

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

In re:)
)
 Greater Lawrence Sanitary District) NPDES Appeal No. 19-05
)
 NPDES Permit No. MA0100447)
)
)

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

Greater Lawrence Sanitary District (“GLSD”) petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System (“NPDES”) permit U.S. EPA Region 1 (“Region”) issued to GLSD authorizing discharges from the GLSD wastewater treatment facility to the Merrimack River in Massachusetts. Pursuant to 40 C.F.R. § 124.19(b)(2), the Region’s response to the Petition, along with the certified index and relevant portions of the administrative record, currently are due November 27, 2019. On November 14, 2019, GLSD and the Region filed a Joint Motion to Stay the Proceedings to provide the parties with an opportunity to pursue a negotiated resolution of some or all issues in dispute. Joint Motion to Stay the Proceedings (“Joint Motion”) at 1.

In the Joint Motion, the parties state that if the parties succeed in settling their differences, in whole or in part, the need for them to direct resources toward litigation-related activity would be minimized, conserving their resources as well as the Board’s. *Id.* The parties additionally state that the issues in this appeal overlap legal and factual claims presented in a separately filed petition currently before the Board (*In re City of Haverhill*, NPDES Appeal No. 19-04), which they also seek to stay, presenting the opportunity for the parties to efficiently, and

consistently, address issues common to both petitions. The parties request a sixty-day stay of proceedings to allow the parties to direct their full attention to the “technically-complex subject matter” at issue in settlement, rather than to litigation before the Board. *Id.* at 3.

For the reasons stated in the parties’ Joint Motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Joint Motion to Stay the Proceedings. The matter will be stayed until **Friday, January 17, 2020**. Parties must file a status report no later than **Tuesday, January 7, 2020**. The status report must apprise the Board of the progress of negotiations, including the parties’ plan and expected timeframe for concluding settlement discussions and whether it is appropriate to continue the stay, or lift the stay and establish a schedule for EPA to file a response to the Petition. To the extent the parties seek a further stay beyond January 17, 2020, they must specify the length of, and the basis for, such further stay. Alternatively, the parties will file a motion seeking dismissal of the Petition.

Finally, pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Parties shall promptly notify the Board and the other parties of any change to their email address.

So ordered.

Dated: November 19, 2019

ENVIRONMENTAL APPEALS BOARD

By: 
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Joint Motion to Stay the Proceedings* in the matter of Greater Lawrence Sanitary District, NPDES Appeal No. 19-05, were sent to the following persons in the manner indicated:

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Dated: November 19, 2019



Eurika Durr
Clerk of the Board