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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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IN RE	)
	)
City of Marlborough Westerly Wastewater	)
Treatment Facility	)
NPDES No. MA0100480	)
Appeal Nos. NPDES 05-05 and 05-09	)
	)
Town of Maynard Water Pollution	)
Control Facility	)
NPDES No. MA0101001	)
Appeal Nos. NPDES 05-06 and 05-12	)
	)
Town of Westborough Wastewater	)
Treatment Plant	)
NPDES No. MA0100412	)
Appeal Nos. NPDES 05-07 and 05-08	)
	)

ENVIR. APPEALS BOARD

MOTION IN OPPOSITION TO STAY PROCEEDINGS

The Organization for the Assabet River ("OAR") hereby opposes the Region's Motion to Stay Proceedings for the following reasons:

1. With respect to OAR's appeal of the Maynard permit, there is no justification for a stay as both OAR *and* Maynard have declined to participate in mediation. Thus, there is *no* likelihood that the contested issues in the Maynard case will be resolved via mediation, as the key participants are not involved in the process.

2. With respect to Marlborough and Westborough, all of the stakeholders in the permit process (EPA, DEP, the permittees, and OAR) have spent *years* discussing these permits, and have been unable to find common ground. There is absolutely no reason to expect that a neutral mediator will find a solution which has evaded all of these knowledgeable parties for all of these years. Thus, to OAR a stay on this proceeding will do nothing but forestall the inevitable time when the Region must respond to OAR's Petition, or seek a voluntary remand in light of the Environmental Appeals Board decision in City of Marlborough Easterly Wastewater Treatment Facility, 12 E.A.D. ___, NPDES Appeal No. 04-13.

3. For these reasons, the prospect of mediation (which is apparently a month away from even beginning and many months away from being completed) is not a sufficient basis to impose a stay on the proceedings. And it is prejudicial, as delay harms the river by forestalling compliance with the requisite new permit limits.

4. That being said, OAR does not oppose an additional extension of time for EPA to file its brief. OAR would not object to an extension of time until November 21 for that purpose, as long as it is clear that the brief must be filed by that time absent an actual agreement by all parties to further extend the deadline.

THE ORGANIZATION FOR THE ASSABET RIVER

By its Attorney,

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Dated: October 19, 2005

CERTIFICATE OF SERVICE

I certify that I caused to be served by first class mail a copy of the Motion in Opposition to Stay Proceedings to:

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Dated: October 19, 2005

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