



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
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BOSTON, MASSACHUSETTS 02109-3912

ENVIR. APPEALS BOARD

DEC 3 2009

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Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Re: NPDES Appeal No. 09-18  
NPDES Permit No. NH0100595  
Town of Jaffrey, NH Public Works Department (Jaffrey, New Hampshire)

December 3, 2009

Dear Ms. Durr,

Enclosed please find the original of the Region's assented-to Motion to Stay Proceedings in the above-captioned case, with an attached certificate of service. The motion and the certificate of service have also been mailed to the Board and to counsel of record today. In lieu of five additional paper copies for the Board, an electronic copy has been posted to the CDX system.

Please also note that, since the commencement of this matter, EPA Region 1's Office of Regional Counsel has moved. The correct current address for undersigned counsel for all correspondence in this proceeding is below.

Sincerely,

Ronald A. Fein, Assistant Regional Counsel  
U.S. Environmental Protection Agency Region 1  
5 Post Office Square, Suite 100 (Mailcode ORA18-1)  
Boston, MA 02109-3912  
617-918-1040  
Fax: 617-918-0040

cc: George Dana Bisbee, Esq.

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

\_\_\_\_\_)  
In re: Town of Jaffrey, NH Public Works Department )  
          Jaffrey, New Hampshire ) NPDES Appeal No. 09-18  
\_\_\_\_\_)  
NPDES Permit No. NH0100595 )  
\_\_\_\_\_)

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ENVIR. APPEALS BOARD

**MOTION TO STAY PROCEEDINGS**

Region 1 (“Region”) of the United States Environmental Protection Agency (the Respondent), with the assent of the Town of Jaffrey, New Hampshire (the permittee and Petitioner), respectfully requests that the Environmental Appeals Board (“Board”) stay the proceedings in the above-captioned matter until March 24, 2010, to allow the parties to undertake settlement negotiations.

**BACKGROUND**

The Region reissued NPDES Permit No. NH0100595 (“Permit”) to Petitioner on September 28, 2009. On November 2, 2009, Petitioner filed a petition for review with the Board contesting certain conditions of the Permit. By letter dated November 6, 2009, the Board directed the Region to prepare a response that addresses Petitioner’s contentions and whether Petitioner has satisfied the requirements for obtaining review.

Upon consideration of the permitting documents and the petition for review, as well as subsequent developments after the filing of the petition, the parties believe that resolution of at least some of the issues in this appeal is possible, and have agreed to enter into settlement discussions.

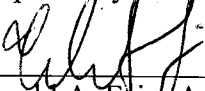
**REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF**

The Region requests that the Board rescind the December 21, 2009 deadline for filing of the Region's response to the petition for review and stay the proceedings by three months. The Region proposes to submit a status report no later than March 24, 2010, advising whether the Board should further extend the stay, establish a revised schedule for the litigation, or take other appropriate action.

An extension of this length is reasonable and necessary given the need to develop technical information to resolve the issues presented, the need to schedule discussions between personnel from the Region and Petitioner (including during the traditional holiday month of December), and the need to consult with the New Hampshire Department of Environmental Services. If a stay is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that at least some of the issues raised in the petition for review may be resolved through settlement discussions. Accordingly, in an effort to conserve administrative and judicial resources, and to encourage efficiency and promote judicial economy, the Region, with the assent of Petitioner, requests that the Board grant this motion and stay all proceedings in this matter until March 24, 2010.

The Region represents that its undersigned counsel has discussed this Motion for Stay of Proceedings with Petitioner's counsel and that Petitioner assents to the motion.

Respectfully submitted,



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Ronald A. Fein, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (Mailcode ORA18-1)  
Boston, MA 02109-3912  
617-918-1040  
Fax: 617-918-0040  
Date: December 3, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Stay Proceedings were sent on the 3d day of December 2009 to the following persons in the manner described below:

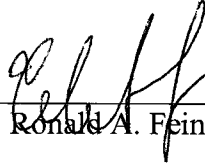
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Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Copy by first class mail  
Copy by e-mail

George Dana Bisbee, Esq.  
Devine, Millimet & Branch, P.A.  
111 Amherst Street  
Manchester, NH 03101

Signed: December 3, 2009

  
\_\_\_\_\_  
Ronald A. Fein