

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

In re:	)	
	)	
Greater Lawrence Sanitary District	)	NPDES Appeal No. 19-05
	)	
NPDES Permit No. MA0100447	)	
	)	

**ORDER GRANTING THIRD MOTION TO STAY PROCEEDINGS**

On October 25, 2019, Greater Lawrence Sanitary District (“GLSD”) petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System (“NPDES”) permit U.S. EPA Region 1 (“Region”) issued to GLSD authorizing discharges from the GLSD wastewater treatment facility to the Merrimack River in Massachusetts. The Board granted the parties’ subsequent two motions to stay the proceedings. The matter is currently stayed through March 2, 2020, to provide the parties with 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 seeking to stay the proceedings for an additional forty-five days.

In reporting on the status of settlement, 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 have continued to narrow the issues in dispute,” and “believe further discussions will be productive and potentially could resolve the dispute.” Motion at 3. More specifically, GLSD has provided EPA with further technical

information, which the EPA has reviewed and analyzed. The parties are now considering a framework for moving negotiations forward to a potential resolution.

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 45-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. Motion at 3-4. As indicated in the prior motion, the parties state that the issues in this appeal overlap legal and factual claims presented in a separately filed petition currently before the Board (*In re City of Haverhill*, NPDES Appeal No. 19-04), which the parties also seek to stay, presenting the opportunity for the parties to efficiently, and consistently, address issues common to both petitions. If the parties succeed in settling their differences, the need for litigation would become moot, conserving the resources of the parties as well as the Board.


For the reasons stated 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 through **Thursday, April 16, 2020**. Parties must file a 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 EPA to file a response to the Petition. To the extent the parties seek a further stay beyond April 16, they must specify the length of, and the

basis for, such further stay. Alternatively, the parties will file a motion seeking dismissal of the Petition.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: February 26, 2020

By:   
Kathie A. Stein  
Environmental Appeals Judge

## **CERTIFICATE OF SERVICE**

I certify that copies of the *Order Granting Third Motion to Stay Proceedings* in the matter of Greater Lawrence Sanitary District, NPDES Appeal No. 19-05, were sent to the following persons in the manner indicated:

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Dated: February 26, 2020



Eurika Durr  
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