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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

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ENVIR. APPEALS BOARD

December 4, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

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


**Re: Motion to Stay 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.

Sincerely,


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

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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 period, 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.

Respectfully submitted,



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

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

Dated: DEC 04 2006

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: Eureka 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: DEC 04 2006



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