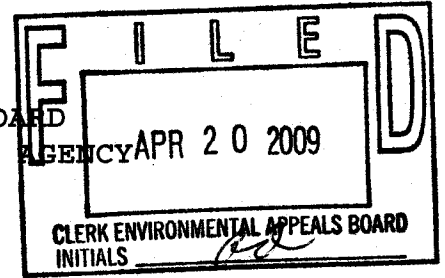


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

NPDES Appeal Nos. 08-26 & 08-27

ORDER SCHEDULING TELECONFERENCE

On December 24, 2008, the Environmental Appeals Board ("Board") issued an order granting the parties in the above captioned-matter -- permit issuer, U.S. EPA Region 1 (the "Region"), and petitioners, Thomas Arnold and the U.S. Department of Interior -- their first request to stay the proceedings in this case. Order Granting Joint Motion to Stay the Petition (EAB Dec. 24, 2008). The Order stayed the proceedings until April 8, 2009. See *id.* On April 7, 2009, the Region, with the assent of the petitioners, filed a status report and a motion requesting to further extend the stay of proceedings until June 10, 2009. See Status Report and Motion to Extend Stay of Proceedings (dated April 7, 2009). In its report, the Region explains that all interested parties have engaged in extensive settlement discussions over the past several months, and that the discussions have "generated further factual investigation by the Region, [the Massachusetts

Department of Environmental Protection] and the [permittee]". *Id.* at 2-3. The Region represents that the parties "believe that they have made progress and are closer to settlement now than when the [first] motion for a stay was filed," but that due to the number and complexity of the issues, and the number of the parties involved, they have not yet reached an agreement. *Id.* at 3. The additional time, the Region adds, will allow the parties to continue settlement discussions. *See id.*

In its December 24 order, the Board directed the parties to file a report regarding the status of the case, including a "detailed summary of the issues resolved, remaining issues, and projected time frame for full resolution or litigation." Order Granting Joint Motion to Stay the Petition (EAB Dec. 24, 2008). The status report merely explains that the parties have engaged in discussions and notes, in a very general way, some issues. This does not provide the level of detail required in our prior order. Accordingly, before ruling on the current motion for extension of stay, the Board will hold a teleconference to better assess the parties' request.

The parties are hereby requested to participate in a conference beginning at 2:00 p.m. EST on Thursday, April 30, 2009. A manager from the Office of the Regional Counsel and a manager

from the Regional Program Office shall be present at the teleconference. The Board will initiate the status conference from the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, 1201 Constitution Avenue, N.W., Room 1152, Washington, D.C. Parties may choose to appear in person in the Courtroom or may participate via telephone or video-conferencing equipment. Parties must contact the Clerk of the Board in writing no later than Friday, April 17, 2009, to advise how they wish to participate in the conference and to provide telephone numbers or other contact information as appropriate.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *April 20, 2009*

By: *Charles J. Sheehan*

Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

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

By EPA Pouch Mail and via fax:

Ronald A. Fein
Jeffrey Fowley
Assistant Regional Counsel
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Fax #: (617) 918-1029
Phone: (617) 918-1040

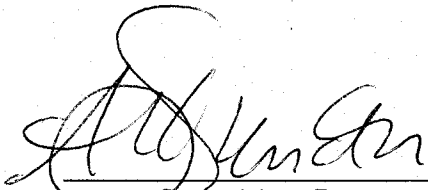
**By First Class Mail Postage Prepaid
and via fax:**

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Dated: _____

APR 20 2009



Annette Duncan
Secretary