

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

In re:

South Essex Sewerage District  
NPDES Permit No. MA0100501

NPDES Appeal No. 26-03

**MOTION FOR STAY OF THE PROCEEDINGS**

Pursuant to 40 C.F.R. § 124.19(f), Region 1 of the United States Environmental Protection Agency (“EPA”) hereby moves the Environmental Appeals Board (“Board”) to stay the proceedings in this matter to provide the parties with an opportunity to pursue a negotiated resolution of the issues in dispute in the above-captioned matter.

The grounds for this motion are as follows:

1. On December 22, 2025, EPA issued a National Pollutant Discharge Elimination System (“NPDES”) Permit (“Permit”), authorizing discharges from the South Essex Sewerage District’s wastewater treatment facility to the Atlantic Ocean within Salem Sound.
2. On January 21, 2026, the South Essex Sewerage District (“Petitioner”) timely filed its Petition for Review (“Petition”) with the Board. The Petitioner requests review of five issues: the special condition water quality assessment; the bacteria limits’ seasonal applicability; the absence of a mixing zone for bacteria; the per-

and polyfluoroalkyl substances (“PFAS”) and organoflourine monitoring requirements; and the nitrogen sampling and testing frequency.

3. Under 40 C.F.R. § 124.19(b)(2), EPA’s response to the Petition, along with a certified index and relevant portions of the administrative record, is due within 30 days after service of the Petition, or February 23, 2026.

4. EPA has conferred with Counsel for the Petitioner, and both parties have agreed to initiate a discussion to ascertain whether a negotiated resolution of the issues raised in the Petition is possible. Should the parties settle their differences, the need for EPA and the Petitioner to direct resources toward litigation-related activity would be minimized, an outcome that would conserve the resources of the parties as well as of the Board.

5. Due to the varied and technical nature of the issues raised in the Petition, it will be appropriate to convene both legal and technical personnel in any settlement discussion. Additionally, EPA anticipates participation from the Massachusetts Department of Environmental Protection (“MassDEP”) in these discussions. Preparing for and scheduling these meetings will be challenging, given the number of individuals required.

6. To allow settlement discussions to unfold in an orderly manner, while at the same time ensuring matters on the Board's docket are expeditiously resolved, the parties request the following:

- a. A 60-day stay of the proceedings that holds the filing deadline for the EPA's response to petition in abeyance, such that the parties' full attention may be directed toward the subject matter that will be at issue in settlement discussions, rather than to litigation before the Board.
- b. An order directing the parties to file status reports at 30-day intervals, with the first report due upon the end of the initial 60-day stay. In the status report, the parties will report on the progress of negotiations, which will include a discussion of whether it is appropriate to continue the stay, dismiss the Petition, or lift the stay and establish a schedule for EPA to file a response to the Petition.

Pursuant to 40 C.F.R. § 124.19(f)(2), EPA contacted Petitioner's counsel to ascertain its position on this motion. Petitioner's counsel has assented to this Motion.

For the reasons set forth above, and in the interest of conserving judicial resources and promoting efficiency, EPA respectfully requests that the Board grant this Motion to Stay the Proceedings.

Dated: January 28, 2026

Respectfully submitted,

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Erin Flannery-Keith, Esq.  
Alison Newman, Esq.  
Attorney-Advisors  
U.S. Environmental Protection Agency  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109  
(617) 918-1096  
(617) 918-1195  
Flannery-Keith.Erin@epa.gov  
Newman.Alison@epa.gov

Of Counsel:  
Pooja Parikh, Esq.  
U.S. Environmental Protection Agency  
Office of General Counsel

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Stay of the Proceedings, in connection with *In re South Essex Sewerage District*, NPDES Appeal No. 26-03, was sent to the following persons in the manner indicated:

By Electronic Filing:  
Tommie Madison  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East Building, Room 3332  
Washington, DC 20004

By Electronic Mail:  
*Petitioner*  
Matthew J. Connolly  
mconnollyg@nutter.com  
Matthew Snell  
msnell@nutter.com  
Nutter McClennen & Fish, LLP  
Seaport West, 155 Seaport Blvd.  
Boston, MA 02210

Dated: January 28, 2026

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Erin Flannery-Keith, Esq.  
Alison Newman, Esq.  
Attorney-Advisors  
U.S. Environmental Protection Agency  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109  
(617) 918-1096  
(617) 918-1195  
Flannery-Keith.Erin@epa.gov  
Newman.Alison@epa.gov