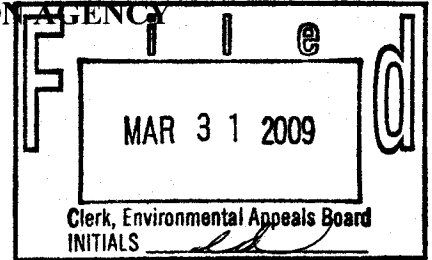


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



In re: )

Lee Wastewater Treatment Facility )

NPDES Permit No. MA0100153 )

NPDES Appeal No. 08-22

**ORDER GRANTING SECOND MOTION FOR A 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. In late November, Lee and the Region filed a joint motion requesting a stay of this case to provide the parties opportunity to explore settlement. The Board granted that joint motion by Order dated December 10, 2008, setting April 22, 2009 as the extended due date for the Region's response to Lee's petition.

Before the Board at this time is the Region's and Lee's second joint motion requesting a stay of this proceeding to provide them additional time to engage in settlement discussions. The parties report that they have made significant progress towards settlement and believe that

settlement of this matter is likely. The Region and Lee request that this matter be stayed until July 22, 2009.

Upon consideration, the Board hereby grants the parties' joint motion for a further 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 Wednesday, July 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 July 22, 2009 due date, in the event that the Board denies a further extension of this stay.

So ordered.

Dated:

*March 31, 2009*

ENVIRONMENTAL APPEALS BOARD

By:



Kathie A. Stein

Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

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

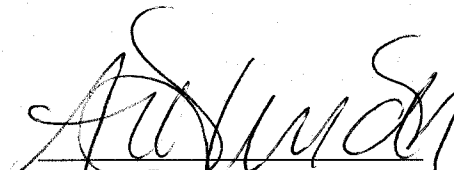
**By Pouch Mail and FAX:**

Ronald A. Fein,  
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One Congress Street, Suite 1100 (RAA)  
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**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: MAR 31 2009

  
Annette Duncan  
Secretary