

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

In re:)	
)	
City of Haverhill)	NPDES Appeal No. 19-04
)	
NPDES Permit No. MA0101621)	
)	

**ORDER GRANTING SECOND JOINT MOTION
TO STAY PROCEEDINGS**

On October 25, 2019, the City of Haverhill, Massachusetts (“Haverhill”), petitioned the Environmental Appeals Board (“Board”) to review a National Pollution Discharge Elimination System permit U.S. EPA Region 1 (“Region”) issued to Haverhill authorizing discharges from Haverhill’s wastewater treatment facility to the Merrimack River. The Board granted the parties’ subsequent Joint Motion to Stay the Proceedings, which stayed the matter through January 17, 2020, and provided the parties an opportunity to pursue a negotiated resolution of some or all issues in dispute. The parties have now filed a Joint Status Report and Second Motion asking that the stay be continued for an additional forty-five days.

In reporting on the status of settlement negotiations, the parties state that they have “diligently engaged in discussions” and are “close to resolving this dispute.” They request forty-five days more to “clarify the resolution due to the technical nature of the issues raised in the petition.” Motion at 2. They also request the additional time to “allow settlement discussions to unfold and conclude in an orderly manner” to ensure that matters are “expeditiously resolved.” *Id.* at 3.

The parties state that the issues in this appeal overlap with legal and factual claims presented in a separately filed petition currently before the Board (*In re Greater Lawrence*

Sanitary District, NPDES Appeal No. 19-05). The parties to that matter also seek to stay those proceedings, presenting the opportunity for the Region and petitioners in both cases to “efficiently, and consistently, address issues common to both petitions.” Motion at 3. If the parties succeed in settling their differences, the need for litigation would become moot, conserving the resources of the parties as well as those of the Board.

For the reasons expressed in the parties’ Joint Motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Second Motion to Stay the Proceedings. The matter will be stayed until **Monday, March 2, 2020**. The parties must file a second status report no later than **Friday, February 21, 2020**. The second status report must again 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 the Region to file a response to the petition. To the extent the parties seek a further stay beyond February 21, 2020, they must specify the length of, and the basis for, such further stay. Alternatively, the parties may file a motion requesting dismissal of the petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Jan 09 2020**

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the **Order Granting Second Joint Motion to Stay the Proceedings** in the matter of *City of Haverhill*, NPDES Appeal No. 19-04, were sent to the following persons in the manner indicated:

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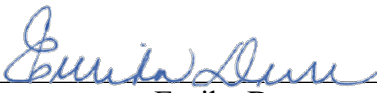
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Dated: **Jan 09 2020**


Eurika Durr
Clerk of the Board