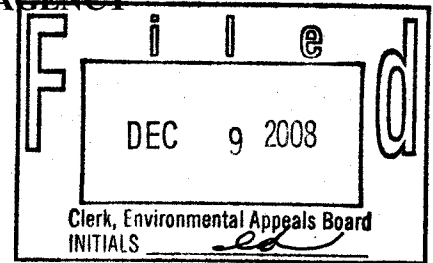


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



In re: )  
)  
)  
Lee Wastewater Treatment Facility )  
)  
)  
NPDES Permit No. MA0100153 )  
)  
)  
\_\_\_\_\_ )

NPDES Appeal No. 08-22

**ORDER GRANTING STAY**

On September 23, 2008, U.S. EPA Region 1 (the "Region") issued to the Town of Lee, Massachusetts ("Lee"), a National Pollution Discharge Elimination System ("NPDES") permit No. MA0100153 (the "Permit"). On October 27, 2008, Lee filed a petition requesting that the Board grant review of the Permit's conditions. Consistent with the Board's practice, by letter dated November 5, 2008, the Clerk of the Board requested that the Region file on or before December 22, 2008, a response to Lee's petition and provide other information described in the letter.

Before the Board at this time is the Region's and Lee's joint motion requesting a stay of this proceeding to provide them an opportunity to engage in settlement discussions. The Region and Lee request that this matter be stayed until April 22, 2009. They state that they believe resolution of some or all of the issues in this appeal is possible and that a stay of this length is necessary for them to develop technical information to resolve the issues presented and to schedule their discussions and to consult with external parties, such as the Massachusetts

Department of Environmental Protection. They propose to submit a status report on or before April 22, 2009, advising whether the Board should further extend the stay, establish a revised schedule for briefing, or take other appropriate action.

Upon consideration, the Board hereby grants the parties' joint motion for a stay of this matter as follows: the due date stated in the Clerk's November 5, 2008 letter for the Region to file its response and the other information described in the letter is hereby stayed until April 22, 2009. In the event the parties desire that the stay be extended beyond that date, they shall, either jointly or severally, file an appropriate motion requesting an extension of the stay and reporting on the progress made towards settlement of this matter. Any such motion should be made in sufficient time to afford the Region an opportunity to prepare and file its response before the April 22, 2009 due date, in the event that the Board denies an extension of this stay.

So ordered.

Dated: *12/9/2008*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*  
Kathie A. Stein  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Stay, in the matter of Lee Wastewater Treatment Facility, NPDES Appeal No. 08-22, were sent to the following persons in the manner indicated:

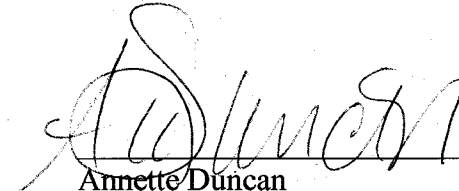
**By Pouch Mail and FAX:**

Ronald A. Fein,  
Assistant Regional Counsel  
U.S. EPA, Region 1  
One Congress Street, Suite 1100 (RAA)  
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Fax: 617-918-0040

**By First Class Mail and FAX:**

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184 Main St. P.O. Box 697  
Lee, MA 01238  
Fax: 413-243-4919

Dated: DEC - 9 2003

  
Annette Duncan  
Secretary