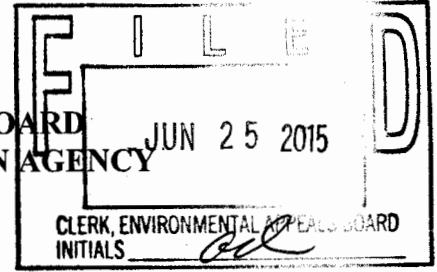


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

General Electric Aviation)

NPDES Permit No. MA0003905)

NPDES Appeal No. 14-03

FOURTH ORDER EXTENDING STAY OF PROCEEDINGS

On June 23, 2015, Region 1 (“Region”) of the U.S. Environmental Protection Agency and General Electric Aviation (“GE”) jointly filed a settlement negotiations status report and a request to extend the current stay of proceedings for an additional ninety days. The Environmental Appeals Board (“Board”) previously granted a stay of proceedings through July 6, 2015, so that the parties could continue their negotiations and attempt to settle some or all of the issues presented in the petition for review that GE filed on October 30, 2014. The petition for review challenges several conditions of a National Pollutant Discharge Elimination System (“NPDES”) permit that the Region issued to GE on September 30, 2014.

The parties report that they, in coordination with the Massachusetts Department of Environmental Protection (“MassDEP”), have agreed on a full settlement of this permit appeal. Specifically, the parties state that for some of the issues raised in the appeal, the permit terms will remain the same. The parties characterize the remaining issues that the settlement proposes to resolve as two separate subsets of issues. The parties state they will resolve the first subset of issues by issuing a draft permit with certain agreed-upon modifications on or around July 3, 2015. The public will have thirty days to submit public comments from the date of the Region issuing the proposed permit modifications. *See* 40 C.F.R. § 124.10(b). Pursuant to 40 C.F.R.

§ 122.62, only the permit conditions proposed for modification will be reopened for public comment. The Region avers that the amount of time required to finalize the permit modifications will depend on whether and to what extent it receives any adverse comments on the proposed modifications. Nonetheless, the Region does not anticipate that it will need more than sixty days to consider and respond to any comments it receives on the permit modifications.

The parties aver that, pursuant to their respective federal and state regulatory requirements, Region 1 and MassDEP will issue minor permit modifications that will resolve the second subset of issues the parties reference in their motion. *See* 40 C.F.R. § 122.63 (stating that upon consent of the permittee, the Region may make minor permit modifications without following the procedures within 40 C.F.R. part 124). The parties state that they have already agreed upon the terms of the minor permit modifications, and that Region 1 and MassDEP will issue the minor modifications concurrently when Region 1 issues the final permit containing the permit modifications that were subject to public comment. Upon successful completion of the permit modifications subject to public comment and the minor permit modifications, GE will submit to the Board a motion to withdraw its appeal of the 2014 final permit.

Finally, the parties state that the Region and MassDEP are engaged in continued discussions with Lynnway Associates, LLC (“Lynnway”), in an effort to work out a satisfactory approach to NPDES permitting relative to portions of property formerly owned by GE that Lynnway has since purchased.

Upon consideration, the Board grants the parties’ joint motion to stay the proceedings in the above-captioned matter until **September 29, 2015**. The Region, in consultation with GE, shall file a status report no later than **August 28, 2015**, to update the Board on the progress of the

parties' efforts to resolve the challenges to the permit contained in the petition for review. Given that the parties have reached a settlement agreement in principle and set forth their approach to execute the terms of the settlement in their joint motion, the Board will look upon any further requests to stay the above-captioned matter with heightened scrutiny.

So ordered.

Date:

June 25, 2015

By:

Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Fourth Order Extending Stay of Proceedings in the matter of General Electric Aviation, NPDES Appeal No. 14-03, were sent to the following persons in the manner indicated:

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Dated: JUN 25 2015



Annette Duncan
Secretary