

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

)	
In re:)	
)	
City of Haverhill)	NPDES Appeal No. 19-04
)	
NPDES Permit No. MA0101621)	
)	

**ORDER GRANTING FOURTH JOINT MOTION
 TO STAY PROCEEDINGS**

On October 25, 2019, the City of Haverhill, Massachusetts (“Haverhill”), petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System permit U.S. EPA Region 1 (“Region”) issued to Haverhill on September 25, 2019. The permit authorizes discharges to the Merrimack River from Haverhill’s wastewater treatment facility and combined sewer overflow outfalls. To date, the Board has granted three joint motions to stay the proceedings to provide the parties an opportunity to pursue a negotiated resolution of some or all issues in dispute. The matter is currently stayed through April 16, 2020.

On April 6, 2020, the parties filed a Joint Status Report, Notice of Partial Withdrawal, and Fourth Motion to Stay the Proceedings. The parties report that after diligent discussions, they have negotiated a resolution of this dispute. Fourth Joint Motion at 3. The Region has agreed to withdraw a forty-five-minute chlorine holding time requirement in the original permit pursuant to 40 C.F.R. § 124.19(j) and prepare a new draft permit addressing the conditions withdrawn, following the procedures under 40 C.F.R. § 124.6. *Id.* The parties state that once they confirm that the modified draft language reflects the parties’ agreement, the Region will “commit in writing to initiate permit modification proceedings as soon as possible and at that

time Haverhill will request dismissal of its petition in its entirety under 40 C.F.R. § 124.19(k).”

Id. The parties ask that the stay be continued for an additional fourteen days to allow settlement discussions to conclude in an orderly manner. *Id.* at 3-4.

For the reasons expressed in the parties’ Fourth Joint Motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Fourth Joint Motion to Stay the Proceedings. The matter will be stayed until **Thursday, April 30, 2020**. The parties must file a fourth status report no later than **Tuesday, April 28, 2020**. The fourth status report must apprise the Board of the expected timeframe for concluding settlement discussions and whether it is appropriate to continue the stay or lift the stay and establish a schedule for the Region to file a response to the petition. To the extent the parties seek a further stay beyond April 30, 2020, they must specify the length of, and the basis for, such further stay. Alternatively, the petitioner may file the motion requesting dismissal of the petition pursuant to § 124.19(k).

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Apr 08 2020**

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the **Order Granting Fourth Joint Motion to Stay the Proceedings** in the matter of *City of Haverhill*, NPDES Appeal No. 19-04, were sent to the following persons in the manner indicated:

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Dated: **Apr 08 2020**



Eurika Durr
Clerk of the Board