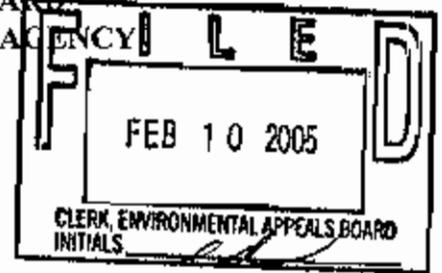


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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



\_\_\_\_\_)  
In re: )  
Scituate Wastewater Treatment Plant )  
\_\_\_\_\_)  
NPDES Permit No. MA0102695 )  
\_\_\_\_\_)

NPDES Appeal No. 04-17

**ORDER GRANTING TEMPORARY STAY OF PROCEEDINGS**

On December 27, 2004, the Town of Scituate and the Scituate Wastewater Treatment Plant ("Petitioners" or "Scituate") filed a petition for review ("Petition") with the Environmental Appeals Board ("Board"). The Petition challenges a U.S. Environmental Protection Agency ("EPA") permit decision issued by EPA Region I under the Clean Water Act's National Pollutant Discharge Elimination System ("NPDES") permit program for discharges from the Scituate Wastewater Treatment Plant into the Herring River. By letter dated December 28, 2004, the Board established a deadline of February 14, 2005, for submission of the Region's response to the Petition.

On February 9, 2005, Region I filed Respondent's Memorandum in Opposition to Petition for Review, responding to the substance of Scituate's Petition. Also on February 9, 2005, the Region I and Scituate filed a one-page Joint Report of Parties Regarding Potential Settlement ("Joint Report"). In the Joint Report, the parties explain that "they now wish to make an attempt at settlement." Joint Report at 1. To facilitate this effort the parties "request that the

Board not rule on this matter prior to April 14, 2005,” at which point the parties propose to report further on “whether settlement has been achieved or whether \* \* \* more time would be useful to attempt to achieve settlement.” *Id.*<sup>1</sup>

Upon consideration of the parties representations in the Joint Report, and for good cause shown, the Board hereby stays its consideration of the above captioned Petition until April 14, 2005. No later than April 14, 2005, the parties must file a joint status report with the Board, indicating whether settlement has been reached or whether the parties are continuing to make progress toward settlement. If the parties believe, at that point, that additional time for settlement discussion is warranted, in addition to the joint status report mentioned above, the parties may file, no later than April 14, 2005, a request for additional stay of the Board’s consideration of the Petition.<sup>2</sup> If at any time following the issuance of today’s Order, the parties reach settlement in

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<sup>1</sup> In addition, Scituate reserves the right to file a request for leave to file a reply brief should settlement not be reached and Region I reserves the right to oppose that request.

<sup>2</sup> Because Region I has already filed its response to the Petition, extension of Region I’s February 14, 2005 response deadline is unnecessary.

this matter, or if settlement discussions are terminated, the parties shall notify the Board promptly and recommend appropriate further action on these proceedings.

So ordered.

Dated: *2/10/05*

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich

Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing ORDER GRANTING TEMPORARY STAY OF PROCEEDINGS in the matter of Scituate Wastewater Treatment Plant, NPDES Appeal No. 04-17, were sent to the following persons in the manner indicated.

By First Class, U.S. Mail and facsimile:

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Dated: . FEB 10 2005

  
Annette Duncan  
Secretary