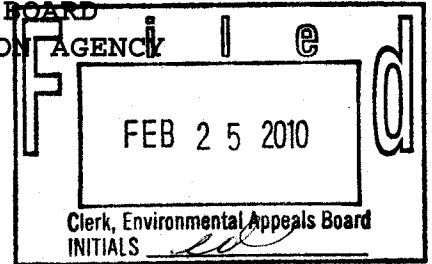


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )  
 )  
City of Cambridge, DPW )  
Combined Sewer Overflows (CSO) ) NPDES Appeal No. 09-17  
 )  
Permit No. MA 0101974 )  
\_\_\_\_\_)

ORDER LIFTING STAY

On December 17, 2009, the Environmental Appeals Board ("Board") issued an order staying the proceedings in the above-captioned matter to allow the parties to engage in negotiations to resolve the issues raised on appeal. The order directed U.S. EPA Region 1 ("the Region") to file a report no later than February 22, 2009, explaining the status of the case. In its status report, the Region explained that the parties were not able to resolve any of the issues raised on appeal during the stay of proceedings and that under the circumstances an additional stay of litigation to continue negotiations at the Regional level may not be the best mechanism to reach resolution. However, the Region noted that it would be willing to meet with a neutral facilitator if the

Petitioner and the Permittee expressed an interest in this process.<sup>1</sup>

Based on the Region's representations, the Board hereby lifts the stay of proceedings in this case. Accordingly, the Region and the City shall file their response to the petition no later than Monday, April 5, 2010.<sup>2</sup>

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 2/25/10

By: \_\_\_\_\_

*Charles J. Pashan (for ALW)*

Anna L. Wolgast  
Environmental Appeals Judge

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<sup>1</sup> The Board encourages the parties to pursue a negotiated resolution in this matter. If the parties wish the Board's assistance in pursuing a negotiated resolution they should contact the Clerk of the Board no later than Thursday, March 11, 2010.

<sup>2</sup> Documents are "filed" with the Board on the date they are received by the Clerk.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Lifting Stay in the matter of City of Cambridge, NPDES Appeal No. 09-17, were sent to the following persons in the manner indicated:

**By EPA Pouch Mail:**

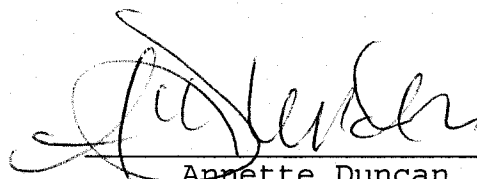
Amanda J. Helwig  
Office of Regional Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code: ORA 18-1  
Boston, MA 02109-3912

**By First Class Mail Postage Prepaid:**

Stephen H. Kaiser  
191 Hamilton St.  
Cambridge, MA 02139

Stephen D. Anderson  
Elizabeth F. Mason  
Anderson & Kreiger LLP  
1 Canal Park, Suite 200  
Cambridge MA, 02141

Dated: FEB 25 2010



Annette Duncan  
Secretary