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ENVIR. APPEALS BOARD

Date: August 11, 2006

**U.S. Environmental Protection Agency
Office of Regional Counsel
One Congress Street, Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1148
Fax: (617) 918-1029**

PLEASE DELIVER TO:

**Eurika Durr
Clerk, EPA Environmental Appeals Board
(202) 233-0121**

**From: Samir Bukhari
Attorney, Office of Regional Counsel
EPA, Region 1**

Number of Pages to Follow: 5

**Re: Status Report and Sixth Motion to Extend Stay of the Proceedings
City of Brockton, Brockton Advanced Water Reclamation Facility
NPDES Appeal No. 05-04
NPDES Permit No. MA0101010**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

August 11, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

**Re: Status Report and Sixth Motion to Extend Stay of the Proceedings
City of Brockton, Brockton Advanced Water Reclamation Facility
NPDES Appeal No. 05-04
NPDES Permit No. MA0101010**

Dear Ms. Durr:

Enclosed is an original and five (5) copies of a Status Report and Sixth Motion to Extend Stay of the Proceedings in connection with NPDES Appeal No. 05-04.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

A handwritten signature in black ink, appearing to read "Samir Bukhari".

Samir Bukhari
Attorney Advisor
Office of Regional Counsel
US EPA-Region 1

Enclosures

cc:

Timothy A. Watts
Douglas H. Watts
George Olson

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

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ENVIR. APPEALS BOARD

In the Matter of:

**Brockton Advanced Water
Reclamation Facility,
City of Brockton, Massachusetts**

**NPDES Appeal No. 05-04
NPDES Permit No. MA0101010**

**STATUS REPORT AND SIXTH MOTION TO EXTEND STAY OF THE
PROCEEDINGS**

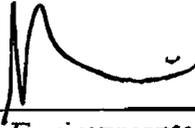
The New England Region of the Environmental Protection Agency ("Region") respectfully submits to the Environmental Appeals Board ("Board") this Status Report and Sixth Motion to Extend Stay of the Proceedings in the above-referenced appeal. Timothy Watts and Douglas Watts ("Petitioners") assent to this status report and stay motion.

As described in the Region's Status Report and Fifth Motion to Extend Stay of the Proceedings (April 6, 2006), the Region, the City of Brockton and Petitioners successfully concluded settlement discussions to resolve the pending permit appeal. The terms of the settlement will be reflected in a consent decree to resolve a separate enforcement proceeding against Brockton. Petitioners and the Region have agreed to jointly file a motion to dismiss the permit appeal immediately upon entry of the consent decree. The permit appeal proceedings have been stayed until August 18, 2006 to allow time for entry of the consent decree. See Order Granting Fifth Motion for Stay of Proceedings (April 10, 2006).

Over the past several months, significant progress has been made toward entry of the consent decree, although the process has not yet concluded. On August 2, 2006, the consent decree was lodged in federal court for public notice and comment. After reviewing comments, the United States will advise the court by motion whether it supports entry of the consent decree. The court will then enter judgment. Counsel involved in the enforcement proceedings expect that the consent decree will be entered within the next ninety days, by which time the current stay of proceedings will have expired.

The Region, therefore, respectfully requests the Board to stay the proceedings for an additional ninety days in order to allow sufficient time for the consent decree process to conclude. In the event the appeal has not already been dismissed by the end of the ninety day period, the Region will provide a status report and request a further limited stay.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Bukhari', written above a horizontal line.

U.S. Environmental Protection Agency,
New England Region

By its Attorney,
Samir Bukhari
Attorney Advisor
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

617-918-1095
Fax 617-918-0095
bukhari.samir@epa.gov

Dated: August 11, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report and Sixth Motion to Extend Stay of the Proceedings in the matter of Brockton Advanced Water Reclamation Facility, NPDES Appeal No. 05-04, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

Timothy A. Watts
633 Wareham Street
Middleboro, Massachusetts 02346
Telephone: (508) 946-6191

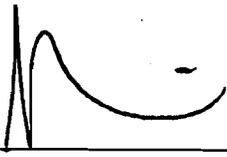
Douglas H. Watts
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George E. Olson, Esq.
Edwards Angell Palmer and Dodge, LLP
111 Huntington Avenue
Boston, MA 02199-7613
Telephone: (617) 239-0100

By Facsimile and First Class Mail:

U.S. Environmental Protection Agency
Environmental Appeals Board (MC1103B)
Attn: Eurika Durr, Clerk of the Board
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dated: August 11, 2006



Samir Bukhari, Attorney
EPA - Region 1
Office of Regional Counsel