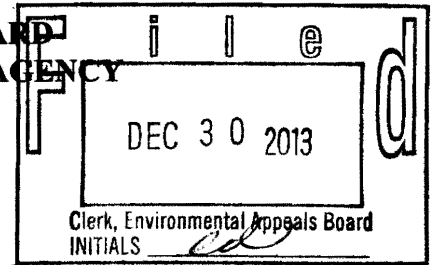


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



<u>In re:</u>)	
)	
Town of Uxbridge)	NPDES Appeal No. 13-06
Wastewater Treatment Facility)	
)	
Permit No. MA0102440)	

THIRD ORDER STAYING PROCEEDINGS

On December 26, 2013, the parties in the above-captioned matter, the Town of Uxbridge Sewer Commission (“Uxbridge”) and U.S. EPA Region 1 (the “Region”), filed a joint motion requesting that the Environmental Appeals Board (“Board”) extend the current stay of the above-captioned matter until February 28, 2014. The parties represent that this extension will enable them to conclude negotiations. This is the parties’ third request for extension of time.¹ In their joint request the parties represent that the Region has substantially completed a draft administrative consent order to settle the appeal, but that additional time is necessary to gather further information and to complete the Region’s internal review before sharing the consent order with Uxbridge.

Upon consideration, the Board grants the parties’ request. The proceedings in this matter are now stayed until February 28, 2014. Absent resolution of the issues raised in the petition by


¹ On October 29, 2013, the Board granted the parties second request to extend the stay until December 31, 2013. *See Second Order Staying Proceedings* (Oct. 29, 2013). The first request was granted on July 30, 2013. *See Order Staying Proceedings* (Jul. 30, 2013).

that date, the Region's response to the petition, along with a certified index to the administrative record and relevant portions of the administrative record, must be filed with the Board no later than March 28, 2014. The Region and Uxbridge shall file status reports describing the status of settlement negotiations no later than January 17, 2014, January 31, 2014, and February 14, 2014. Should the parties decide that additional time is necessary, any request to extend the stay must be filed² with the Board no later than February 21, 2014. Since this matter will now have been stayed for a total of seven months, the parties are advised that the Board is not inclined to grant further requests for lengthy extensions absent a showing of unexpected circumstances.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: December 30, 2013

By: 
Randolph L. Hill
Environmental Appeals Judge

² Motions are considered "filed" the day they are *received* by the Clerk of the Board.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Granting Joint Motion to Extent Stay of Proceedings in the matter of *Town of Uxbridge Wastewater Treatment Facility*, NPDES Appeal No. 13-03, were sent to the following persons in the manner indicated:

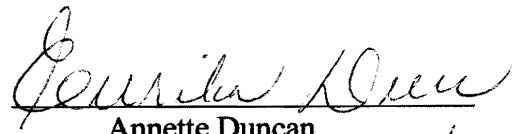
By First Class Mail and Facsimile:

John F. Shea
Mackie Shea O'Brien, P.C.
420 Boylston Street,
5th Floor Boston, MA 02116
Fax. # (617) 266-5237

By Pouch Mail and Facsimile:

Michael Curley (ORA 18-1)
Office of Regional Counsel
U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston. MA 02109-3912
Fax # (617) 918-0623

Dated: 12/30/2013


Annette Duncan
Secretary 