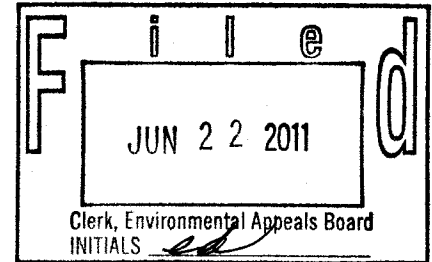


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

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



ORDER GRANTING JOINT MOTION  
TO EXTEND STAY OF PROCEEDINGS

On April 1, 2011, the Environmental Appeals Board ("EAB") issued and order granting the parties in the above-captioned matter, U.S. EPA Region 1 (the "Region") and the Barnhardt Manufacturing Company ("Barnhardt"), their second request to stay this matter. The Board stayed the matter until July 22, 2011, to allow time for testing process modifications and continue settlement discussions. On July 14, 2011, the parties filed a status report and motion to extend the stay until October 28, 2011.

In their motion the parties explain that: since April 2011 Barnhardt conducted several trials and continued its efforts to improve the quality of its effluent discharge to satisfy the limits in the permit regarding acute toxicity; and the parties met in June 2011 to discuss effluent sampling results and plans for additional trials. The parties represent that Barnhardt needs additional time to, among other things, ensure that the positive test results that it achieved in mid-May are in fact repeatable and the permit limit for acute toxicity is achievable. The parties believe that there is a substantial possibility that at least some of the issues raised in Barnhardt's

appeal may be resolved through settlement.

Upon consideration the Board hereby grants the parties' request to stay this matter until  
October 28, 2011.<sup>1</sup>

So ordered.

Dated:

*July 22, 2011*

By:

*Anna L. Wolgast*  
Anna L. Wolgast  
Environmental Appeals Judge

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<sup>1</sup> The parties are hereby made aware that since this is the third request that the Board grants, any further request to stay this matter is likely to be disfavored.

## 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:

**By Pouch Mail and FAX:**

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Dated: JUL 22 2011

  
Annette Duncan  
Secretary