



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

March 15, 2018

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: In re Town of Fairhaven
NPDES Permit No. MA0100765; NPDES Appeal No. 17-08

Dear Ms. Durr:

Please find the attached Joint Motion to Continue the Stay, and accompanying Certificate of Service, in connection with NPDES Appeal No. 17-08.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
Michael Curley
US EPA – Region 1
Office of Regional Counsel
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In the Matter of:)	
)	
Town of Fairhaven)	NPDES Appeal No. 17-08
)	
NPDES Permit No. MA0100765)	
_____)	

JOINT MOTION TO CONTINUE THE STAY

I. Background

On September 27, 2017, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0100765 (“NPDES Permit”) to the Town of Fairhaven, Massachusetts (“Fairhaven”), authorizing discharges of wastewater effluent from the Town’s Wastewater Pollution Control Facility to the Acushnet River. Fairhaven filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“EAB” or “Board”) requesting review of certain conditions of the NPDES Permit. The Board granted the parties’ joint motions, first to stay the case to allow the parties to pursue settlement discussions, *see* Order Granting Joint Motion for Stay of Proceedings (Nov. 13, 2017), and then to continue the stay to provide more time for those discussions, *see* Order Granting Second Joint Motion for Stay of Proceedings (Jan. 9, 2018). On March 8, 2018, the parties filed a status report informing the Board that the Town was preparing a revised proposed schedule that it

expected to provide to EPA shortly. The parties also reported that, until that schedule was submitted to EPA, the parties were unable to advise the Board about the likelihood, or timeframe, for any settlement, but that they would update the Board prior to the expiration of the stay on March 16, 2018.

II. Motion to Extend the Stay

The Town has since submitted a revised proposed schedule to EPA and, in light of that proposal and subsequent communications, the parties wish to inform the Board that they have reached an agreement, subject to management approval, that will settle the appeal. The parties will need a brief continuation of the stay in order to finalize the draft administrative order on consent and arrange for signature by the appropriate authorized individuals. Consequently, the parties respectfully request that the Board continue the stay for two weeks (*i.e.*, to March 30, 2018).

Dated: March 15, 2018

Respectfully submitted,

U.S. EPA – Region 1

/s/ Michael Curley
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Town of Fairhaven

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Continue the Stay, in connection with *In re Town of Fairhaven*, NPDES Appeal No. 17-08, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

By email:

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Dated: March 15, 2018

/s/ Michael Curley
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