



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1 – New England**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**VIA ELECTRONIC FILING**

March 28, 2018

Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

RE: In re Town of Fairhaven  
NPDES Permit No. MA0100765; NPDES Appeal No. 17-08

Dear Ms. Durr:

Please find the attached Joint Motion to Continue the Stay, and accompanying Certificate of Service, in connection with NPDES Appeal No. 17-08.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley  
Michael Curley  
US EPA – Region 1  
Office of Regional Counsel  
5 Post Office Square  
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Boston, MA 02109-3912  
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

	)	
In the Matter of:	)	
	)	
Town of Fairhaven	)	NPDES Appeal No. 17-08
	)	
Permit No. MA0100765	)	
	)	

**JOINT MOTION TO CONTINUE THE STAY**

**I.     Background**

On September 27, 2017, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0100765 (“NPDES Permit”) to the Town of Fairhaven, Massachusetts (“Fairhaven”), authorizing discharges of wastewater effluent from the Town’s Wastewater Pollution Control Facility to the Acushnet River. Fairhaven filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“EAB” or “Board”) requesting review of certain conditions of the NPDES Permit. The Board granted the parties’ joint motions, first to stay the case to allow the parties to pursue settlement discussions, *see* Order Granting Joint Motion for Stay of Proceedings (Nov. 13, 2017), and then to continue the stay to provide more time for those discussions, *see* Order Granting Second Joint Motion for Stay of Proceedings (Jan. 9, 2018). On March 8, 2018, the parties filed a status report informing the Board that the Town was preparing a revised proposed schedule that was submitted and ultimately agreed to by all parties. On March 15, 2018, the parties requested an additional two-week stay (until March 30, 2018) to finalize the draft

Administrative Order and arrange for signatures by the appropriate Town officials. *See* Order Granting Joint Motion to Continue Stay of Proceedings (Mar. 19, 2018).

## **II. Motion to Extend the Stay**

The language in the Administrative Order has been agreed to. The Town's municipal attorney has advised that signatures be obtained from both the Board of Selectmen and the Public Works Board. Due to the timing of the regularly scheduled Board meetings, the parties will need a brief continuation of the stay in order to obtain the requisite signatures by the appropriate municipal individuals. Consequently, the parties respectfully request that the Board continue the stay for three weeks (*i.e.*, to April 20, 2018.)

Dated: March 28, 2018

Respectfully submitted,

U.S. EPA – Region 1

Town of Fairhaven

/s/Michael Curley  
Michael Curley  
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U.S. Environmental Protection Agency  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Continue the Stay, in connection with *In re Town of Fairhaven*, NPDES Appeal No. 17-08, 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  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By Email:

Mr. William Taylor, Esq.  
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Dated: March 28, 2018

/s/Michael Curley  
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