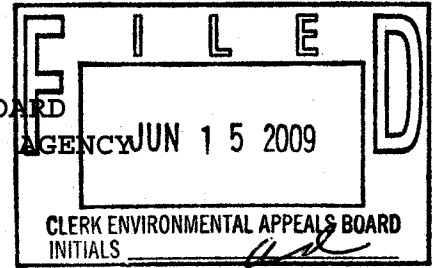


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
 )  
Town of Wayland )  
Wastewater Management )  
 )  
Permit No. MA0039853 )  
 )

NPDES Appeal Nos. 08-26 & 08-27

ORDER GRANTING MOTION TO EXTEND STAY OF PROCEEDINGS

On June 10, 2009, U.S. EPA Region 1 (the "Region"), with the assent of the petitioners in this case, Thomas Arnold (NPDES Appeal No. 08-26) and the U.S. Department of Interior ("DOI") (NPDES Appeal No. 08-27), and intervenor the Town of Wayland Wastewater Management District Commission (the "Town"), filed a status report and a motion requesting to further extend the stay of proceedings in the above-captioned matters. The Region represents that the Town, DOI, and the Region have already reached an agreement in concept, that once formalized will resolve DOI's appeal, and that they expect to formalize such agreement by July 10, 2009. Once the agreement is formal, the motion explains, the Region will proceed to submit for public comment a draft permit modification consistent with the final agreement. The Region requests that the proceedings in NPDES Appeal No. 08-27 be stayed for 120 days, until October 8, 2009, to allow time for these processes to take place.

With respect to NPDES Appeal No. 08-26, the Region asks for a stay of proceedings until July 10, 2009, to determine if a settlement can be reached between all the parties involved in these two appeals. The motion explains that, even though Mr. Arnold did not sign the agreement in concept reached between DOI, the Region, and the Town, his counsel indicated that Mr. Arnold will join the agreement if all the parties consent to some variation in the sampling protocol described in the agreement. The stay, the Region represents, will allow the parties to exchange information and evaluate sampling options to determine if a Four Party Agreement is appropriate.

Upon consideration, the Board hereby grants the Region's request in part, and stays both petitions until July 10, 2009.<sup>1</sup> On that date, the parties shall timely file<sup>2</sup> a joint report regarding the status of these appeals. If a final agreement is reached between all, or some of the parties, the status report shall include a detailed summary of the projected time frame for full resolution of the issues, including a schedule listing the activities that encompass the permit modification process and the

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<sup>1</sup> The Board does not think that a stay of 120 days of NPDES Appeal No. 08-27, to allow for a modified permit is appropriate at this time since a key stage - a final agreement - is yet to be reached.

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

time frame in which each of those activities is expected to be completed.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *June 12, 2009*

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

*Charles J. Sheehan*

Charles J. Sheehan  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Motion to Extend Stay of Proceedings in the matter of Wayland Wastewater Management, NPDES Appeal Nos. 08-26 & 08-27, were sent to the following persons in the manner indicated:

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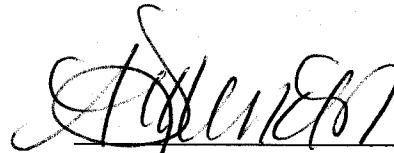
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Dated: \_\_\_\_\_

JUN 15 2009



\_\_\_\_\_  
Annette Duncan  
Secretary