary to (1) develop technical information to resolve the issues presented; (2) schedule discussions between the Region and the City; and (3) coordinate any facility improvements undertaken to comply with the contested permit limits with other significant, integrally related work that the City will likely need to undertake in the near future.

Having considered the motion and for good cause shown, the Region's motion is GRANTED. This matter is stayed until **January 14, 2011**. A status report is due no later than **January 7, 2011**,¹ to advise the Board as to whether the stay should be extended, whether a revised scheduling order should be entered, or whether some other Board action is appropriate.

So ordered.

Dated: Sept. 23, 2010

ENVIRONMENTAL APPEALS BOARD

Charles Sheehan (for KAS)
Kathie A. Stein
Environmental Appeals Judge

¹ In the original order, the date for the status report was erroneously stated as January 7, 2010. This Amended Order corrects that typographical error.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Stay, in the matter of City of Fitchburg Water Treatment Facilities Commission, NPDES Appeal No. 10-14 were sent to the following persons in the manner indicated:

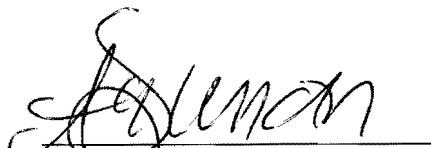
By Pouch Mail and FAX:

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Dated: SEP 23 2010


Annette Duncan