



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

VIA ELECTRONIC FILING

April 18, 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
)	
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 motion 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 additional requests to continue the stay, *see* Order Granting Second Joint Motion for Stay of Proceedings (Jan. 9, 2018); Order Granting Joint Motion to Continue Stay of Proceedings (Mar. 19, 2018); Order Granting Joint Motion to Continue Stay of Proceedings (Mar. 29, 2018).

II. Motion to Extend the Stay

As previously reported to the EAB, the parties have reached agreement on an Administrative Order that will settle the appeal, and the Town's municipal attorney has advised the Town to obtain approval to sign the Administrative Order on behalf of the Town from both its Board of Selectmen and Board of Public Works. The Town reports that the Board of Public Works approved the Order at its regularly scheduled meeting on April 9, 2018, and that the Board of Selectmen are scheduled to meet to take up the Order on April 23, 2018. Consequently, a brief extension of the stay is necessary to obtain the requisite approval by the Board of Selectmen. Therefore, the parties respectfully request that the EAB continue the stay (from April 20, 2018) for an additional two weeks to May 4, 2018. The additional two weeks will provide adequate time to obtain the signatures of the respective Board chairs on the final Administrative Order.

Dated: April 18, 2018

Respectfully submitted,

U.S. EPA – Region 1

Town of Fairhaven

/s/Michael Curley
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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: April 18, 2018

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