



ENVIR. APPEALS BOARD

Date: December 4, 2006

U.S. Environmental Protection Agency Office of Regional Counsel One Congress Street, Suite 1100 Boston, MA 02114-2023 Phone: (617) 918-1148 Fax: (617) 918-1029

PLEASE DELIVER TO:

Eurika Durr Clerk, EPA Environmental Appeals Board (202) 233-0121

From: Samir Bukhari Attorney, Office of Regional Counsel EPA, Region 1

Number of Pages to Follow: 4

Re:

Motion to Stay Proceedings Town of Marion NPDES Appeal No. 06-15 NPDES Permit No. MA0100030

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1 1 CONGRESS STREET, SUITE 1100 BOSTON, MASSACHUSETTS 02114-2023 RECEIVED U.S. E.P.A. 2006 DEC 1/4 PM 12: 11

December 4, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

U.S. Environmental Protection Agency Environmental Appeals Board (MC1103B) Attn: Eurika Durr, Clerk of the Board Ariel Rios Building 1200 Pennsylvania Avenue, NW Washington, DC 20460-0001

Re: Motion to Stay of Proceedings Town of Marion NPDES Appeal No. 06-15 NPDES Permit No. MA0100030

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Motion to Stay Proceedings in connection with NPDES Appeal No. 06-15.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sinderely,

Samir Bukhari Attorney Advisor Office of Regional Counsel US EPA-Region 1

Enclosures

cc:

Robert C. Zora, Town of Marion Bill McConnell, Camp Dresser McKee

RECEIVED U.S. E.P.A.

BEFORE THE ENVIRONMENTAL APPEALS BOARD UNITED STATES ENVIRONMENTAL PROTECTION? AGENCY PM 12: 12 WASHINGTON, D.C.

ENVIR. APPEALS BOARD

In the Matter of:

Town of Marion

NPDES Appeal No. 06-15 NPDES Permit No. MA0100030

MOTION TO STAY PROCEEDINGS

On November 2, 2006, the Town of Marion ("Permittee") timely filed a petition for review with the Environmental Appeals Board of NPDES Permit No. MA0100030, which had been reissued by the Environmental Protection Agency-New England Region ("Region") on October 6, 2006. The parties believe that resolution of the issues raised in the petition is possible and have agreed to pursue settlement discussions. Absent a stay, the parties will be required to divert their time and effort from settlement discussions to the proceeding before this Board. Thus, in order to allow sufficient time for such discussions to conclude, the Region respectfully moves to stay the above-captioned matter for 60 days and, further, moves to rescind the December 19, 2006 deadline for filing its response to the petition for review. No later than the expiration of the stay petiod, the Region shall submit a report describing the status of settlement discussions and recommending whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for EPA's response to the petition. The Permittee has informed the Region of its assent to this motion.

U.S. Environmental Protection Agency, New England Region

By its Attorney, Samir Bukhari Attorney Advisor U.S. Environmental Protection Agency One Congress Street, Suite 1100 (RAA) Boston, MA 02114-2023

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617-918-1095 Fax 617-918-0095 bukhari.samir@epa.gov

010 04 2003

Dated:

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Stay Proceedings in the matter of Town of Marion, NPDES Appeal No. 06-15, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

U.S. Environmental Protection Agency Environmental Appeals Board (MC1103B) Attn: Eurika Durr, Clerk of the Board Ariel Rios Building 1200 Pennsylvania Avenue, NW Washington, DC 20460-0001

By First Class U.S. Mail:

Robert C. Zora Superintendent of Public Works Town of Marion DPW 50 Benson Brook Road Marion, MA 02738

Bill McConnell Camp Dresser McKee 56 Exchange Terrace Fourth Floor Providence, RI 02903

Dated:

010/0/4/2000

Samir Bukhari, Attorney EPA - Region 1 Office of Regional Counsel