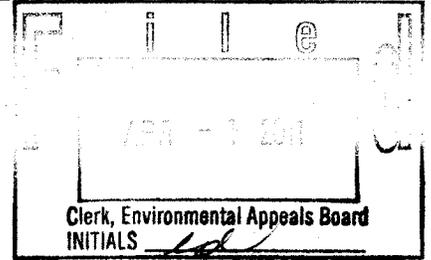


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
Barnhardt Manufacturing) NPDES Appeal No. 10-17
Company)
)
Permit No. MA-0003697)
_____)

ORDER GRANTING JOINT MOTION
TO EXTEND STAY OF PROCEEDINGS

On January 11, 2011, the Environmental Appeals Board (“EAB”) issued an order granting the parties in the above-captioned matter, U.S. EPA Region 1 (the “Region”), and the Barnhardt Manufacturing Company (“Barnhardt”), their joint request to stay this case until April 11, 2011, to allow time for settlement negotiations. On May 31, 2011, the parties filed a status report and a motion to extend the stay of proceedings. The parties explained that Barnhardt has been actively conducting trials at its facility to try to reduce the acute toxicity and ammonia nitrogen in its discharge and potentially eliminate the need for further litigation before the Board. As part of those efforts, Barnhardt is proposing to conduct additional trials and experiments in April, May, and June. The Region indicates that it has reviewed Barnhardt’s proposal and has concluded that it represents a good-faith, constructive attempt to improve the facility’s discharge.

Upon consideration the Board hereby grants the parties’ request to stay this matter until July 22, 2011. In addition, the parties shall file a joint report on July 15, 2011, explaining the status of this matter, which shall include a discussion of whether it is appropriate to continue or

modify the stay, or dismiss the petition.¹

So ordered.

Dated: *April 1, 2011*

By: 
Anna L. Wolgast
Environmental Appeals Judge

¹ Documents are “filed” with the Board on the date they are *received* by the Clerk.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Joint Motion to Extend Stay of Proceedings in the matter of Barnhardt Manufacturing Company, NPDES Appeal No. 10-17, were sent to the following persons in the manner indicated:

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Dated: APR - 1 2011


Annette Duncan
Secretary