



**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 THIRD JOINT MOTION
TO STAY PROCEEDINGS**

On October 25, 2019, the City of Haverhill, Massachusetts (“Haverhill”), petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System (“NPDES”) permit U.S. EPA Region 1 (“Region”) issued to Haverhill authorizing discharges from the Haverhill’s wastewater treatment facility to the Merrimack River. The Board granted the parties’ subsequent two joint motions to stay the proceedings. The matter is currently stayed through March 2, 2020, to provide 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 Third 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,” involving numerous conference calls, exchanges of emails, and two in-person meetings. Motion at 2. As a result, the parties believe they are “close to resolving this dispute, but additional time is needed to clarify the resolution due to the technical nature of the issues raised in the petition.” *Id.* at 3.

The parties seek an additional forty-five days to “allow settlement discussions to unfold and conclude in an orderly manner” and to ensure that matters are “expeditiously resolved.” *Id.* An additional forty-five-day stay will also allow the parties to focus their full attention toward the technically complex subject matter that is at issue in settlement discussions, rather than toward litigation before the Board. *Id.* at 3-4. As indicated in the prior motion, the parties repeat 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 parties in both cases “to efficiently, and consistently, address issues common to both petitions.” *Id.* at 3.

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 Third Motion to Stay the Proceedings. The matter will be stayed until **Thursday, April 16, 2020**. The parties must file a third status report no later than **Monday, April 6, 2020**. The third 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 April 16, 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: February 26, 2020

By: 
Mary Kay Lynch
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the **Order Granting Third 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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Dated: **Feb 26 2020**

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