



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

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CIVIL APPEALS BOARD

OFFICE OF THE
REGIONAL ADMINISTRATOR

August 4, 2005

VIA ELECTRONIC AND EXPRESS MAIL

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

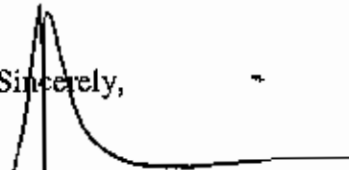
Re: Joint Motion for Stay of the Proceedings
Town of Belchertown, Massachusetts, Belchertown Water Reclamation Facility
NPDES Appeal No. 05-10
NPDES Permit No. MA0102148

Dear Ms. Durr:

Enclosed is a Joint Motion for Stay of the Proceedings in connection with NPDES Appeal No. 05-10. Please file this motion in your usual manner.

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

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

ENVIRONMENTAL APPEALS BOARD

In the Matter of:)

Town of Belchertown, Massachusetts)
Belchertown Water Reclamation Facility)

NPDES Appeal No. 05-10

JOINT MOTION FOR STAY OF THE PROCEEDINGS

In accordance with 40 C.F.R. §§ 22.7 and 22.16, the New England Region of the Environmental Protection Agency ("EPA" or the "Region") and the Town of Belchertown, Department of Public Works ("Petitioner") (collectively, the "Parties") respectfully submit to the Environmental Appeals Board ("Board") this joint motion for a stay of the proceedings in the above-referenced appeal.

BACKGROUND

On June 10, 2005, EPA reissued a National Pollutant Discharge Elimination System Permit, No. MA0102148, to the Petitioner, authorizing discharge of treated wastewater effluent from the Belchertown Water Reclamation Facility. On July 12, 2005, Petitioner timely filed a petition for review by the Board contesting, *inter alia*, the permit's flow, mass loading (BOD₅ and TSS), copper, phosphorus and whole effluent toxicity limits ("Petition"). The Board directed the Region to submit a response by August 29, 2005 that addresses Petitioner's contentions and whether Petitioner's have satisfied the requirements for obtaining review under 40 C.F.R. § 124.19(a).

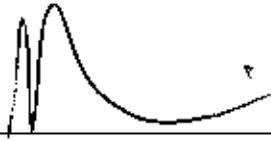
GROUND FOR STAY

The Parties believe that resolution of the issues raised in the Petition is possible and have agreed to enter into settlement discussions. The basis for this motion is to allow the Parties sufficient time to conclude such discussions. Having initiated preliminary negotiations on July 26, 2005, the Parties believe there is a substantial likelihood that the issues raised in the Petition will be addressed to the satisfaction of Parties and that the Petition will be withdrawn in its entirety. Absent a stay, the Parties will be required to divert their time and effort from settlement discussions to the proceeding before this Board. Therefore, in an effort to conserve resources, to encourage efficiency and promote judicial economy, the Parties jointly request that these proceedings be stayed until September 30, 2005. On, or as soon as possible before that date, the Parties shall submit a status report regarding whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for EPA's response to the Petition.

REQUESTED RELIEF

Accordingly, the Parties request that this matter be stayed to allow the Parties to resolve the issue through settlement discussions.

Respectfully submitted,



U.S. Environmental Protection Agency,
New England Region

By its Attorney,
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Dated: July ~~4~~, 2005
August



Town of Belchertown,
Department of Public Works

By the Town Administrator,
Gary Brougham
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2 Jabish Street, P.O. Box 670
Belchertown, MA 01007

Tel 413-323-0403
Fax 413-323-0494
gbrougham@belchertown.org

Dated: July ~~2~~ 2005