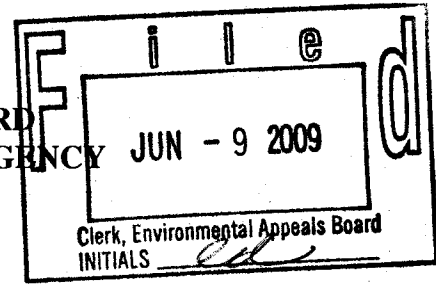


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

NPDES Appeal No. 08-22

ORDER GRANTING THIRD 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. Lee and the Region subsequently filed a joint motion requesting a stay of this case to provide the parties opportunity to explore settlement, which the Board granted and subsequently extended through July 22, 2009, upon further motion by the parties.

Before the Board at this time is the Region's and Lee's third 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 all issues raised in Lee's petition can be resolved through an agreed-upon administrative compliance order. They request that the stay be extended in order to allow them time to agree to the form of

an administrative compliance order, including time for Lee to obtain necessary approval within its decisionmaking structures. The Region and Lee request that this matter be stayed until September 23, 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, September 23, 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 September 23, 2009 due date, in the event that the Board denies a further extension of this stay.

So ordered.

Dated: 6/9/09

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 Third 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:


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Dated: JUN 10 2009


Annette Duncan
Secretary