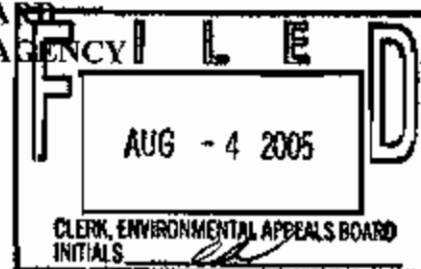


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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



To re:)
)
)

Centredale Manor Superfund Site)
(North Providence, RI))
_____))

CERCLA 106(b) 05-02

ORDER GRANTING STAY

By joint motion filed on July 29, 2005, Brook Village Associates Limited Partnership ("Brook Village") and the United States Environmental Protection Agency, Region 1 ("Region") have requested a stay of the proceedings in this Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") reimbursement matter¹ under 42 U.S.C. § 9606(b). The parties indicate that a proposed settlement consent decree ("proposed Consent Decree") that resolves Brook Village's liability for contamination at the Centredale Manor Superfund Site in North Providence, Rhode Island, was lodged with the United States District Court for the District of Rhode Island ("District Court") on May 6, 2005. See Joint Motion to Stay Further Action on Section 106(b) Petition Pending Judicial Action ("Motion") at 1. According to the parties, under the proposed Consent Decree, Brook Village waives its right to pursue this reimbursement petition. *Id.* Thus, if the proposed Consent Decree is approved by the District Court, Brook Village's reimbursement petition will be rendered moot. *Id.* at 2. The

¹ On July 11, 2005, Brook Village filed a petition under CERCLA § 106(b) seeking reimbursement of the reasonable costs, plus interest, it had incurred in compliance with EPA's Unilateral Administrative Order, Docket No. CERCLA-1-2001-0032, related to removal activities at the Centredale Manor Superfund Site in North Providence, RI.

parties therefore request that all matters in these proceedings, including the Region's obligation to respond to Brook Village's petition, "be stayed until sixty (60) days after entry of a final and non-appealable order by the [District Court] approving or disapproving" the proposed Consent Decree.² *Id.* at 1.

Upon consideration of the foregoing, in the interest of judicial economy, and for good cause shown, the parties' request for a stay of this matter is GRANTED. Accordingly, the above-captioned matter is hereby STAYED pending the decision of the District Court to approve or disapprove the proposed Consent Decree. The parties shall jointly notify the Board within ten days of the District Court's approval or disapproval of the proposed Consent Decree. Such notification shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

Dated: August 4, 2005

² It is unclear whether the District Court would issue a "final, non-appealable order" should it disapprove the proposed Consent Decree. We therefore will modify the terms of the stay from those requested by the parties.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Stay in the matter of Centredale Manor Superfund Site (North Providence, RI), CERCLA 106(b) 05-02, were sent to the following persons in the manner indicated:

Pouch Mail:

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Dated: **AUG - 5 2005**



Annette Duncan
Secretary