

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

)	
In the Matter of:)	
)	
University of Massachusetts Boston)	
)	NPDES Appeal No. 13-04
NPDES Permit No. MA0040304)	
)	
)	

JOINT MOTION TO STAY THE PROCEEDINGS

Region 1 of the United States Environmental Protection Agency (“Region”) and the University of Massachusetts Boston (“UMass Boston”) respectfully move the Environmental Appeals Board (“Board”) for a stay of the above-captioned proceeding until May 31, 2013 to allow the parties to undertake settlement negotiations. The bases for this motion are discussed below.

BACKGROUND

On February 7, 2013, the Region issued National Pollutant Discharge Elimination System Permit No. MA0040304 to UMass Boston. On March 11, 2013, UMass Boston filed a petition with the Board requesting review of certain conditions of the permit. On March 14, 2013, the Board, by letter, directed the Region to file a response to the petition, together with a certified index to the administrative record for the permit, no later than April 30, 2013. At the same time, the Board’s letter also encourages the Region to file the certified index to the administrative record as soon as possible.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The parties believe that a negotiated resolution of some or all of the issues raised in the petition is possible in this case and have agreed to enter into settlement negotiations.¹ Since UMass Boston has also appealed – in a concurrent state administrative process – certain permit conditions imposed by the state pursuant to its certification of the permit under section 401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341(a)(1), the parties anticipate the involvement of the Massachusetts Department of Environmental Protection in the negotiations.

In light of the need to coordinate negotiations among all three entities, the parties request that the Board stay these proceedings until May 31, 2013, to allow the parties to focus on trying to work out a suitable resolution of the issues raised by UMass Boston. Accordingly, the parties further request that the Board rescind the current April 30, 2013, deadline for the filing of both the certified index to the administrative record and the Region's response to the petition. The parties propose to file a status report with the Board by May 17, 2013, describing the progress of negotiations and advising the Board whether it may be appropriate to continue the stay to allow further settlement negotiations, dismiss the petition, or set a new date for the Region's response to the petition.

For the reasons set forth above, and in the interest of promoting judicial economy and conserving public and private resources, the parties respectfully request a stay of the proceedings until May 31, 2013, and rescission of the April 30, 2013, deadline by which

¹ The parties expect that resolution of this permit is most amenable to direct negotiations and, thus, decline the opportunity to participate in the Board's ADR program at this time. In the event that negotiations prove unsuccessful, the parties may wish to participate in the ADR program in the future for any issues that remain.

the Region is to file its response to the petition and the certified index to the administrative record for the permit.

Respectfully submitted,

U.S. EPA – Region 1

University of Massachusetts Boston

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Stay the Proceedings, in connection with In re University of Massachusetts Boston, NPDES Appeal No. 13-04, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
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By electronic mail, by agreement between the parties:

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Dated: March 29, 2013

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