

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

In the Matter of:)	
)	
)	
Town of Uxbridge)	
Wastewater Treatment Facility)	NPDES Appeal No. 13-06
)	
NPDES Permit No. MA0102440)	
)	

JOINT MOTION TO STAY THE PROCEEDINGS

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Uxbridge Sewer Commission (“Uxbridge”) respectfully request that the Environmental Appeals Board (“Board”) stay the above-captioned matter until October 31, 2013 and move the date for the Region’s Response to the Petition to December 2, 2013 in order to allow the parties to undertake settlement negotiations. The bases for this motion are discussed below.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

On June 18, 2013, the Region issued National Pollutant Discharge Elimination System Permit No. MA0102440 (“NPDES Permit”) to Uxbridge. Uxbridge received the NPDES Permit via certified mail on June 21, 2013. On July 19, 2013, Uxbridge filed a Petition for Review (“Petition”) with the Board requesting review of certain conditions of

the NPDES Permit. At this time, however, the parties believe that a negotiated resolution of some or all of the issues raised in the Petition is possible and have agreed to enter into settlement discussions including the Massachusetts Department of Environmental Protection which co-issued the NPDES Permit. Accordingly, the Region and Uxbridge respectfully request that the Board stay the proceedings to provide the parties sufficient time to focus on negotiations. Due in part to the number of issues raised, as well as to the need to plan and coordinate discussions around existing vacation and work schedules, the parties request that the Board stay the proceedings until October 31, 2013 and set a deadline of December 2, 2013 for the filing of both the certified index to the administrative record and the Region's Response to the Petition. Under the proposed schedule, the parties would file two status reports with the Board – the first by September 16, 2013 and the second by October 16, 2013 – describing the status of negotiations and, in the case of the second report, advising the Board whether it would be appropriate to continue the stay to allow further settlement negotiations, to dismiss the Petition, or to allow the stay to expire.

CONCLUSION

For these reasons, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order that: (1) stays the proceedings until October 31, 2013; (2) requires the parties to file two status reports with the Board, the first no later than September 16, 2013 and the second by October 16, 2013; and (3) requires the Region, absent resolution of the issues raised in the Petition, to file the

certified index to the administrative record and its Response to the Petition by December 2, 2013.

Dated: July 26, 2013

Respectfully submitted,

U.S. EPA – Region 1

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Town of Uxbridge Sewer Commission

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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 Town of Uxbridge Wastewater Treatment Facility, NPDES Appeal No. 13-06, 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 electronic mail, by agreement between the parties:

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Dated: July 26, 2013

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