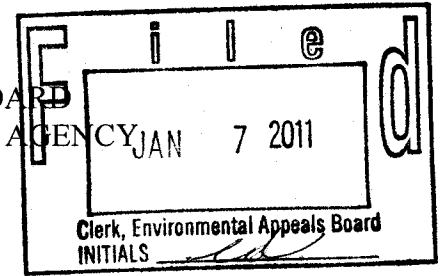


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

City of Fitchburg Wastewater Treatment)
Facilities Commission,)

Petitioner,)

NPDES Permit No. MA0100986)

)

NPDES Appeal No. 10-14

SECOND ORDER GRANTING STAY

On August 26, 2010, the City of Fitchburg Wastewater Treatment Facilities Commission (“the City”) petitioned the Environmental Appeals Board (“Board”) for review of an NPDES permit issued to the City by Region 1 of the United States Environmental Protection Agency (“the Region”). At the request of the parties, the Board granted an initial stay of the proceedings in this matter to allow the parties to undertake settlement negotiations. That stay expires January 14, 2011. In a Status Report and Motion to Extend Stay, filed January 4, 2011, the Region, with the assent of the City, moved for an extension of the stay to April 14, 2011.

Since the Board’s order granting the initial stay, the parties have engaged in initial settlement discussions, discussed potential actions that the City could take to comply with the contested permit limits, as well as an approximate timeframe for compliance. The motion asserts

that the City's consultants will now engage in a more detailed study of the steps needed for compliance and will consider more detailed timeframes. The Region asserts that the parties believe that further discussions will likely be productive, and indicates that the parties intend to engage in more detailed discussions in early 2011.

In the interest of conserving administrative and judicial resources, the parties seek to extend the stay of all proceedings to focus their time and effort on settlement negotiations, rather than on the proceedings before the Board. The Region requests an extension of the stay until April 14, 2011, and proposes to submit a status report no later than April 7, 2011. According to the Region, an extension of this length is reasonable and necessary to: (1) further develop the technical information needed to resolve the issues presented; and (2) 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 **April 14, 2011**. A status report is due no later than **April 7, 2011**, 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. If a

further extension is requested, the Board will consider whether to schedule a status conference before acting on that request.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 7, 2010

Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Second 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:

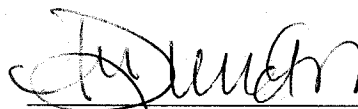
By Pouch Mail and FAX:

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Dated: JAN -7 2011



Annette Duncan