



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

VIA FIRST CLASS MAIL

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: NPDES Appeal No. 08-22
NPDES Permit No. MA0100153
Lee Wastewater Treatment Facility (Lee, Massachusetts)

November 25, 2008

Dear Ms. Durr,

Enclosed please find the original of the parties' Joint Motion to Stay Proceedings in the above-captioned case, with an attached certificate of service. The motion and the certificate of service have also been mailed to the Board and to counsel of record today. In lieu of five additional paper copies for the Board, an electronic copy has been posted to the CDX system.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald A. Fein".

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

cc: Jeremia A. Pollard, Esq.

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

In re: Lee Wastewater Treatment Facility)
Lee, Massachusetts)
NPDES Permit No. MA0100153)

NPDES Appeal No. 08-22

JOINT MOTION TO STAY PROCEEDINGS

Region 1 (“Region”) of the United States Environmental Protection Agency (the Respondent) and the Town of Lee, Massachusetts (the permittee and Petitioner) respectfully request that the Environmental Appeals Board (“Board”) stay the proceedings in the above-captioned matter until April 22, 2009, to allow the parties to undertake settlement negotiations.

BACKGROUND

The Region reissued NPDES Permit No. MA0100153 (“Permit”) to Petitioner on September 23, 2008. On October 27, 2008, Petitioner filed a petition for review with the Board contesting certain conditions of the Permit. By letter dated November 5, 2008, the Board directed the Region to prepare a response that addresses Petitioner’s contentions and whether Petitioner has satisfied the requirements for obtaining review.

Upon consideration of the permitting documents and the petition for review, the parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

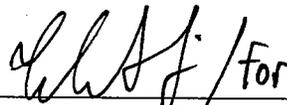
The parties request that the Board rescind the December 22, 2008 deadline for filing of the Region's response to the petition for review and stay the proceedings by approximately four months, until April 22, 2009. The parties propose to submit a status report no later than April 22, 2009, advising whether the Board should further extend the stay, establish a revised schedule for the litigation, or take other appropriate action.

An extension of this length is reasonable and necessary given the need to develop technical information to resolve the issues presented, the need to schedule discussions between personnel from the Region and Petitioner (including during the traditional holiday months of November and December), and the need to consult with external parties, such as the Massachusetts Department of Environmental Protection. If a stay is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that all or some of the issues raised in the petition for review may be resolved through settlement discussions. Accordingly, in an effort to conserve administrative and judicial resources, and to encourage efficiency and promote judicial economy, the parties jointly request that the Board grant this motion.

Respectfully submitted,



Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency,
Region 1
One Congress Street, Suite 1100 (RAA)
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617-918-1040
Fax: 617-918-0040
Date: November 25, 2008



Jeremia A. Pollard, Esq.
Hannon Lerner
184 Main St, PO Box 697
Lee, Massachusetts 01238
(413) 243-3311
Fax: 413-243-4919

Date: November 25, 2008

CERTIFICATE OF SERVICE

I, Ronald A. Fern, hereby certify that copies of the foregoing Joint Motion to Stay Proceedings were sent on the 25th day of November 2008 to the following persons in the manner described below:

Original by first class mail
Copy posted to CDX electronic system

Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Copy by first class mail

Jeremia A. Pollard, Esq.
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Signed: November 25, 2008