



Date: March 24, 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**

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ENVIR. APPEALS BOARD

**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**

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**Re:**

**Status Report on Mediation and Permit Modification Proceedings  
City of Marlborough, Marlborough Westerly Wastewater Treatment  
Facility  
NPDES Appeal Nos. 05-05 and 05-09  
NPDES Permit No. MA0100480**



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

March 24, 2006

OFFICE OF THE  
REGIONAL ADMINISTRATOR

ENVIR. APPEALS BOARD

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**VIA FAX AND EXPRESS MAIL**

U.S. Environmental Protection Agency  
Attn: Eureka Durr  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

**Re: Status Report**

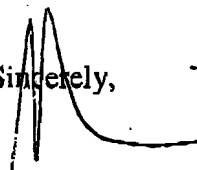
**City of Marlborough Westerly Wastewater Treatment Facility**  
**NPDES Permit No. MA0100480**  
**Appeal Nos. NPDES 05-05 and 05-09**

Dear Ms. Durr:

Enclosed are two (2) originals and five (5) copies of a Status Report on Mediation and Permit Modification Proceedings submitted by EPA-New England Region in the above-referenced NPDES permit appeals.

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

Sincerely,

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

Enclosure

cc: Donald Anglehart, Esq., City of Marlborough  
Kenneth L. Kimmell, Esq., Organization for the Assabet River  
Peter Shelley, Esq., John A. Pike, Esq. & John L. Davenport, Esq., CLF  
Glenn Haas, DEP  
Deirdre Desmond, Esq., DEP  
Roger Janson, EPA-Region 1  
Dave Pincumbe, EPA-Region 1  
Carl Dierker, EPA-Region 1  
Ann Williams, EPA-Region 1  
Sheila Igoe, EPA-OGC

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## BEFORE THE ENVIRONMENTAL APPEALS BOARD

ENVIR. APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re

City of Marlborough Westerly Wastewater  
Treatment Facility  
Permit No. MA0100480

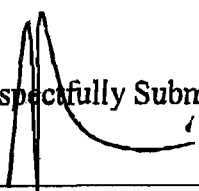
Appeal Nos. NPDES 05-05 and 05-09

STATUS REPORT ON MEDIATION AND PERMIT MODIFICATION PROCEEDINGS

The United States Environmental Protection Agency, New England Region ("Region") respectfully submits this status report to the Environmental Appeals Board ("Board") with respect to the above-captioned matter.

The Region is awaiting an executed notice of voluntary withdrawal from the City of Marlborough ("Marborough"). Marlborough has requested that the Region hold such notice in escrow pending a decision by the Organization for the Assabet River ("OAR") to similarly withdraw its appeal. The Region understands that OAR's Board of Directors will meet to consider the offer on March 29, 2006. In the event OAR decides to withdraw, the Region and the Massachusetts Department of Environmental Protection will assist Marlborough and OAR to coordinate their respective filings and dispose of all pending federal and state appeals. Resolution of the appeals will allow the major upgrade of the Marlborough Westerly Wastewater Facility to commence. The Region will provide the Board with an additional status report shortly after it learns of OAR's final decision and will at that time suggest a future course of action. Until then, the Region respectfully requests that the Board delay taking further action with respect to the pending appeals in order to allow settlement efforts to conclude.

Respectfully Submitted,



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U.S. Environmental Protection Agency  
New England Region

By its Counsel,  
Samir Bukhari  
Attorney Advisor  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
1 Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023  
(617) 918-1095

Dated: March 24, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Status Report on Mediation and Permit Modification Proceedings in the matter of City of Marlborough Westerly Wastewater Treatment Facility (Permit No. MA0100480), NPDES Appeal Nos. NPDES 05-05 and 05-09, were sent to the following persons in the manner indicated:

**By First Class U.S. Mail:**

Kenneth L. Kimmell, Esq.  
Bernstein, Cushner & Kimmell, PC  
585 Boylston Street, Suite 400  
Boston, MA 02116

Donald Anglehart, Esq.  
Gadsby Hannah LLP  
225 Franklin Street  
Boston, Massachusetts 02110

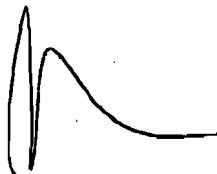
Peter Shelley, Esq., John A. Pike, Esq. and  
John L. Davenport, Esq.  
Conservation Law Foundation  
62 Summer Street  
Boston, MA 02110-1016

Deirdre Desmond, Esq. and Glenn Haas  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

**By Facsimile and Federal Express:**

U.S. Environmental Protection Agency  
Environmental Appeals Board  
Attn: Eureka Durr, Clerk of the Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Dated: March 24, 2006



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